



Doc#: 1209346090 Fee: \$46.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 04/02/2012 03:54 PM Pg: 1 of 5

MEMORANDUM OF ASSIGNMENT AND ASSUMPTION OF LEASE DOCUMENTS

THIS MEMORANDUM OF ASSIGNMENT AND ASSUMPTION OF LEASE DOCUMENTS ("Memorandum") is effective as of March 27, 2012 (the "Effective Date"), between CNL FUNDING 2000-A, LP, a Delaware limited partnership, whose address is 450 South Orange Avenue, Suite 1100, Orlando, Florida 32801-3336 ("Assignor"), and KIM-MP MULTI STATE, LLC, a Delaware limited liability company, whose address is c/o U.S. Restaurant Properties, 14901 Quorum Drive, Suite 900, Dallas, Texas 75254, Attention: Chief Financial Officer ("Assignee").

A. Assignor is the landlord under the lease described on the attached *Exhibit A* (together with any amendments, supplements, assignments or similar documents described on *Exhibit A*, the "Lease"), between Assignor, as landlord, and the tenant described on *Exhibit A* (the "Tenant"), whereby Assignor leased to Tenant the real property and improvements more particularly described on *Exhibit B* (the "Premises"), as evidenced by that certain Memorandum of Lease recorded on March 28, 1996, as Document No. 96237591 in Cook County, Illinois.

B. Assignor and Assignee have entered into an Assignment and Assumption of Lease Documents ("Agreement"), of even date herewith, and hereby incorporate the terms and conditions of the Agreement as if set forth in full herein, and record this Memorandum to serve as constructive notice of the terms and conditions of the Agreement, with the intent that such Agreement be binding on all successors or assigns of Assignor and Assignee.

Permanent Real Estate Index Number: 24-10-101-029.

Address of Real Estate: 4545 West 95<sup>th</sup> Street, Oak Lawn, Illinois.

This instrument was prepared by: Kutak Rock LLP  
8601 N. Scottsdale Rd., Suite 200  
Scottsdale, AZ 85253

Return to:  
First American Title Insurance Co.  
2425 E. Camelback Rd., Ste 300  
Phoenix, AZ 85016

NCS 529245L PHX1

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**UNOFFICIAL COPY**

IN WITNESS WHEREOF, Assignor and Assignee have executed this Memorandum as of the Effective Date.

**ASSIGNOR:**

CNL FUNDING 2000-A, LP, a Delaware limited partnership

By: CNL FUNDING 2000-A, LLC, a Delaware limited liability company, its sole general partner

By: Lisa Everroad  
Lisa Everroad  
Vice President

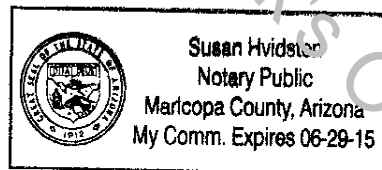
STATE OF ARIZONA     )  
                                      ) SS  
COUNTY OF MARICOPA )

I, Susan Hvidsten, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Lisa Everroad, personally known to me to be the Vice President of CNL Funding 2000-A, LLC, a Delaware limited liability company, sole general partner of CNL Funding 2000-A, LP, a Delaware limited partnership, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Vice President she signed and delivered the said instrument and caused the corporation seal of said corporation to be affixed thereto, pursuant to authority, given by the partners of said corporation as her/his free and voluntary act, and as the free and voluntary act and deed of said limited partnership, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 23rd day of March, 2012.

Susan Hvidsten  
Notary Public

Commission Expires: 6/29/15



# UNOFFICIAL COPY

**ASSIGNEE:**

**KIM-MP MULTI STATE, LLC**, a Delaware limited liability company

By: *Frederick Kurz*  
Printed Name: **Frederick Kurz**  
Its: **Vice President**

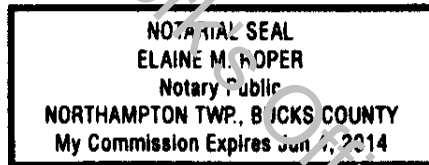
STATE OF PIT )  
 ) SS  
COUNTY OF Bucks )

I, **ELAINE M. ROPER** a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that **Frederick Kurz** Vice President, personally known to me to be the of KIM-MP MULTI STATE, LLC, a Delaware limited liability company and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such **Vice President** (s)he signed and delivered the said instrument and caused the limited liability company seal of said limited liability company to be affixed thereto, pursuant to authority, given by the partners of said limited liability company as her/his free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 23 day of March, 2012.

*Elaine M. Roper*  
Notary Public

Commission Expires: June 4, 2014



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## EXHIBIT A DESCRIPTION OF LEASE DOCUMENTS

Lease Agreement dated January 23, 1996, between First United Bank of Frankfort, as trustee U/T/A dated November 28, 1995 and known as Trust No. 1754, as Lessor, and National Restaurant Enterprises, Inc., d/b/a Ameriking, a Delaware corporation, as Lessee, as affected by (i) Addendum dated January 23, 1996, between First United Bank of Frankfort, as trustee U/T/A dated November 28, 1995 and known as Trust No. 1754, as Lessor, and National Restaurant Enterprises, Inc., d/b/a Ameriking, as Lessee, (ii) Rider A-1 dated January 23, 1996, between First United Bank of Frankfort, as trustee U/T/A dated November 28, 1995 and known as Trust No. 1754, as Lessor, and National Restaurant Enterprises, Inc., d/b/a Ameriking, as Lessee, (iii) Assignment of Lease dated March 8, 1996, between First United Bank of Frankfort, as trustee U/T/A dated November 28, 1995 and known as Trust No. 1754, as Assignor, and CNL American Properties Fund, Inc., a Maryland corporation, as Assignee, (iv) First Amendment to Lease dated November 13, 1997, between CNL American Properties Fund, Inc., as Landlord, and National Restaurant Enterprises, Inc., d/b/a AmeriKing Corporation, a Delaware corporation, as Tenant, (v) Special Warranty Deed dated July 24, 2000, between CNL APF Partners, LP, a Delaware limited partnership, as successor-in-interest to CNL American Properties Fund, Inc., as Grantor, and CNL Funding 2000-A, LP, a Delaware limited partnership, as Grantee, and (vi) Assignment, Assumption and Second Amendment to Lease Agreement dated December 18, 2003, among CNL Funding 2000-A, LP, as Lessor, National Restaurant Enterprises, Inc., d/b/a AmeriKing Corporation, as Assignor, and Heartland Illinois Food Corp., a Delaware corporation, as Assignee.

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## EXHIBIT B LEGAL DESCRIPTION OF THE PREMISES

Real property in the City of Oak Lawn, County of Cook, State of Illinois, described as follows:

Lot 1 in A.T. Maras Company Resubdivision of part of the East 1/2 of the Northwest 1/4 of Section 10, Township 37 North, Range 13, East of the Third Principal Meridian, according to the Plat thereof recorded November 11, 1993 as document no. 93946351, in Cook County, Illinois.

Real Estate Address: 4545 W. 95th Street, Oak Lawn, Illinois.

Permanent Real Estate Index Number 24-10-101-029.

Property of Cook County Clerk's Office