



Doc#: 1210329081 Fee: \$42.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 04/12/2012 02:09 PM Pg: 1 of 3

Prepared by and
mail to:
SHARON MARYN, FINKE STEIN,
& ALVARADO
1001 McKinney Street, Suite 1100
Houston, TX 77002

116 CH
FIRST AMERICAN
FILE 516139

WAIVER OF RIGHT OF FIRST REFUSAL

WHEREAS, by Special Warranty Deed, dated effective March 8, 2010, recorded on March 15, 2010 with the Cook County Recorder of Deeds as Document No. 1007026278 ("Deed"), Equilon Enterprises LLC, d/b/a Shell Oil Products US, a Delaware limited liability company ("Equilon") did convey to True North Energy, LLC, a Delaware limited liability company ("TNE") the property commonly known as 3959 West Fullerton Avenue, Chicago, Illinois, more particularly described in attached Exhibit "A" and in said Deed ("Premises").

WHEREAS, the Deed provided for a Right of First Refusal ("ROFR") in favor of Equilon for a period continuing until December 31, 2030 as further set forth in said Deed;

WHEREAS, TNE has properly notified Equilon that it has received a bona fide offer for the Premises from, and desires to convey the Premises to BPL, LLC, an Illinois limited liability company ("BPL"); and

WHEREAS, TNE has requested that Equilon waive said ROFR as to this conveyance to BPL and Equilon, for itself, its successors and assigns, has agreed to waive the same.

NOW, THEREFORE, for good and valuable consideration received and hereby acknowledged, Equilon, for itself, and its successors and assigns does hereby waive that certain

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ROFR as set forth in said Deed as to the current transaction between TNE and BPL. However, Equilon reserves its ROFR for the duration of its term as to any subsequent or future transaction governing the Premises. Except as expressly set forth in this Waiver all other terms and conditions of the Deed, and of all agreements between Equilon and TNE, and their respective successors and assigns, shall remain in full force and effect according to their terms.

IN WITNESS WHEREOF, Equilon has executed this Waiver on the 7th day of February, 2012.

“Equilon”

EQUILON ENTERPRISES, LLC

By: [Signature]

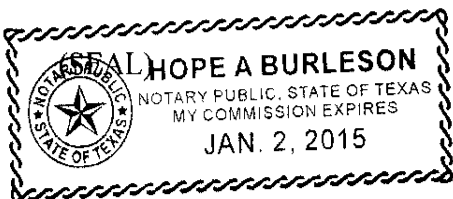
Name: Scott David

Title: Portfolio & PCD Manager

STATE OF TEXAS §
§
COUNTY OF HARRIS §

On February 7, 2012, before me Hope A. Burleson, Notary Public, personally appeared Scott David, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as Portfolio & PCD MGR of Equilon Enterprises LLC d/b/a Shell Oil Products US, a Delaware limited liability company, and that said instrument was signed on behalf of said limited liability company.

WITNESS my hand and official seal.



[Signature]
Notary Public in and for the State of Texas

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Exhibit "A" to Waiver of ROFR

Legal Description of the Premises

Commonly known as 3959 W. Fullerton Avenue, Chicago, IL 60647
Tax Parcel # 13-35-100-030

LOTS 7, 8, 9 AND 10 IN BLOCK 2 IN C. BILLING'S SUBDIVISION OF THE NORTH 1/4 ACRES (EXCEPT RAILROAD) OF THE WEST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office