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Doc#: 1223057173 fee: \$86.00  
Date: 08/17/2012 10:39 AM Pg: 1 of 6  
Cook County Recorder of Deeds  
\*RHSP FEE \$10.00 Applied

Cook County, Illinois

RELEASE OF

COLLATERAL ASSIGNMENT OF

RIGHTS IN LEASE

Relating to Premises in: Cook County, Illinois

Lease Recorded at Doc#: 0731839178

Collateral Assignment of Rights in Lease Recorded at Doc#: 0734826070

DATED: As of August 10, 2012

Second Lien

This instrument was prepared by  
and after recording should be  
returned to:

Virginia M. McGuffey, Esq.  
King & Spalding LLP  
1180 Peachtree Street  
Atlanta, Georgia 30309

Store Number: 5157

315481-15

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## RELEASE OF COLLATERAL ASSIGNMENT OF RIGHTS IN LEASE

**WHEREAS**, that certain Collateral Assignment of Rights in Lease (“**Collateral Assignment**”) recorded on December 14, 2007 as Document Number 0734826070 in the office of the Cook County, Illinois Recorder with respect to the Lease of the property described on Exhibit A, attached hereto, was executed by **HEARTLAND ILLINOIS FOOD CORP.**, a Delaware corporation (“**Assignor**”), in favor of **ING CAPITAL LLC**, having an address of ING Capital LLC, 1325 Avenue of the Americas, New York, New York 10019, acting in its capacity as Administrative Agent pursuant to the Credit Agreement described in the Collateral Assignment (in such agency capacity, together with its successors, the “**Agent**”) for the Lenders (as defined in the Credit Agreement) to secure the Secured Obligations as defined in the Collateral Assignment. Capitalized terms used herein shall have the meanings given to such terms in the Collateral Assignment.

**NOW, THEREFORE**, for and in consideration of the PAYMENT IN FULL of the Secured Obligations secured by the Collateral Assignment, the Agent has RELEASED and DISCHARGED, and by these presents hereby RELEASES and DISCHARGES, its rights in the Lease and the other rights granted under the Collateral Assignment with respect to the Lease.

[signature page follows]

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IN WITNESS WHEREOF, this Release of Collateral Assignment of Rights in Lease has been duly executed effective as of the day and year first above written.

**Administrative Agent:**

**ING CAPITAL LLC,**  
a Delaware limited liability company

By: *Marilyn Densel Fulton*  
Name: Marilyn Densel Fulton  
Title: Managing Director

Property of Cook County Clerk's Office

**ACKNOWLEDGMENT**

STATE OF NEW YORK    )  
                                  )  
COUNTY OF NEW YORK   )

SS

On August 1, 2012, before me, the undersigned, a Notary Public in and for said State personally appeared Marilyn Densel Fulton known to me to be the Managing Director of ING Capital LLC, a Delaware limited liability company, and acknowledged to me that such individual executed the within instrument on behalf of said limited liability company.

WITNESS my hand and official seal.

TAMMY MILATOS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01M16139869  
Qualified in Putnam County  
Certificate Filed in New York County  
My Commission Expires January 17, 2014

*Tammy Milatos*

Notary Public in and for  
said County and State

[SEAL]

[SIGNATURE PAGE TO RELEASE - RESTAURANT NO. 5157 - SECOND]

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## EXHIBIT A

Legal Description

Burger King Restaurant #5157

Property of Cook County Clerk's Office

**UNOFFICIAL COPY****EXHIBIT "A"****LEGAL DESCRIPTION**

**BURGER KING RESTAURANT #5157  
194 West Joe Orr Road  
Chicago Heights, IL 60411**

Land in the city of Chicago Heights, Illinois and described as follows:

**PARCEL 1**

That part of Lot B in North side subdivision, being a subdivision of the South 700.0 feet of the North 740.0 feet of that part of the South 1/2 of Section 17, Township 35 North, Range 14, East of the Third Principal Meridian, lying West of the Westerly right of way line of Chicago Road also known as the Chicago and Vincennes Road and lying East of the Easterly right of way line of Dixie Highway, bounded and described as follows:

Beginning at a point on the original North line of said lot B distant 103.74 feet East of the North West corner of said Lot B; thence East on the original North line of said Lot B, a distance of 225.00 feet thence South at 90 degrees to the last described line a distance of 84.00 feet; thence West at 90 degrees to the last described line 225.00 feet; thence North at 90 degrees to the last described line 84.00 feet to the point of beginning, (except the North 10.0 feet taken for highway purposes or Joe Orr Road by Document 16962099 recorded in the Recorder's Office July 19, 1957), all in Cook County, Illinois.

**PARCEL 2:**

Non-exclusive easement during the term of the lease noted at Parcel 1 for the benefit of Parcel 1 aforesaid, as created by memorandum of lease made by Citizens National Bank of Downers Grove, a National Banking Association, as Trustee under Trust Agreement dated March 1, 1972 and known as trust number 491 to Burger King, a Florida corporation, dated February 21, 1986 and recorded May 2, 1986 as Document 85174027, for vehicular and pedestrian access, vehicular parking and the installation and maintenance of utilities over and under the parking areas, driveways and landscape areas, as they may exist from time to time, on the following described parcel of land:

That part of Lot B in North side subdivision, being a subdivision of the South 700.00 feet of the North 740.00 feet of that part of the South 1/2 of Section 17, Township 35 North, Range 14, East of the Third Principal Meridian, lying West of the Westerly

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right of way line of Chicago Road also known as the Chicago and Vincennes Road and lying East of the Easterly right of way line of Dixie Highway, described as follows:

Beginning at the North East corner of Lot A in aforesaid subdivision; thence East along the North line of said Lot B, 400.00 feet; thence South at 90 degrees to the last described line a distance of 440.00 feet; thence West at 90 degrees to the last described line a distance of 360.38 feet to the Easterly line of Dixie Highway; thence Northwesterly along the Easterly line of Dixie Highway (also being the Westerly line of Lot B) a distance of 321.25 feet to the South West corner of Lot A in aforesaid subdivision) thence East along the South line of Lot A, a distance of 93.09 feet to the South East corner of Lot A aforesaid; thence North along the East line of Lot A, a distance of 147.45 feet to the place of beginning (except the North 10.0 feet taken for Highway purposes for Joe Orr Road by Document Number 16962099 recorded in the Recorder's Office July 19, 1957 and also excepting therefrom that part thereof falling in Parcel 1 aforesaid), all in Cook County, Illinois:

**PARCEL 3:**

Non-exclusive reciprocal easement for the benefit of Parcel 1 aforesaid as created by agreement made by and between Illinois Topps Realty Corporation an Illinois corporation and the Kroger Company, an Ohio corporation dated April 15, 1971 and recorded July 23, 1971 as document 21557051 for the purpose of vehicular and pedestrian access located over the West 24 feet of the following described parcel of land:

That part of Lot B in North side division, being a subdivision of the South 700 feet of the North 740 feet of that part of the South 1/2 of section 17, Township 35 North, Range 14, East of the Third Principal Meridian, lying West of Westerly right of way line of Chicago Road (also known as Chicago Vincennes Road) and lying East of Easterly right of way of Dixie Highway described as follows:

Beginning at a point 10 feet South of the North line of Lot B and 400 feet East of the North East corner of Lot A in North side division aforesaid, thence East along a line 10 feet South of, and parallel to North line of said Lot B a distance of 558 feet; thence South on a line perpendicular to last described line a distance of 490 feet; thence West on a line parallel with the North line of said Lot B a distance of 558 feet to a point 400 feet East of East line of said Lot A extended South; thence North to a point of beginning, in Cook County, Illinois.

**SUBJECT TO any and all reservations, restrictions, easements, rights of way, limitations and conditions of record.**

PTU 32-17302-031-0000  
32-17-302-032-0000