Cook County, Illinois

RELEASE OF

COLLATERAL ASSIGNMENT OF

RIGHTS IN LEASE

Relating to Premises in: Cook County, Illinois
Lease Recorded at Doc#: 0716434119
Collateral Assignment of Rights in Lease Recorded at Doc#: 0720805101

DATED: As of August 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: 305

315512-W

1223008298 Page: 2 of 5

UNOFFICIAL COPY

RELEASE OF COLLATERAL ASSIGNMENT OF RIGHTS IN LEASE

WHEREAS, that certain Collateral Assignment of Rights in Lease ("Collateral Assignment") recorded on July 27, 2007 as Document Number 0720805101 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]

1223008298 Page: 3 of 5

UNOFFICIAL COPY

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

y:___/_

Name: Marilyn Densel Fulton Title: Managing Director

ACKNOWLEDGMENT

STATE OF NEW YORK

SS

COUNTY OF NEW YORK)

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.

Notary Public in and for

said County and State

[SEAL]

SUELLEN B. BYRNE
Notary Public-State of New York
No. 01BY6126506
Qualified in New York County
Commission Expires May 9, 2013

[SIGNATURE PAGE TO RELEASE - RESTAURANT NO. 305 - SECOND LIEN]

1223008298 Page: 4 of 5

UNOFFICIAL COPY

EXHIBIT A

Legal Description

Burger King Restaurant #305

Property of Cook County Clerk's Office

1223008298 Page: 5 of 5

UNOFFICIAL COPY

EXHIBIT "A"

LEGAL DESCRIPTION

Burger King³ Restaurant #0305 10171 W. Grand Avenue Franklin Park, Illinois 60131

Lots 6, 7, 8, 9, 10 and 11 in Block 13 in the 4th Addition to Franklin Park, a subdivisior of that part of the East half of the North West quarter lying North of the center line of Grand Avenue in Section 28, Township 40 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

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

PIN # 12-28-128-029-0000