

Cook County, Illinois

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RELEASE OF

COLLATERAL ASSIGNMENT OF

RIGHTS IN LEASE

Relating to Premises in: Cook County, Illinois

Lease Recorded at Doc#: 0716434112

Collateral Assignment of Rights in Lease Recorded at Doc#: 0719334071

DATED: As of August 10, 2012

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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: 1436

315481-1 w

# UNOFFICIAL COPY

## RELEASE OF COLLATERAL ASSIGNMENT OF RIGHTS IN LEASE

**WHEREAS**, that certain Collateral Assignment of Rights in Lease ("**Collateral Assignment**") recorded on July 12, 2007 as Document Number 0719334071 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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## EXHIBIT A

Legal Description

Burger King Restaurant #1436

Property of Cook County Clerk's Office

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2814 East Higgins  
Elk Grove, Illinois  
LEGAL DESCRIPTION

The premises referred to herein are situated in the Village of Elk Grove, County of Cook, State of Illinois and are described as follows:

That part of the South East quarter of Section 26 and North East quarter of Section 35, both in Township 41 North, Range 11 East of the Third Principal Meridian, described as follows: Commencing at the North East corner of said Section 35, running thence South in center of road 35.31 feet; thence South 68 degrees West along the North line of School Lot 228.36 to center of road; thence North 41 degrees West along the center of road 201.67 feet; thence North 68 degrees East 372.24 feet to the East line of said Section 26 in center of road; thence South 170.28 feet to the point of beginning (except that part lying Northeasterly and Easterly of the Southwesterly and Westerly lines of Touhy Avenue, as widened and dedicated by plat recorded July 6, 1965, as Document 19516388 in Cook County, Illinois;

EXCEPT FOR THAT PORTION OF THE PREMISES DESCRIBED AS FOLLOWS (PARCEL 0004):

Commencing at the Northeast Corner of said Section 35; thence along the East line, of said Northeast quarter of Section 35, South 0 degrees 00 minutes 00 seconds West, a distance of 55.45 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 50.00 feet to the point of beginning;

Thence along the North Line of the school lot, South 68 degrees 03 minutes 00 seconds West, a distance of 10.74 feet; thence along a line parallel with the East line of the Northeast Quarter of Section 35-41-11, North 0 degrees 00 minutes 00 seconds East, a distance of 23.63 feet; thence a distance of 99.13 feet along an arc of a circle, convex to the Northeast, having a radius of 80.00 feet with a central angle of 70 degrees 59 minutes 57 seconds, and whose chord of 92.91 feet bears North 35 degrees 29 minutes 58 seconds West; thence a distance of 112.82 feet, along an arc of a circle, convex to the Southwest, having a radius of 1824.35 feet with a central angle of 3 degrees 32 minutes 36 seconds, and whose chord of 112.80 feet bears North 69 degrees 13 minutes 39 seconds West; thence North 68 degrees 03 minutes 00 seconds East, a distance of 5.71 feet; thence along the Southeasterly line, of 56.00 foot wide right-of-way of Touhy Avenue (Illinois Route 72), as recorded July 6, 1965, per document no. 19 516388; and the Westerly line of 50.00 foot wide right-of-way of Elmhurst Road (FAU Route 2678), the following three courses: 1) a distance of 103.70 feet, along an arc of a circle, convex to the Southwest, having a radius of 1820.35 feet with a central angle of 3 degrees 15 minutes 50 seconds, and whose chord of 103.68 feet bears South 69 degrees 12 minutes 56 seconds East; 2) a distance of 123.65 feet, along an arc of a circle, convex to the Northeast, having a radius of 100.00 feet with a central angle of 70 degrees 50 minutes 53 seconds, and whose chord of 115.92 feet bears South 35 degrees 25 minutes 30 seconds East; 3) along a line parallel with the East line of the Northeast Quarter of Section 35-41-11, South 0 degrees 00 minutes 00 seconds West, a distance of 6.13 feet to the point of beginning.

Subject to any and all reservations, restrictions, easements, rights-of-way, limitations and conditions of record.

EXHIBIT "A"

PIN # 08-26-410-002-0000  
08-35-201-003-0000