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Doc#: 1233333128 Fee: \$60.00
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Cook County Recorder of Deeds
Date: 11/28/2012 01:30 PM Pg: 1 of 12

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Prepared By:
Brad Rogers
Wal-Mart Realty
2001 S.E. 10th Street
Bentonville, AR 72712-0550
(479) 204-2655

Property of Cook County Clerk's Office

RETAIL TRUST IV
PROPERTY NO: 1938
COUNTY: Cook
STATE: Illinois

AMENDMENT TO MEMORANDUM OF GROUND LEASE

This **AMENDMENT TO MEMORANDUM OF GROUND LEASE** ("Amendment"), dated effective July 27, 2012, is between **WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust, having a mailing address at 2001 S.E. Tenth Street, Bentonville, Arkansas 72716 (being successor in interest to Wal-Mart Stores, Inc. pursuant to an Assignment and Assumption of Leases dated October 31, 1996), as "Ground Lessor" (or "Grantor" for indexing purposes), and **RETAIL TRUST IV**, a Delaware statutory trust, having a mailing address of c/o Wilmington Trust Company, Rodney Square North, 1100 N. Market Street, Wilmington, Delaware 19890, as "Ground Lessee" (or "Grantee" for indexing purposes).

WHEREAS, Ground Lessor, pursuant to a Ground Lease, dated as of November 1, 1994 (the "Ground Lease"), demised and leased to Ground Lessee, and Ground Lessee leased from Ground Lessor, upon and subject to the terms, covenants and conditions set forth therein (i) all right, title and interest of Ground Lessor in and to the parcel of land (the "Original Land") situated in Cook County, Illinois, more particularly described on Exhibit A attached hereto and made a part hereof, and (ii) all right, title and interest of the Ground Lessor in and to all easements, servitudes, rights, and appurtenances relating to the Original Land (other than the buildings and other structures and fixtures now or hereafter located on the land) (collectively, the "Premises");

Box 400-CTCC

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WHEREAS, a memorandum of the Ground Lease was recorded on November 15, 1994 as Document Number 94970980 in the Records of Cook County, Illinois (the "Memorandum of Ground Lease");

WHEREAS, Ground Lessor has acquired land adjacent to the Premises, described on Exhibit A-2 attached hereto (the "Additional Property"), and replatted the Original Land, together with the Additional Parcel to create one lot (the "Platted Legal"), legally described on Exhibit B attached hereto and made a part hereof;

WHEREAS, by that certain Amendment to Ground Lease, Lease, Indenture, Supplemental Indenture and Title Agreement (the "Ground Lease Amendment"), Ground Lessor and Ground Lessee have amended the Ground Lease to substitute the description of the Platted Legal thereto, and the Premises now includes the Original Land and the Additional Parcel; and

WHEREAS, Ground Lessor and Ground Lessee wish to amend the Memorandum of Ground Lease to reflect this substitution of the legal description;

WITNESSETH:

1. Effective as of the date hereof, the Memorandum of Ground Lease is hereby amended such that the legal description of the Platted Lot on Exhibit B is substituted for the legal description of the Premises attached as Exhibit A thereto.
2. It is expressly understood and agreed by the parties that (a) this document is executed and delivered by Wilmington Trust Company or William J. Wade, as applicable, not individually or personally, but solely as Owner Trustees, in the exercise of the powers and authority conferred and vested in them, pursuant to the Trust Agreement, (b) each of the representations, undertakings and agreements herein made on the part of Ground Lessee is made and intended not as personal representations, undertakings and agreements by Wilmington Trust Company or William J. Wade, as applicable, but is made and intended for the purpose for binding only Ground Lessee, (c) nothing herein contained shall be construed as creating any liability on Wilmington Trust Company or William J. Wade, as applicable, individually or personally, to perform any covenant either expressed or implied contained herein, all such liability, if any, being expressly waived by the parties hereto and by any person claiming by, through or under the parties hereto, and (d) under no circumstances shall Wilmington Trust Company or William J. Wade, as applicable, be personally liable for the payment of any indebtedness or expenses of Ground Lessee under this Amendment or be liable for the breach or failure of any obligation, representation, warranty or covenant made or undertaken by Ground Lessee under this Amendment or any other related documents.
3. All capitalized terms, if not defined herein, are as defined in the Ground Lease.
4. Except as specifically amended and modified by this Amendment, the Memorandum of Ground Lease shall remain in full force and effect. To the extent of any inconsistencies between this Amendment and the Memorandum of Ground Lease, the terms, provisions and conditions of this Amendment shall control.

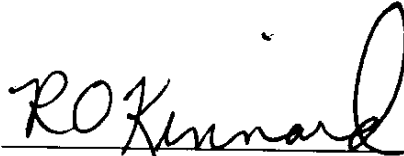
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IN WITNESS WHEREOF, this Amendment to Memorandum of Ground Lease has been duly executed and delivered pursuant to proper authority duly granted by Ground Lessor and Ground Lessee as of the date first written above.

WAL-MART REAL ESTATE BUSINESS TRUST,
a Delaware statutory trust

By: _____



Name: Rick O. Kinnard

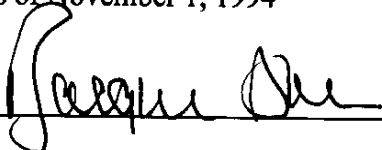
Title: Vice President

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RETAIL TRUST IV,
a Delaware statutory trust

By: Wilmington Trust Company, a Delaware trust company, not in its individual capacity, but solely as Corporate Owner Trustee for Retail Trust IV created under a Trust Agreement dated as of November 1, 1994

By: 
Name: _____
Title: Jacqueline E. Solone
Assistant Vice President

By: _____
William J. Wade, not in his individual capacity, but solely as Individual Owner Trustee for Retail Trust IV created under a Trust Agreement dated as of November 1, 1994

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RETAIL TRUST IV,
a Delaware statutory trust

By: Wilmington Trust Company, a Delaware trust company, not in its individual capacity, but solely as Corporate Owner Trustee for Retail Trust IV created under a Trust Agreement dated as of November 1, 1994

By: _____
Name: _____
Title: _____

By: WJ Wade
William J. Wade, not in his individual capacity, but solely as Individual Owner Trustee for Retail Trust IV created under a Trust Agreement dated as of November 1, 1994

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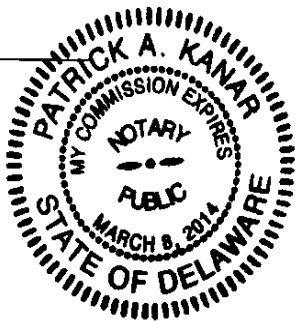
STATE OF DELAWARE)
) SS.
COUNTY OF NEW CASTLE)

Know all men by these presents that before me, the below-named Notary Public in and for the State and County named above duly commissioned to take acknowledgments, there personally appeared Jacqueline Solon who is personally known to me to be a person who signed the legal instrument to which this acknowledgment is attached and which was produced to me in the State and County aforesaid, and being by me first duly sworn he/she did acknowledge before me, depose and say to me that he/she is a AVP of WILMINGTON TRUST COMPANY, a Delaware trust company, not in its individual capacity, but solely as Corporate Owner Trustee for RETAIL TRUST IV, a Delaware statutory trust, created under a Trust Agreement dated as of November 1, 1994, named as one of the parties to the aforementioned legal instrument; that he/she had signed the same as the trustee and on behalf of such statutory trust; that he/she had signed his/her name thereto on behalf of said statutory trust in such capacity by like order; and that the execution of said legal instrument was the free and voluntary act and deed of said trust for the consideration, purposes, and uses set forth in such legal instrument.

GIVEN under my hand and official seal this 24 day of July, 2012.

Patrick A. Kanar
Notary Public

My Commission Expires:



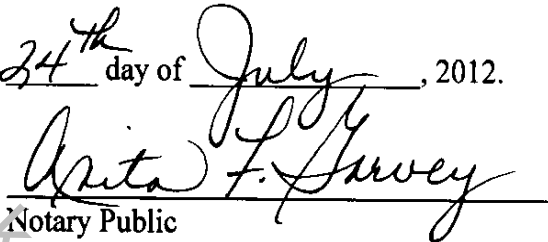
PATRICK A. KANAR
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires 03-08-2014

UNOFFICIAL COPY

STATE OF DELAWARE)
) SS.
COUNTY OF NEW CASTLE)

Know all men by these presents that before me, the below-named Notary Public in and for the State and County named above, duly commissioned to take acknowledgments, there personally appeared **WILLIAM J. WADE**, who is personally known to me to be a person who signed the legal instrument to which this acknowledgment is attached and which was produced to me in the State and County aforesaid, and being by me first duly sworn, did acknowledge before me, depose and say to me that he is the Individual Owner Trustee of Retail Trust IV, a Delaware statutory trust created under a Trust Agreement dated as of November 1, 1994, named as one of the parties to the aforementioned legal instrument; that he had signed the same, not in his individual capacity, but solely as Individual Owner Trustee of such statutory trust; that he had signed his name thereto on behalf of said statutory trust in such capacity by like order; and; that the execution of said legal instrument was the free and voluntary act and deed of said trust for the consideration, purposes and uses set forth in such legal instrument.

GIVEN under my hand and official seal this 24th day of July, 2012.


Notary Public

My Commission Expires:

ANITA F. GARVEY
~~Notary Public - State of Delaware~~
My Comm. Expires Aug. 18, 2012

Prepared by and when recorded return to:

Brad Rogers
Wal-Mart Realty
2001 S.E. 10th Street
Bentonville, AR 72712

UNOFFICIAL COPY**EXHIBIT A****ORIGINAL LAND**

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SAID SOUTHEAST 1/4; THENCE NORTH 90 DEGREES WEST UPON THE SOUTH LINE OF SAID SOUTHEAST 1/4 175.54 FEET; THENCE NORTH 00 DEGREES, 09 MINUTES, 53 SECONDS WEST UPON A LINE WHICH LIES 175.54 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SAID SOUTHEAST 1/4, 445.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 445.00 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 21, TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES, 09 MINUTES 53 SECONDS WEST, PARALLEL WITH THE EAST LINE OF THE SAID SOUTH EAST 1/4, 550.00 FEET; THENCE NORTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST 1/4, 691.47 FEET; THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST, AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SOUTHEAST 1/4, 135.81 FEET; THENCE NORTH 53 DEGREES, 45 MINUTES, 33 SECONDS EAST, 97.63 FEET; THENCE SOUTH 89 DEGREES, 19 MINUTES, 57 SECONDS WEST, 85.95 FEET; THENCE SOUTHWESTERLY, THE FOLLOWING 5 COURSES, 20.00 FEET SOUTHEASTERLY OF AND PARALLEL OR CONCENTRIC TO, THE EXISTING CENTERLINE OF A SWITCH TRACK, THENCE SOUTH 53 DEGREES, 45 MINUTES, 33 SECONDS WEST, 242.08 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 289.79 FEET; THENCE SOUTHWESTERLY UPON SAID CURVE 119.12 FEET TO ITS POINT OF TANGENT; THENCE SOUTH 30 DEGREES, 12 MINUTES, 23 SECONDS WEST, 311.78 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 399.13 FEET; THENCE SOUTHWESTERLY UPON SAID CURVE 236.43 FEET TO ITS POINT OF TANGENT; THENCE SOUTH 03 DEGREES, 43 MINUTES, 59 SECONDS EAST, 14.74 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTH 445.00 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 21; THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1184.60 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS, EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SAID SOUTHEAST 1/4; THENCE NORTH 90 DEGREES WEST UPON THE SOUTH LINE OF SAID SOUTHEAST 1/4, 175.54 FEET; THENCE NORTH 00 DEGREES 09 MINUTES, 53 SECONDS WEST UPON A LINE WHICH LIES 175.54 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SAID SOUTHEAST 1/4, 865.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON THE LAST DESCRIBED LINE 130.00 FEET; THENCE NORTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST 1/4, 192.00 FEET; THENCE SOUTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST, AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SOUTHEAST 1/4, 130.00 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST 1/4, 192.37 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2: Detention Parcel

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF THE COMMONWEALTH EDISON COMPANY RIGHT OF WAY (SAID LINE ALSO BEING 175 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 21) 1398.38 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 21; THENCE NORTHERLY ALONG A LINE FORMING AN ANGLE OF 93 DEGREES 43 MINUTES 59 SECONDS FROM EAST TO NORTH WITH THE LAST DESCRIBED LINE, A DISTANCE OF 201.21 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVED LINE CONVEX WESTERLY HAVING A RADIUS OF 444.13 FEET AN ARC DISTANCE OF 51.83 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE, SAID LINE BEING 25 FEET SOUTHEASTERLY OF THE CENTERLINE OF A SWITCH TRACK AND FORMING AN ANGLE OF 117 DEGREES 17 MINUTES 01 SECONDS FROM EAST TO SOUTHWEST WITH THE RADIAL LINE OF THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 136.17 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY ALONG SAID CURVED LINE CONVEX SOUTHEASTERLY HAVING A RADIUS OF 509.39 FEET, A DISTANCE OF 333.03 FEET TO A POINT ON THE SAID NORTH LINE OF THE COMMONWEALTH EDISON COMPANY RIGHT-OF-WAY; THENCE EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 334 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

19-21-400-040,049,054

7000 S. Cicero Ave.

Belford Park, IL

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EXHIBIT A-2

LEGAL DESCRIPTION OF ADDITIONAL PROPERTY

THE NORTH 270.00 FEET OF THE SOUTH 445.00 FEET OF THE WEST 1,160.00 FEET OF THE EAST 1,335.54 FEET OF THE SOUTH EAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID SOUTHEAST QUARTER: THENCE SOUTH 88 DEGREES 31 MINUTES 57 SECONDS WEST UPON THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 175.54 FEET, THENCE NORTH 01 DEGREES 37 MINUTES 08 SECONDS WEST UPON A LINE WHICH LIES 175.54 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SAID SOUTHEAST QUARTER, A DISTANCE OF 445.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 445.00 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 21, TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 31 MINUTES 57 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 325.00 FEET; THENCE SOUTH 01 DEGREES 28 MINUTES 03 SECONDS EAST ALONG A LINE PERPENDICULAR WITH THE LAST DESCRIBED COURSE, A DISTANCE OF 189.50 FEET, THENCE SOUTH 88 DEGREES 31 MINUTES 57 SECONDS WEST ALONG A LINE PARALLEL WITH AND 189.50 FEET SOUTH OF SAID NORTH LINE OF THE SOUTH 445 FEET OF THE SOUTHEAST QUARTER, A DISTANCE OF 763.60 FEET; THENCE NORTH 01 DEGREES 28 MINUTES 03 SECONDS WEST ALONG A LINE PERPENDICULAR WITH THE LAST DESCRIBED COURSE, A DISTANCE OF 189.50 FEET TO THE SAID NORTH LINE; THENCE SOUTH 88 DEGREES 31 MINUTES 57 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 71.41 FEET TO THE LINE PARALLEL WITH AND 134.54 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 01 DEGREES 37 MINUTES 08 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 270.00 FEET TO A LINE BEING PARALLEL WITH AND 175.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SAID LINE ALSO BEING THE NORTH LINE OF A COMMONWEALTH EDISON EASEMENT RIGHT-OF-WAY, THENCE NORTH 88 DEGREES 31 MINUTES 57 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 1,160.00 FEET TO SAID LINE LYING PARALLEL WITH AND 175.54 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER, THENCE NORTH 01 DEGREES 37 MINUTES 08 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 270.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

19-21-400-040, 049, 054

7000 S. Cicero Ave

Bedford Park, IL

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EXHIBIT B

PLATTED LOT

Lot 1 and Lot 2 in Wal-Mart Bedford Park, a subdivision of part of the Southeast Quarter of Section 21, Township 38 North, Range 13 East of the Third Principal Meridian, according to the Plat thereof recorded on November 2, 2012, as Document No. 1230729044, in Cook County, Illinois.

19-21-400-040, 049, 054

7000 S. Cicero Ave.

Bedford Park, IL

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Special State Law Addendum (Illinois) **Addendum for Owner Trusts**

To the extent, if any, that the foregoing instrument and/or the rights and/or obligations set forth therein or arising in connection therewith (including, without limitation, title to any property described therein) are, or hereafter should be, deemed to be invalid, unenforceable, or otherwise defective or impaired, in whole or in part, because under the laws of the State of Illinois, a business trust is not recognized as a legal entity and/or such rights and obligations are not deemed to be enforceable by or against a business trust, then without further act, notice or deed, the foregoing instrument shall be deemed to have been entered into and executed by the Owner Trustees in their capacities of trustees of said Owner Trust, all rights purportedly conferred upon the Owner Trust by said instrument or arising in connection therewith (including, without limitation, title to any property described therein) shall be deemed to have been conferred upon the Owner Trustees as trustees of said Owner Trust by said instrument or arising in connection therewith shall be deemed to have been imposed upon and undertaken by said Owner Trustees as trustees of said Owner Trust.

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