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Doc#: 1235615037 Fee: \$42.00  
Karen A. Yarbrough RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 12/21/2012 01:51 PM Pg: 1 of 3

Prepared by and mail to:

SHANNON, MARTIN, FINKELSTEIN &  
ALVAREZ

1001 NIKINNEY ST. #1100

HOUSTON, TX 77002

Reesa Hedrick

**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. 1007026322 ("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 4647-57 South Pulaski Road, Chicago, IL, 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 F B Holdings, LLC, an Illinois limited liability company ("F B Holdings"); and

**WHEREAS**, TNE has requested that Equilon waive said ROFR as to this conveyance to F B Holdings 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 F B Holdings. 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 26<sup>th</sup> day of ~~September~~, 2012.  
November

"Equilon"

EQUILON ENTERPRISES, LLC

By: [Signature]

Name: Scott David

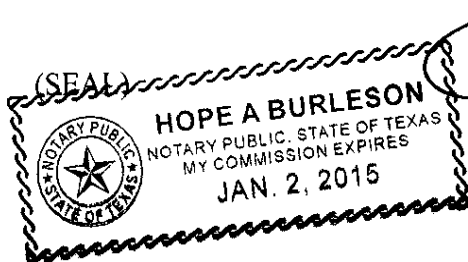
Title: Portfolio of PCO Manager

STATE OF TEXAS §

COUNTY OF HARRIS §

On ~~September~~ November 26, 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 of PCO Manager, 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 4647-57 South Pulaski Road, Chicago, IL 60632**  
**Tax Parcel # 19-02-309-044-0000**

Lots 61 to 65 both inclusive (except that part of Lot 65, aforesaid, lying West of a line 50 feet East of and parallel with the West line of Section 2, Township 38 North, Range 13, East of the Third Principal Meridian taken for widening of Crawford now Pulaski Road) in Berman and Wessel's Subdivision of Block 7 in James Gillett's Subdivision of the West half of the South West Quarter of Section 3, Township 38 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois