# UNOFFICIAL COPYMENT OF THE PROPERTY OF THE PRO

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KAREN A.YARBROUGH

DOOK COUNTY RECORDER OF DEEDS

DATE: 10/04/2016 12:38 PM PG: 1 OF 5

#### PREPARED BY:

Jones Day 77 West Wacker Drive Chicago, Illinois, 60601 Attention: Brian L. Sedlak, Esq.

RECORDING REQUESTED BY, AND WHEN RECORDED, RETURN TO:

Greenberg Trauri, ILP 77 West Wacker Dri 'e, Suite 3100 Chicago, Illinois, 60601 Attention: Andrew T. White, Esq.

(Space above this line for Recorder's use)

#### MEMORAND UM OF LEASE AGREEMENT

THIS MEMORANDUM OF LEASE AGREEMENT (THIS "INSTRUMENT"), DATED AS OF THE 1 DAY OF SEPTEMBER, 2016 BY AND BETWEEN FMB PORTFOLIO BD OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("LANDLORD"), AND FIRST MIDWEST BANK, AN ILLINOIS STATE-CHARTERED BANK ("TENANT");

#### WITNESSETH:

WHEREAS, Landlord and Tenant have entered into that certain Lase Agreement, dated September 1, 2016 (the "Lease") covering that certain tract or parcel of real property and improvements thereon, more particularly described on Exhibit A attached hereto and by this reference made a part hereof (the "Leased Property");

WHEREAS, Landlord and Tenant desire to execute, deliver and record this Instrument to provide constructive notice of the existence of the Lease.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant hereby agree as follows:

(a) <u>Leased Property</u>. Subject to the terms and conditions of the Lease, all of which terms and conditions are incorporated herein by reference, Landlord has leased and by these presents does hereby lease to Tenant, and Tenant has leased, and by these presents does hereby lease from Landlord, the Leased Property.



1627841056 Page: 2 of 5

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- (b) <u>Initial Term</u>. The initial term of the Lease commenced on September 21, 2016 (the "Commencement Date") and expires at midnight on September 30, 2030 (the "Expiration Date").
- (c) <u>Renewal Terms</u>. Under the terms of the Lease, Tenant is granted options to renew the term of the Lease following the expiration of the initial term for five (5) additional renewal terms of five (5) years each.
- (d) <u>Incorporation of Lease</u>. The provisions set forth in the Lease are hereby incorporated into this Instrument as if set out in full herein. Nothing contained herein is intended to or does change or modify any of the terms or provisions of the Lease, or the rights, duties, obligations, conditions and agreements created thereby, all of which remain in full force and effect. In the event any conflict or inconsistency between the terms of this Instrument and the terms of the Lease, as applicable, shall govern and control for all purposes.
- (e) <u>Miscellaneous</u>. This Instrument shall be deemed to be a contract entered into pursuant to the laws of the Sate where the Leased Property is located and shall in all respects be governed, construed, applied and enforced in accordance with the laws of the State where the Leased Property is located. This Instrument may not be modified in any manner or terminated except by an instrument in writing executed by the parties hereto.

[Signature page follows]

1627841056 Page: 3 of 5

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IN WITNESS WHEREOF, Landlord and Tenant have executed and delivered this Instrument under scal as of the day and year first above set forth.

#### LANDLORD:

FMB PORTFOLIO BD OWNER, LLC,	
A DELAWARE LIMITED LIABILITY COMPANY	7
By:	
Name. James I (ef pessey	
Title: Managing Live tor	
O <sub>A</sub>	
STATE OF Illinois	
STATE OF VICES (1)	
SS (Sala Osc.) SS	
COUNTY OF COUNTY OF	
1/ 1/1 1) (	
I Kathenine Hyll @ notary pu	ıt
A TOTAL CONTROL OF THE THE TANK I	

I, DO HEREBY CERTIFY THAT James Hennessey, personally known to me to be the Managing Director of FMB PORTFOLIO BD OWNER, LLC, a Delaware limited liability company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such he signed and delivered the said instrument pursuant to proper authority given said corporation, as his free and voluntary act, and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this \_

day of Sept 20

Notary Public

[SEAL]

KATHERINE F EYPE OFFICIAL SEAL Notary Public, State of Jillions My Commission Expuses June 12, 2018

My commission expires:

6/12/2018

[Signatures continue on following page]

1627841056 Page: 4 of 5

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#### TENANT:

FIRST MIDWEST BANK,

an Illinois state-chartered bank

By: V V V V V Name: Steven C. Babinski

Title: Vice President and Assistant General Counsel

STATE OF ILLINOIS

SS

COUNTY OF COOK

I, MATCHEST, a notary public in and for said County, in the State aforesaid, DO HEREBY CERCIFY THAT Steven C. Babinski, personally known to me to be the Vice President and Assistant General Counsel of FIRST MIDWEST BANK, an Illinois state-chartered bank, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared become me this day in person and acknowledged that as such he signed and delivered the said instrument pursuant to proper authority given said corporation, as his free and voluntary act, and as the free and voluntary act and deed of said Illinois state-chartered bank, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this

day of September, 2016.

Notary Public

My commission expires:

OFFICIAL SEAL
CHERYL A FORRESTAL
Notary Public - State of Illinois
My Commission Expires May 24, 2017

1627841056 Page: 5 of 5

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#### EXHIBIT A TO MEMORANDUM OF LEASE

#### LEGAL DESCRIPTION

THE NORTH 317 FEET OF THE WEST 245 FEET OF THE EAST 865 FEET OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THEREFROM THE NORTH 50 FEET DEDICATED FOR ROAD PURPOSES BY PLAT OF DEDICATION RECORDED FEBRUARY 5, 1982 AS DOCUMENT 26136339) IN COOK COUNTY, ILLINOIS.

PIN: 31-03-200-024-0000

OF COOK COUNTY CIENTS OFFICE Address: 4161 W. 183rd Street, Country Club Hills, Illinois