

UNOFFICIAL COPY

Doc#: 2002415101 Fee: \$98.00
Edward M. Moody
Cook County Recorder of Deeds
Date: 01/24/2020 12:59 PM Pg: 1 of 5

THIS INSTRUMENT PREPARED BY:

J. Craig Cartwright, Esq.
BUCHALTER
16435 N. Scottsdale Rd., Suite 440
Scottsdale, AZ 85254-1754

After Recording, Return to:

SPIRIT MASTER FUNDING IX, LLC
c/o Spirit Realty
2727 N. Harwood Street, Suite 300
Dallas, Texas 75201

MEMORANDUM OF TERMINATION OF MASTER LEASE AGREEMENT

THIS MEMORANDUM OF TERMINATION OF MASTER LEASE AGREEMENT (this "**Memorandum**") is effective as of this 17th day of January, 2020 (the "**Effective Date**"), by and between SPIRIT MASTER FUNDING IX, LLC, a Delaware limited liability company ("**Landlord**") whose address is 2727 North Harwood Street, Suite 300, Dallas, Texas 75201, and ANDY'S FROZEN CUSTARD STORES, LLC, f/k/a Andy's Frozen Custard Kansas City, LLC, f/k/a Andy's Frozen Custard Westport, LLC, an Illinois limited liability company ("**Tenant**") whose address is 211 East Water Street, Springfield, Missouri 65806.

RECITALS

A. Landlord and Tenant entered into that certain Master Lease Agreement dated September 19, 2014 (as amended, the "**Lease**") with respect to certain real property and improvements, including without limitation the real property and improvements located at 14555 South LaGrange Road, Orland Park, Illinois and legally described on the attached Exhibit A (the "**Leased Premises**"), as more particularly described in the Lease.

B. Pursuant to the Lease, Landlord leases the Leased Premises to Tenant, and in connection therewith, a Memorandum of Lease was recorded on September 26, 2016 in the Official Records of Cook County, Illinois, as #1627042007 (the "**Memorandum of Lease**").

TERMINATION OF LEASE AND MEMORANDUM OF LEASE

NOW, THEREFORE, in consideration of the Recitals which are incorporated herein by reference, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

UNOFFICIAL COPY

1. As provided in that certain Lease Termination Agreement dated effective as of the Effective Date (the "Lease Termination Agreement"), the Lease (including, without limitation, any rights of first refusal and options contained in the Lease) and the Memorandum of Lease are hereby terminated, voided, and of no further force or effect; provided, however that Tenant hereby acknowledges its continuing liability pursuant to (a) the Lease as to any and all matters which arise or accrue under the Lease prior to the date hereof, and any obligations pursuant to the Lease which expressly or impliedly survive the termination of the Lease, and (b) the Lease Termination Agreement.

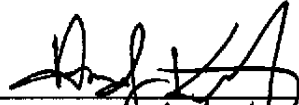
2. This Memorandum may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same document.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

UNOFFICIAL COPY

TENANT:

ANDY'S FROZEN CUSTARD STORES, LLC,
f/k/a Andy's Frozen Custard Kansas City, LLC
f/k/a Andy's Frozen Custard Westport, LLC,
an Illinois limited liability company

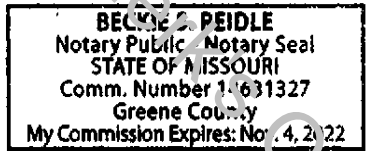
By: 
Printed Name: Andy Kuntz
Title: Manager

STATE OF Missouri)
) ss.
COUNTY OF Greene)

The foregoing instrument was acknowledged before me on December 19, 2019, by Andy Kuntz the Manager of Andy's Frozen Custard Stores, LLC, f/k/a Andy's Frozen Custard Kansas City, LLC, f/k/a Andy's Frozen Custard Westport, LLC, an Illinois limited liability company, on behalf of the company.


Notary Public

My Commission Expires:
November 4, 2022



UNOFFICIAL COPY

EXHIBIT A

LEASED PREMISES

That part of Lot 4 in Lieberstein Subdivision in part of the West Half of the Northwest Quarter of Section 10, Township 36 North, Range 12 East of the Third Principal Meridian according to the plat thereof recorded October 5, 1982 as document no. 26372564, in Cook County, Illinois, described as follows:

Commencing at the northwest corner of said Lot 4; thence North 88 degrees 22 minutes 22 seconds East, 7.50 feet (bearings based on Illinois State Plane Coordinate System, East Zone, NAD 1983) along the north line of said Lot 4 to the Point of Beginning; thence continuing North 88 degrees 22 minutes 22 seconds East, 45.01 feet along said north line; thence South 01 degrees 37 minutes 27 seconds East, 29.31 feet; thence South 88 degrees 20 minutes 53 seconds West, 35.00 feet; thence southerly 150.26 feet, along the arc of a non-tangent curve concave easterly, having a radius of 56336.49 feet, a chord bearing South 01 degrees 43 minutes 42 seconds East and a chord distance of 150.26 feet to the south line of said Lot 4; thence South 88 degrees 15 minutes 35 seconds West, 10.00 feet along said south line; thence northerly 179.60 feet, along the arc of a non-tangent curve concave easterly, having a radius of 56346.49 feet, a chord bearing North 01 degrees 42 minutes 49 seconds West and a chord distance of 179.60 feet to the Point of Beginning.

PIN: 27-10-100-062-0000