

# UNOFFICIAL COPY

Doc#: 2130742189 Fee: \$98.00  
Karen A. Yarbrough  
Cook County Clerk  
Date: 11/03/2021 03:16 PM Pg: 1 of 5

## AFFIDAVIT CONCERNING LEASES

This AFFIDAVIT CONCERNING LEASES is made and executed this 1st day of NOVEMBER, 2021 by **BRE DDR WOODFIELD VILLAGE LLC**, a Delaware limited liability company ("**Owner**").

### RECITALS:

A. Owner owns the property located in the City of Schaumburg, the County of Cook, State of Illinois, being more particularly described in Exhibit "A" attached hereto (the "**Real Estate**").

B. Owner's predecessors-in-interest, entered into the following leases involving the Real Estate:

1. Lease by and between Homart Community Centers, Inc. ("**HCC Lessor**") and Borders, Inc. ("**Borders Lessee**") dated May 14, 1993 (as amended and/or assigned from time to time, the "**Borders Lease**"), as evidenced by a Memorandum of Lease filed for recorded on June 9, 1993 as Document No. 93479218 of the Cook County Records.

2. Lease by and between HCC Lessor and The Sports Authority, Inc. ("**Sports Authority Lessee**") dated March 17, 1993 (as amended and/or assigned from time to time, the "**Sports Authority Lease**"), as evidenced by a Memorandum of Lease filed for recorded on August 5, 1993 as Document No. 93615934 of the Cook County Records.

3. Lease by and between HCC Lessor and Circuit City Stores, Inc. ("**Circuit City Lessee**") dated December 31, 1992 (as amended and/or assigned from time to time, the "**Circuit City Lease**"), as evidenced by a Memorandum of Lease Agreement filed for recorded on October 14, 1993 as Document No. 93827564 of the Cook County Records.

4. Lease by and between HCC Lessor and F&M Distributors, Inc. ("**F&M Lessee**") dated October 4, 1993 (as amended and/or assigned from time to time, the "**F&M Lease**"), as evidenced by a Memorandum of Lease filed for recorded on December 30, 1993 as Document No. 03078748 of the Cook County Records.

5. Lease by and between Homart Development Co ("**HDC Lessor**") and Today's Man, Inc. ("**Today Man Lessee**") dated June 23, 1994 (as amended and/or assigned from time to time, the "**Today Man Lease**"), as evidenced by a Memorandum of Lease filed for recorded on August 9, 1994 as Document No. 94704540 of the Cook County Records.

6. Lease by and between Community Centers One, L.L.C. ("**CCO Lessor**") and Saks & Company ("**Saks Lessee**") dated July 30, 1996 (as amended and/or assigned from time to time, the "**Saks Lease**"), as evidenced by a Memorandum of Lease Agreement filed for recorded on September 11, 1996 as Document No. 96693989 of the Cook County Records.

7. Lease by and between CCO Lessor and Developers Diversified Realty Corporation ("**DDR Lessee**") dated September 18, 2000 (as amended and/or assigned from time to time, the

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"*DDR Lease*"), as evidenced by a Memorandum of Lease filed for recorded on October 6, 2000 as Document No. 00786749 of the Cook County Records.

8. Sublease by and between DDR Lessee and Home Depot U.S.A., Inc. ("*Home Depot Lessee*") dated September 18, 2000 (as amended and/or assigned from time to time, the "*Home Depot Lease*"), as evidenced by a Memorandum of Sublease filed for recorded on October 6, 2000 as Document No. 00786750 of the Cook County Records.

9. Assignment and Assumption of Leases, Homegoods Sublease and Pets Sublease by and between SM Newco Schaumburg, LLC and DDR MDT Woodfield Village LLC dated June 21, 2005 (as amended and/or assigned from time to time, the "*Pets Sublease*"), as evidenced by a Memorandum of Sublease filed for recorded on July 1, 2005 Document No. 0518234023 of the Cook County Records.

10. Assignment and Assumption of Leases made by and between Community I, LLC and DDR MDT Woodfield Village LLC ("*MDT Lessor*") dated November 21, 2003, recorded on November 26, 2003 as Document 0333010150 of the Cook County Records, as further modified by that certain Assignment of Leases Defined Terms by MD Lessor and Metropolitan Life Insurance Company and MetLife Bank, N.A. recorded November 26, 2003 as Document No. 0333010151 of the Cook County Records (as amended and/or assigned from time to time, the "*MetLife Assignment*").

11. Lease by and between MDT Lessor and Subway Real Estate Corp. ("*Subway Lessee*") dated August 25, 2004 (as amended and/or assigned from time to time, the "*Subway Lease*"), as evidenced by a Memorandum of Lease filed for recorded on February 9, 2005 as Document No. 0504045076 of the Cook County Records.

12. Lease by and between Owner and Pier 1 Imports (U.S.), Inc. ("*Pier 1 Lessee*") dated October 16, 2015 (as amended and/or assigned from time to time, the "*Pier 1 Lease*"), as evidenced by a Memorandum of Lease filed for recorded on April 19, 2016 as Document No. 1611015062 of the Cook County Records.

13. Lease by and between Cole CP Schaumburg IL, LLC ("*Cole Lessor*") and California Pizza Kitchen, Inc. ("*CPK Lessee*", and together with the Borders Lessee, the Sports Authority Lessee, the Circuit City Lessee, the F&M Lessee, the Today Man Lessee, the Saks Lessee, DDR Lessee, the Subway Lessee and the Pier 1 Lessee, the "*Lessees*") dated July 7, 2011 (as amended and/or assigned from time to time, the "*CPK Lease*", and together with the Borders Lease, the Sports Authority Lease, the Circuit City Lease, the F&M Lease, the Today Man Lease, the Saks Lease, DDR Lease, the Pets Sublease, the MetLife Assignment, the Subway Lease and the Pier 1 Lease, the "*Leases*"), as evidenced by a Memorandum of Lease filed for recorded on July 12, 2011 as Document No. 1119322063 of the Cook County Records.

C. The Leases are either no longer in effect, were terminated or have expired without the exercise of option by their respective Lessees.

D. The Lessees of the Leases are not in possession of the Real Estate nor any portion thereof.

E. Owner is not currently receiving any payments from the Lessees pursuant to the terms of the Leases.

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NOW THEREFORE, the Owner does hereby affirm that the foregoing Recitals, which are hereby incorporated, are true and accurate. The Recitals herein contained are made by the undersigned with the express understanding and intent that they will be relied upon by First American Title Insurance Company in issuing a policy or policies of title insurance in connection with said transaction.

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## EXHIBIT A

### REAL ESTATE

LOTS 1, 2, 3, 4 AND 5 IN WOODFIELD GREEN RESUBDIVISION NUMBER THREE, BEING A RESUBDIVISION OF LOT 1 IN "WOODFIELD VILLAGE GREEN RESUBDIVISION NUMBER TWO" IN THE SOUTHWEST QUARTER AND SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 17, 2021 AS DOCUMENT 2107619008.

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