

UNOFFICIAL COPY

86050096

RECOGNITION AND ATTORNMENT AGREEMENT

1. Reference is made to Mortgage from Amalgamated Trust & Savings Bank as Trustee under Trust Agreement dated June 21, 1985 and known as Trust No. 4951 ("Landlord") to Mellon Bank, N.A. ("Mortgagee") dated August 2, 1985 and recorded with the Recorder of Deeds of Cook County, Illinois as Document No. 85149091.

2. Reference is made to Lease dated October 21, 1985, between Landlord, and Zayre Corp., a Delaware corporation, ("Tenant"), as Tenant, of certain premises situated within the premises covered by said Mortgage.

3. In consideration of the agreements of Mortgagee contained herein, Tenant agrees that if the holder of said Mortgage, or any person claiming under said holder, shall succeed to the interest of Landlord in said Lease, Tenant will recognize, and attorn to, said holder, or such other person claiming under said holder, as its landlord under the terms of said Lease.

4. In consideration of the agreements of Tenant contained herein, Mortgagee consents to said Lease and agrees that, in the event of foreclosure or other right asserted under said Mortgage by the holder thereof, said Lease and the rights of Tenant thereunder shall continue in full force and effect and shall not be terminated or disturbed, except in accordance with the provisions of said Lease.

5. The benefits and burdens of this agreement shall enure to and bind the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, both as of December 18, 1985.

WITNESSES AS TO BOTH:

Nancy Stevens
Margaret J. Coons

ZAYRE CORP.

By [Signature]
Malcolm L. Sherman, Executive Vice President
By [Signature]
George Freeman, Vice President

WITNESSES AS TO BOTH:

[Signature]
Linda J. McCall

MELLON BANK, N.A.

By [Signature]
Vice President

ATTEST:

[Signature]
Asst. Secretary
REAL ESTATE OFFICER

[Append Illinois Form of Acknowledgements]

8000108

86050096

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PROPERTY OF COOK COUNTY CLERK'S OFFICE

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said County, at Chicago, Illinois, this 1st day of January, 1988.

CLERK OF COOK COUNTY

COOK COUNTY

CHIEF CLERK

CLERK OF COOK COUNTY

CHIEF CLERK

CLERK OF COOK COUNTY

CHIEF CLERK

CLERK OF COOK COUNTY

CHIEF CLERK

CLERK OF COOK COUNTY

CHIEF CLERK

CLERK OF COOK COUNTY

CHIEF CLERK

UNOFFICIAL COPY 6

Commonwealth of Massachusetts
STATE OF ILLINOIS)
County of Suffolk)SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Malcolm L. Sherman, Executive Vice-President of ZAYPE CORPORATION and George Freeman, Secretary of said corporation, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the said instrument as such officers of said corporation as their own free and voluntary act and as the free and voluntary act of said corporation as aforesaid, for the uses and purposes therein set forth.

Given under my hand and official seal, this 10th day of January, 1986.

Katherine M. Kozub
Notary Public

My commission expires:

October 2, 1992

PENNSYLVANIA
STATE OF ~~ILLINOIS~~)
ALLEGHENY)SS.
COUNTY OF COOK)

86050096

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT R.L. Bissel, vice-president and M.L. Frost, real estate officer of MELLON BANK, N.A., a national banking association, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as such officers of said Bank as their own free and voluntary act and as the free and voluntary act of said Bank as aforesaid, for the uses and purposes therein set forth.

Given under my hand and official seal, this 18 day of December, 1985.

Carol Ann Kellback
Notary Public

My commission expires:

UNOFFICIAL COPY

STATE OF ILLINOIS

COUNTY OF COOK

I, the undersigned, a Justice of the Peace in and for said County, in the State of Illinois, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same appears on file in my office and is a true and correct copy of the original of the same as the same appears on file in my office and is a true and correct copy of the original of the same as the same appears on file in my office.

Given under my hand and official seal, this _____ day of _____, 1987.

Notary Public

My commission expires: _____

[Handwritten scribble]
STATE OF ILLINOIS
COUNTY OF COOK
PROPERTY AND CASUALTY INSURANCE COMPANY
R.L. Bissett
Notary Public

I, the undersigned, a Justice of the Peace in and for said County, in the State of Illinois, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same appears on file in my office and is a true and correct copy of the original of the same as the same appears on file in my office.

Given under my hand and official seal, this _____ day of _____, 1987.

Notary Public

My commission expires: _____

County Clerk's Office

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SCHEDULE A

This instrument Prepared By:
Bernard N. Borwan
Alan J. Algan
201 Devonshire Street
Boston, MA 02110

The Demised Premises shall consist of a one-story building, ("the Building"), to be constructed by Landlord as herein provided, containing seventy-eight thousand seven hundred ninety-two (78,792) square feet of floor area, having a frontage of three hundred twelve (312) feet and a width of two hundred sixty-nine (269) feet and other dimensions as shown upon the plan attached hereto ("the Lease Plan"), plus a mezzanine therein containing eight thousand three hundred (8,300) square feet of floor area and are the premises within the shopping center referred to hereinbelow labelled B-7 on the Lease Plan. In addition, Tenant shall have the exclusive right to use certain service areas adjacent to the Demised Premises which contain an exterior loading dock and compactor pad. It is expressly understood and agreed that said service areas shall not be included in computing Tenant's Fraction (defined in Section 6.1) for purposes of Article VI and Paragraph 9 of Schedule B. Landlord agrees that the name of the Shopping Center shall not contain the tradename of any business operated in the Shopping Center.

The Demised Premises are situated within the so-called Lansing Landings Shopping Center, to be constructed by Landlord, as herein provided, on the easterly side of Torrence Avenue near its intersection with 170th Street (herein collectively referred to as "the Main Streets") in Lansing, Illinois. The "Shopping Center" (as defined herein) is the land, together with the buildings and other structures from time to time thereon, shown on the Lease Plan, and is all the land shown and described upon Plat of Subdivision entitled The Landings Planned Unit Development prepared by Robert A. Nowicki & Associates, Ltd., dated June 10, 1985, and recorded with the Recorder of Deeds of Cook County, Illinois, on August 16, 1985, as Document No. 85148127 attached hereto ("the Tax Plan"), and is more particularly described as follows:

That part of the North 1/2 of the Southwest 1/4 of Section 19, Township 36 North, Range 15 East of the Third Principal Meridian, lying Northwesterly of the Northwesterly right of way line of the Public Service Company of Northern Illinois, as established by Warranty Deed recorded May 1, 1924 as Document No. 8 393 986; lying South and Southwesterly of a line more particularly described as follows: Beginning at a point on the west line of the Southwest 1/4 of said Section 19 distant 2319.74 feet North (as measured along the West line of said Southwest 1/4) of the Southwest Corner of the Southwest 1/4 of said Section 19; thence South 89°44'50" East on a line 2319.72 feet North of and parallel with the South line of the Southwest 1/4 of said Section 19, a distance of 2394.47 feet to a point of curve; thence Southeasterly on the arc of a circle convex to the Northeast having a radius of 241.23 feet for a distance of 172.28 feet to a point of tangency; thence South 48°49'39" East a distance of 156.55 feet, more or less to the Northwesterly right of way line of the Public Service Company of Northern Illinois as established by Document No. 8 393 986 aforesaid; and lying Easterly of the Easterly right of way line of Torrence Avenue, as established by deed recorded October 4, 1961 as Document No. 18 293 853 (excepting from said part of the North 1/2 of the Southwest 1/4 that part of Old Torrence Avenue falling East of the Easterly line of Torrence Avenue as established by said Document No. 18 293 853).

Also:
That part of the Southwest 1/4 of the Southwest 1/4 of said Section 19 lying Northwesterly of the Northwesterly right of way line of the Public Service Company of Northern Illinois, as established by Quit Claim Deed recorded September 17, 1926 as Document No. 9 404 921 and Deed recorded July 24, 1926 as Document No. 9 350 315; lying Easterly of the Easterly right of way line of Torrence Avenue, as established by Quit Claim Deed recorded February 24, 1943 as Document No. 13 034 829, and lying Northeasterly of the Northeasterly right of way line of the Chicago and Great Eastern Railway Co., as established by Warranty Deed recorded November 1, 1864 as Document No. 87 871; (excepting therefrom that part taken by the County of Cook for widening 170th Street).

Also:
That part of the North 1/2 of the Southwest 1/4 of said Section 19 bounded and described as follows: Beginning at the point of curve (described above) on the North line of the above described property; thence southeasterly on the arc of a circle convex to the Northeast having a radius of 241.23 feet a distance of 172.28 feet to a point of tangency; thence South 48°49'39" East a distance of 156.55 feet, more or less to the Northwesterly right of way line of the Public Service Company of Northern Illinois as established by Warranty Deed recorded May 1, 1924 as Document No. 8 393 986; thence North 25°22'17" East on the last described line a distance of 178.24 feet to a point on the aforesaid line 2319.72 feet North of and parallel with the South line of the Southwest 1/4 of said Section 19; thence North 89°44'50" East on the last described line a distance of 351.90 feet to the point of beginning.

Containing 54.67 acres.

PERMANENT TAX NUMBERS:

CITY AND ADDRESS:

30-19-300-005
30-19-301-003
30-19-301-005

REC 170th and
Torrence Avenue,
Lansing, IL.

85148127

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Record of Deeds, etc.
Cook County, Illinois

Book 1111, Page 7939

STATE OF ILLINOIS
COUNTY OF COOK
I, the undersigned, Clerk of the County of Cook, Illinois, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in the records of the County of Cook, Illinois, and that the same has been compared with the original and found to be a true and correct copy thereof.

960050080000

DEPT-01 RECORDING \$13.25
T81111 TRAN 7939 02/04/86 15:44:00
#2155 # A * -82-050076

MAILED
COMMONWEALTH LAND TITLE INS.
179 W. WASHINGTON ST. 925
CHICAGO, ILL. 60602

MAILED 13 00



Faint, mostly illegible text from the reverse side of the document, including phrases like "PROPERTY OF COOK COUNTY CLERK'S OFFICE" and "RECORD OF DEEDS, ETC. COOK COUNTY, ILLINOIS".