

# UNOFFICIAL COPY

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Store No. 332 - Arlington Heights, Illinois

87611719

## ASSIGNMENT OF SUBLEASE

THIS ASSIGNMENT OF SUBLEASE (the "Assignment") is made as of the 10<sup>th</sup> day of November, 1987, by and between LUCKY STORES, INC., a Delaware corporation (as successor by merger to Lucky Stores, Inc., a California corporation), hereinafter referred to as "Assignor," and EAGLE FOOD CENTERS, L.P., a Delaware limited partnership, hereinafter referred to as "Assignee."

### P R E L I M I N A R Y:

A. Assignor is the tenant of all or a portion of certain real property and the improvements thereon situate in the County of Cook, State of Illinois, described in Exhibit A, attached hereto and incorporated herein by reference.

B. Assignor is also the sublandlord under the sublease, amendments and supplemental documents thereto, if any, referred to in Exhibit B, attached hereto and incorporated herein by reference, the subtenant under which is referred to on said Exhibit B. Said sublease, amendments and supplemental documents thereto, if any, are hereinafter referred to as the "Sublease." True and complete copies of the above-referenced documents have been provided to Assignee by Assignor.

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Official Court Report of the Honorable Judge [Name]

Case No. [Number]

The Court, after hearing the testimony of the witnesses and the arguments of the attorneys, is of the opinion that the law is on the side of the defendant. The Court therefore grants the motion for judgment of acquittal. The Court reserves its decision on the issue of [Issue] until the trial of the second case.

So ordered.

## JUDICIAL NOTICE

The Court takes judicial notice of the fact that the defendant was a resident of Cook County, Illinois, at the time of the offense.

A bill of particulars is hereby furnished to the defendant, which sets forth the nature and character of the offense.

The Court reserves its decision on the issue of [Issue] until the trial of the second case.

The Court reserves its decision on the issue of [Issue] until the trial of the second case.

The Court reserves its decision on the issue of [Issue] until the trial of the second case.

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The Court reserves its decision on the issue of [Issue] until the trial of the second case.

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C. Assignor desires to assign to Assignee all of its right, title and interest as sublandlord under the Sublease and Assignee desires to accept such assignment and to agree to perform all of the obligations of the sublandlord under the Sublease upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, for a good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor and Assignee agree as follows:

1. Effective November 10, 1987 (hereinafter referred to as the "Assignment Date"), Assignor hereby assigns Assignee all of the right, title and interest of Assignor as sublandlord under the Sublease.



2. Assignee hereby accepts the foregoing assignment and assumes and agrees to perform in a timely manner each and all of the obligations arising on and after the Assignment Date of the sublandlord under the Sublease. Assignor hereby agrees to perform or cause to be performed, without cost or obligation to Assignee, all obligations of the sublandlord under the Sublease which arise or accrue prior to the Assignment Date.

3. This Assignment shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors, transferees and assigns.

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[The body of the document contains several paragraphs of text that are extremely faint and mostly illegible due to the quality of the scan. The text appears to be a formal document or report.]

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IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the day and year first hereinabove set forth.

LUCKY STORES, INC.,  
a Delaware corporation

EAGLE FOOD CENTERS, L.P.,  
a Delaware limited partnership

(SEAL)

By: [Signature] F. D. HELM, VICE PRESIDENT

By EAGLE FOOD CENTERS, INC.,  
a Delaware corporation

By: [Signature]  
CHRISTOPHER McLAIN, Assignor  
VICE PRESIDENT  
AND SECRETARY

Its Managing General Partner

By: [Signature]  
Its: [Signature]  
"Assignee"

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

The undersigned, a Notary Public in and for the County and State aforesaid, DOES HEREBY CERTIFY that \_\_\_\_\_, personally known to me to be the \_\_\_\_\_ of LUCKY STORES, INC., and \_\_\_\_\_, personally known to me to be the \_\_\_\_\_ of said Corporation, and 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 as such \_\_\_\_\_ and \_\_\_\_\_, they signed the said instrument as \_\_\_\_\_ and \_\_\_\_\_ of said Corporation, and caused the corporate seal of said Corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said Corporation, as their free and voluntary act and as the free and voluntary act and deed of said Corporation for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_\_.

NOTARY PUBLIC

Commission expires \_\_\_\_\_.

THIS INSTRUMENT WAS PREPARED BY:  
WILLIAM J. SNYDER  
P.O. BOX 97  
ROCK ISLAND, IL 61204-0097  
(309) 786-8497

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Instrument No. \_\_\_\_\_

Date of Recording \_\_\_\_\_

Notary Public for the State of California

Notary Public for the State of California

NOTARY PUBLIC  
STATE OF CALIFORNIA  
MY COMMISSION EXPIRES \_\_\_\_\_

## CORPORATE ACKNOWLEDGMENT

NO. 888

State of CALIFORNIA

On this the 22nd day of October 1987, before me,

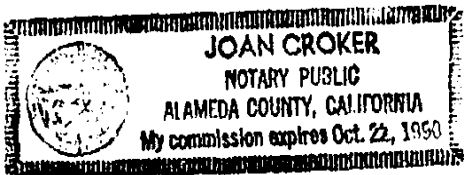
County of ALAMEDA

Joan Croker

The undersigned Notary Public, personally appeared  
F. D. Helm, Vice President and  
Christopher McLain, Vice President and Secretary

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personally known to me  
 proved to me on the basis of satisfactory evidence  
to be the person(s) who executed the within instrument as  
noted above or on behalf of the corporation therein  
named, and acknowledged to me that the corporation executed it.  
WITNESS my hand and official seal.



Notary's Signature

*Joan Croker*

7128 128

NATIONAL NOTARY ASSOCIATION • 2202 Vermont Ave., N.W. • P.O. Box 4885 • Woodland Hills, CA 91364

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THIS INSTRUMENT WAS PREPARED BY  
WILLIAM J. SNYDER  
P.O. BOX 93  
ROCK ISLAND, IL 61204-0093  
(815) 388-8483

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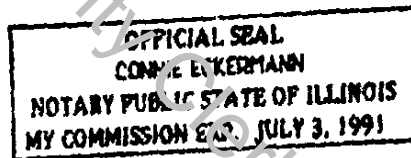
STATE OF *Illinois* )  
COUNTY OF *Rock Island* ) SS

The undersigned, a Notary Public in and for the County and State aforesaid, DOES HEREBY CERTIFY that PASQUALE V. PETITTI, personally known to me to be the President of EAGLE FOOD CENTERS, INC., a Delaware corporation, managing general partner of EAGLE FOOD CENTERS, L.P., a Delaware limited partnership, 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 President of EAGLE FOOD CENTERS, INC., a Delaware corporation, managing general partner of EAGLE FOOD CENTERS, L.P., a Delaware limited partnership, he signed the said instrument as his free and voluntary act and as the free and voluntary act and deed of said partnership for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 26th day of October, A.D. 1987.

Connie Eckermann  
NOTARY PUBLIC

My commission expires \_\_\_\_\_.



After Recording, Return To"

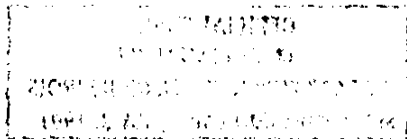
Andrew M. Smith  
Weil, Gotshal & Manges  
767 Fifth Avenue  
New York, New York 10153



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EXHIBIT



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Real property situate in the County of Cook, State of Illinois,  
described as follows:

LOTS 1 THROUGH 5 INCLUSIVE AND LOTS 7 THROUGH 14 INCLUSIVE OF  
C. H. TAYLOR'S ARLINGTON HEIGHTS ACRES, BEING A SUBDIVISION OF  
THAT PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21,  
TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN,  
NORTH OF RAND ROAD, IN COOK COUNTY, ILLINOIS.

E A O - 03-21 - 304-010-LOT-1  
009-LOT-2  
008 LOT-3  
007-LOT-4  
006-LOT-5  
004-LOT-6 7  
003-LOT-8  
002-LOT-9  
001-LOT-10  
011-LOT-11  
012-LOT-12  
013-LOT-13  
014-LOT-14



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EXHIBIT A

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Return to: [illegible]

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[illegible]

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## EXHIBIT B

STORE NO. 332 - ARLINGTON HEIGHTS, ILLINOIS

(TORRENS PROPERTY)

Subtenant: Amalgamated Trust and Savings Bank, as Trustee under a Trust Agreement dated December 30, 1985 and known as Trust No. 5107

Sublease, Amendments and Supplemental Documents:

1. Tenant's Statement dated December 23, 1985 from Warehouse Club, Inc. to Roundy's, Inc. and Jondex Corp.
2. Lease dated December 31, 1985 between Lucky Stores, Inc. and Amalgamated Trust and Savings Bank as Trustee under Trust No. 5107 (sublease).
3. Memorandum of Lease dated December 31, 1985 (sublease).
4. Lease dated December 31, 1985 between Amalgamated Trust and Savings Bank as Trustee under Trust No. 5107 and Warehouse Club, Inc. (sub-sublease).
5. Memorandum of Lease dated December 31, 1985 (sub-sublease).
6. Non-Disturbance and Attornment Agreement dated December 31, 1985 between Lucky Stores, Inc., Amalgamated Trust and Savings Bank as Trustee under Trust No. 5107 and Warehouse Club, Inc.
7. Estoppel Letter dated December 31, 1985 from Lucky Stores, Inc. to Warehouse Club, Inc. and Amalgamated Trust and Savings Bank as Trustee under Trust No. 5107.
8. Letter dated December 31, 1985 from Lucky to Shop-Rite, Inc., Jondex Corp. and Roundy's, Inc. re rents.
9. Landlord Estoppel Certificate dated December 31, 1985 from Lucky Stores, Inc. to Roundy's, Inc., Jondex Corp. and Shop-Rite, Inc.
10. Letter dated December 31, 1985 from Amalgamated Trust and Savings Bank to Lucky Stores, Inc. re guaranty of tax payment.

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11. Letter dated June \_\_\_\_\_, 1987 from Lucky Stores, Inc. to Amalgamated Trust and Savings Bank as Trustee under Trust No. 5107 re Consent to Sublease.
12. Lease dated June \_\_\_\_\_, 1987 between Warehouse Club, Inc. and AMWC, Inc. (sub-sub-sublease).
13. Agreement dated June \_\_\_\_\_, 1987 between Warehouse Club, Inc. and AMWC, Inc.
14. Attornment Agreement dated June \_\_\_\_\_, 1987 between Amalgamated Trust and Savings Bank as Trustee under Trust No. 5107 and AMWC, Inc.
15. Consent Agreement dated June \_\_\_\_\_, 1987 between Amalgamated Trust and Savings Bank as Trustee under Trust No. 5107 and Warehouse Club, Inc.



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