

# UNOFFICIAL COPY

## MEMORANDUM OF LEASE

87673308

THIS IS A MEMORANDUM of that certain unrecorded Lease Agreement dated as of September 15, 1987 between Wilmington Trust Company and William J. Wade, not in their respective individual capacities, but solely as owner trustees under a Trust Agreement dated as of September 15, 1987, collectively as lessor (the Lessor), and Emro Marketing Company, a Delaware corporation, as lessee (the Lessee).

### W I T N E S S E T H:

WHEREAS, the Lessor and the Lessee have entered into that certain Lease Agreement dated as of September 15, 1987, as supplemented or amended from time to time (the Lease).

NOW, THEREFORE, be it known as follows:

1. **Leased Stations.** The Leased Stations subject to the Lease constitute the properties described in Schedule 1 hereto, expressly excluding all properties described in Schedule 2 hereto, both of which schedules are attached hereto and incorporated herein by reference.

2. **Land.** The leasehold interest in the Land subleased pursuant to the Lease constitutes the property described in Schedule 3 hereto, which Schedule is attached hereto and incorporated herein by reference.

3. **Lease Term.** The initial term of the Lease is from the date of recording this Memorandum to January 2, 2008. The Lease further provides for two (2) successive five (5) year renewal terms.

4. **Purchase Option.** Upon the expiration of the initial term or either renewal term of the Lease, the Lessee shall have the option to purchase all or some of the Leased Stations at the purchase price set forth in the Lease.

5. **Counterparts.** This document may be executed in one or more counterparts, each of which shall constitute an original.

RETURN TO:  
Caren W. Mack  
Mudge, Rose, Guthrie, Alexander  
and Ferdon  
180 Maiden Lane  
New York, New York 10038

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IN WITNESS WHEREOF, the parties hereto have each caused this Memorandum of Lease to be duly executed by their respective officers thereunto duly authorized on the dates set forth below.

WILMINGTON TRUST COMPANY, not in its individual capacity, but solely as owner trustee under a Trust Agreement dated as of September 15, 1987,  
**Lessor**

Witness Kimberly F. Duggan  
Name: Kimberly F. Duggan  
Witness [Signature]  
Name: \_\_\_\_\_

By [Signature]  
Name: Thomas [unclear]  
Title: Vice President

Date: December 3, 1987

WILLIAM J. WADE, not in his individual capacity, but solely as owner trustee under a Trust Agreement dated as of September 15, 1987,  
**Lessor**

Witness Diana J. Murray  
Name: Diana J. Murray  
Witness Annette L. Bosco  
Name: Annette L. Bosco

By [Signature]  
Name: William J. Wade  
Date: December 4, 1987

EMRO MARKETING COMPANY,  
**Lessee**

Witness \_\_\_\_\_  
Name: \_\_\_\_\_  
Witness \_\_\_\_\_  
Name: \_\_\_\_\_

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: December \_\_, 1987

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IN WITNESS WHEREOF, the parties hereto have each caused this Memorandum of Lease to be duly executed by their respective officers thereunto duly authorized on the dates set forth below.

WILMINGTON TRUST COMPANY, not  
in its individual capacity,  
but solely as owner trustee  
under a Trust Agreement dated  
as of September 15, 1987,  
**Lessor**

Witness \_\_\_\_\_  
Name:

By \_\_\_\_\_  
Name:  
Title:

Witness \_\_\_\_\_  
Name:

Date: December \_\_, 1987

WILLIAM J. WADE, not in his  
individual capacity, but  
solely as owner trustee under  
a Trust Agreement dated as of  
September 15, 1987,  
**Lessor**

Witness \_\_\_\_\_  
Name:

William J. Wade

Witness \_\_\_\_\_  
Name:

Date: December \_\_, 1987

EMRO MARKETING COMPANY,  
**Lessee**

Witness Alton J. Hamilton  
Name: ALTON J. HAMILTON

By G. E. Buroker  
Name: G. E. Buroker  
Title: President

Witness Kevin G. Nowe  
Name: KEVIN G. NOWE

Date: December 10, 1987



10-10-87

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This instrument was prepared by John D. Hawkins, attorney at law, Mudge Rose Guthrie Alexander & Ferdon, 180 Maiden Lane, New York, New York 10038.

Return to Caren M. Mack, Mudge Rose Guthrie Alexander and Ferdon, 180 Maiden Lane, New York, New York 10038.

Property of Cook County Clerk's Office

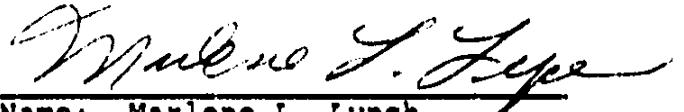
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STATE OF DELAWARE     )  
                                  ) ss.  
COUNTY OF NEW CASTLE)

The foregoing instrument was acknowledged before me this December 3, 1987 by Thomas P. Laskaris, the Vice President of Wilmington Trust Company, a Delaware banking corporation, on behalf of said corporation.

  
Name: Marlene L. Lynch

Sworn to before me this  
3rd day of December, 1987.

(SEAL)

Notary Public for Delaware

My Commission Expires: 6/15/89

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11/15/87

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STATE OF DELAWARE     )  
                                  ) ss:  
COUNTY OF NEW CASTLE )

Dec 4 The foregoing instrument was acknowledged before me this  
4th day of December, 1987 by William J. Wade.

Carol G. Cichocki  
Name: Carol G. Cichocki

Sworn to before me this  
4th day of December, 1987

(SEAL)

Notary Public for Delaware

My Commission Expires: 5/11/89

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STATE OF OHIO            )  
                                  ) SS  
COUNTY OF HANCOCK    )

The foregoing instrument was acknowledged before me this 10th day of December, 1987 by G. E. Buroker, the President of Emro Marketing Company, a Delaware corporation, on behalf of said corporation.

  
\_\_\_\_\_  
Larry W. Whiteleather, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no expiration date.  
Section 147.03 R. C.

Sworn to before me this  
10th day of December, 1987

(SEAL)

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Page 1 of 2

## SCHEDULE 1 to Memorandum of Lease

### DESCRIPTION OF LEASED STATION

Address: 95th St. & 88th Ave.  
Hickory Hills, IL

	<u>Quantity</u>	<u>I t e m</u>
1.	1	Building 31' x 75' Masonry Construction
2.	1	Lusterlite, 37' x 102' with Lighting
3.	5	Tanks. Make: Clawson; Type: Steel Sizes: (5) 8,000
4.	4	Gilbarco Model MPD-1 Multiproduct Dispensers
5.	1	Gilbarco Model H111B Dispensers
6.	5	Pump Islands
7.	1	10' x 12' Trash Enclosure
8.	x	Concrete Paving
9.	x	Asphalt Paving
10.	4	Red Jacket Submerged Turbine Pumps
11.	5	Yard Lights and Poles
12.	1	ECO-Windy 1/2 H.P. Air Compressor
13.	x	Curbing and Drainage Structures
14.	x	Landscaping
15.	x	Set Custom Cabinets
16.	1	Snack Center Cabinet
17.	1	Gondolas & Store Shelving
18.	1	26' x 11'4" Tonka Walk-in Cooler with Shelving
19.	1	Gilbarco Model TCR-G Gasoline Console
20.	2	DTS Model 2100 Cash Register
21.	2	Bunn Coffee Maker
22.	1	Univ. Nolin 6' Cold Deli Case

80-52523



SCHEDULE 1  
to Memorandum of Lease

DESCRIPTION OF LEASED STATION

Address: 95th St. & 88th Ave.  
Hickory Hills, IL

	<u>Quantity</u>	<u>I t e m</u>
23.	1	Fogel 2-Door Storage Refrigerator
24.	4	Armour Safes
25.	x	Lot Store Room Shelving
26.	1	Manitowoc Ice Maker
27.	1	Univ. Nolin 3-Door Display Freezer
28.	1	Fogel 2-Door Storage Freezer
29.	1	Talk-A-Phone Intercom
30.	1	Pay Phones
31.	2	Goal Post ID/Price Sign & Pole
32.	2	American Sign Canopy Signs
33.	3	Benco Canopy Signs
34.	1	Omega Alarm System

Additional detail and specifications for the above appear in the complete set of "as built" plans and specifications maintained by the Lessee in accordance with Section 10(e) of the lease.

Lessor's Cost -- \$640,000.00

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## SCHEDULE 2 to Memorandum of Lease

### DESCRIPTION OF EXCLUDED ASSETS

The excluded assets shall consist of the following:

#### Description

Hot dog roller grill  
Bun warmer drawer  
Nacho merchandiser  
Nacho cheese warmer with pump and heated spout  
Chili warmer  
Popcorn popper  
Pretzel display  
Pizza display case  
Soup warmer kettle  
Microwave oven  
Slush machine (twin)  
Condiment unit  
Post mix dispenser  
Paper cup dispensers  
Foam cup dispensers  
Ice cube dispenser  
Triple jet spray - 1 whipper  
Fruit ade machine  
Cocoa dispenser  
Anchor wrapper and platens  
12" meat slicer  
Tomato slicer  
6' long worktable with stainless steel undershelf and casters  
Electronic portion scale  
Electronic retail scale  
Heat seal overwrapper  
Platter cart  
4' long worktable with stainless steel undershelf and casters  
Biscuit prep table  
Convection oven  
EZ over chicken display  
Spaceplate for spacing fryers  
14" deep electric fryer  
18" deep electric fryer  
Oil filtration unit  
Bread and batter unit  
Hot case with thermal shelf  
Custom built donut display case  
2-eye hot plate - electric  
Ice cream novelty merchandiser  
Video security equipment  
Video sales displays

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## SCHEDULE 3 to Memorandum of Lease

### DESCRIPTION OF SUBLEASED LAND

Situated in the County of Cook in the State of Illinois,  
to wit:

The West 225 feet of the North 200 feet of the Northwest Quarter (NW 1/4) of Section 11, Township 37 North, Range 12, East of the Third Principal Meridian (except that portion of said described land heretofore conveyed to the Department of Public Works and Buildings of the State of Illinois by warranty deed as document no. 12364494) in Cook County, Illinois (excluding street right of way on both streets)

23-11-100-003 W

Leased station address: W. 95th & 88th  
Hickory Hills, Illinois

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*Maell*

DEPARTMENT OF PUBLIC WORKS AND BUILDINGS  
CLERK'S OFFICE  
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