

# UNOFFICIAL COPY

8 7 6 7 3 3 1 2

LEASE SUPPLEMENT NO. 2

87673312

This LEASE SUPPLEMENT NO. 2, dated December 14, 1987, is made by and between WILMINGTON TRUST COMPANY, a Delaware banking corporation, 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).

## WITNESSETH:

WHEREAS, the Lessor and the Lessee have heretofore entered into the Lease Agreement dated as of September 15, 1987 (hereinafter the Lease; unless otherwise defined herein, the terms defined therein being used herein with the same meaning) and to which this Lease Supplement is a supplement;

WHEREAS, the Lease provides for the execution and delivery of a Lease Supplement for the purposes and otherwise as set forth in Section 2 thereof.

NOW, THEREFORE, in consideration of the mutual covenants and agreements confirmed in the Lease and other good and valuable consideration, receipt of which is hereby acknowledged, the Lessor and the Lessee hereby agree as follows:

(1) The Lessor does hereby lease to the Lessee, and the Lessee does hereby lease from the Lessor the Leased Station described in the Description of Leased Station attached hereto on Schedule 1, and the Lessor does hereby sublet to the Lessee and the Lessee does hereby sublet from the Lessor, the Lessor's leasehold interest in the Land as described on Schedule 3 hereto. All property described in the Description of Excluded Assets attached hereto as Schedule 2 is expressly excluded from the terms of the Lease and this Lease Supplement.

(2) The Lessee hereby confirms to the Lessor that the Lessee has accepted the Leased Station for all purposes hereof and of the Lease.

(3) The Lessee hereby confirms that the Leased Station conforms to specifications, is in good working order and repair and without defect in title, condition, design, operation or fitness for purpose, and is free and clear of all Liens except Liens permitted by Section 8 of the Lease; provided, however, that nothing contained herein or in the Lease shall in any way diminish or otherwise affect any right which the Lessee or the Lessor may have with respect to the Leased Station or any portion of it against any seller, contractor, subcontractor, manufacturer or installer thereof or others.

### RETURN TO:

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

87673312

# UNOFFICIAL COPY

8 7 6 7 3 3 1 2

(4) The Lessee hereby confirms that (i) good and marketable title to the Leased Stations purchased by Lessor pursuant to the Purchase Documents has been conveyed on the date hereof, free and clear of all Liens, other than Permitted Liens and (ii) that good and valid leasehold interest to the Land relating to the Leased Stations pursuant to the Ground Lease has been granted to the Lessor on the date hereof, free and clear of all Liens, other than Permitted Encumbrances.

(5) This Lease Supplement may be executed in any number of counterparts and by the different parties hereto on separate counterparts. The single executed original of this Lease Supplement marked "Original" shall be the "Original" and all other counterparts hereof shall be duplicates and be marked "Duplicate". To the extent that this Lease Supplement constitutes chattel paper, as such term is defined in the Uniform Commercial Code as in effect in any applicable jurisdiction, no security interest in this Lease Supplement may be created through the transfer or possession of any counterpart other than the "Original".

All the terms and provisions of the Lease are hereby incorporated by reference in this Lease Supplement to the same extent as if fully set forth herein.

County of Cook County Clerk's Office

87673312

# UNOFFICIAL COPY

8 7 6 7 3 3 1 2

IN WITNESS WHEREOF, the Lessor and the Lessee have each caused this Lease Supplement to be duly executed.

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

Witness Wm. R. I.  
Name: William R. I.

By [Signature]  
Name: Thomas F. [Signature]  
Title: Vice President

Witness [Signature]  
Name: [Signature]

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

Witness [Signature]  
Name: [Signature]

[Signature]  
Name: William J. Wade

Witness [Signature]  
Name: Annette L. Bosco

EMRO MARKETING COMPANY, as Lessee

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

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

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

87673312

# UNOFFICIAL COPY

8 7 6 7 3 3 1 2

IN WITNESS WHEREOF, the Lessor and the Lessee have each caused this Lease Supplement to be duly executed.

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

Witness \_\_\_\_\_

Name:

Witness \_\_\_\_\_

Name:

By \_\_\_\_\_

Name:

Title:

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

Witness \_\_\_\_\_

Name:

William J. Wade

Witness \_\_\_\_\_

Name:

EMRO MARKETING COMPANY,  
as Lessee

Witness *Robert J. Hamilton*

Name: *Robert J. Hamilton*

By *G. E. Buroker*

Name: *G. E. Buroker*

Title: President



Witness *Kevin G. Dowd*

Name: *Kevin G. Dowd*

87673312

# UNOFFICIAL COPY

8 7 6 7 3 3 1 2

Page 1 of 2

## SCHEDULE 1 to Lease Supplement

### DESCRIPTION OF LEASED STATION

Address: 1719 Western Avenue  
Chicago Heights, IL

	<u>Quantity</u>	<u>Item</u>
1.	1	Building 31' x 75' Masonry Construction
2.	1	Lusterlite Canopy, 57' x 100' with Lighting
3.	3	Tanks. Make: Owens Corning; Type: G-3 Sizes: (1) 12,000, (2) 10,000, (1) 8,000 (all existing)
4.	4	Gilbarco Model MPD-1 Multiproduct Dispensers
5.	1	Gilbarco Model H111B Dispensers
6.	5	Pump Islands
7.	x	Concrete Paving
8.	x	Asphalt Paving
9.	4	Red Jacket Submerged Turbine Pumps
10.	3	Yard Lights and Poles
11.	1	ECO 3/4 H.P. Air Compressor
12.	1	Set Custom Cabinets
13.	1	Snack Center Cabinet
14.	1	Gondolas & Store Shelving
15.	1	25'10" x 10'7" Volrath Walk-in Cooler with Shelving
16.	1	Gilbarco Model T12C Gasoline Console
17.	1	DTS Model 2100 Cash Register
18.	2	Bunn Coffee Maker
19.	1	Kelvinator 6' Cold Deli Case
20.	1	Fogel 2-Door Storage Refrigerator

87673312

# UNOFFICIAL COPY

8 7 6 7 3 3 1 2

Page 2 of 2

## SCHEDULE 1 to Lease Supplement

### DESCRIPTION OF LEASED STATION

Address: 1719 Western Avenue  
Chicago Heights, IL

<u>Quantity</u>	<u>Item</u>
21.	1 Plymold Booths
22.	4 Armor Safes
23.	1 Manitowoc Ice Maker
24.	1 Kelvinator 2-Door Display Freezer
25.	1 Fogel 2-Door Storage Freezer
26.	1 Talk-A-Phone Intercom
27.	2 Pay Phones
28.	1 3-Product ID/Price Sign & Pole
29.	2 American Sign Canopy Signs
30.	3 Benco Canopy Signs
31.	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 - - \$ 261,000.00

87673312

# UNOFFICIAL COPY

SCHEDULE 2  
to Lease Supplement

3 7 5 7 3 3 1 2

## 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

67673312

# UNOFFICIAL COPY

8 7 6 7 3 3 1 2

## SCHEDULE 3 to Lease Supplement

### DESCRIPTION OF SUBLEASED LAND

Situated in the Southwest 1/4 of the Southwest 1/4 of Section 19, Township 35 North, Range 14 East of the Third Principal Meridian, City of Chicago Heights, County of Cook, State of Illinois, and being more particularly described as follows:

That part of the North 102.50 feet lying South of a line 282.50 feet North of and parallel to the North right-of-way of the Joliet Branch of the Michigan Central Railroad and part of the East 200.00 feet of the West 250.00 feet of said Section 19.

P10 # 32-49-316-043 *M*

Leased station address: 1719 Western Ave.  
Chicago Heights, IL

87673312

*18 mail*

COOK COUNTY CLERK'S OFFICE  
171 N. WASHINGTON ST. CHICAGO, ILL. 60601  
TELEPHONE: 312-742-2000

87673312