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THIRD SUPPLEMENT

To

INDENTURE OF MORTGAGE AND DEED OF TRUST

ZAYRE THIRD REALTY CORP.

To

N.A. SHAWMUT BANK, N.A. Aud MAX GOLDSHIR, as Trusches

C/OPA'S OPEN Dated as of October 28, 1987 Supplementing the Indenture of Mortgage and Deed of Trust Dated as of December 15, 1969

This instrument prepared by and after recording return to: Daniel B. Seferian Csaplar & Bok One Winthrop Square Boston, MA 02110

Tax No. 24-21-300-008-000 24-21-300-010-0000か

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THIRD SUPPLEMENT TO INDENTURE OF MORTGAGE AND DEED OF TRUST, dated as of October 28, 1987 (herein called this Supplement), between ZAYRE THIRD REALTY CORP. (herein called the Company), a Delaware corporation, having an address at 770 Cochituate Road, Framingham, Massachusetts 01701, and SHAWMUT BANK, N.A., as trustee (herein, together with its successors and assigns as such trustee, called the Trustee), having its corporate trust office at One Federal Street, Boston, Massachusetts 02211, and MAX GOLDSMITH (as successor individual trustee to W.B. Wadland), as individual trustee, (herein called the individual Trustee), having an address at c/o Shawmut Bank, N.A., One Federal Street, Boston, Massachusetts 02211, as trustees (herein, together with all separate trustees and co-crustees appointed as provided in Section 8.6 of the Original Indenture as hereinaf e) defined, collectively called the Trustees).

PRELIMINARY STATEMENT

This Supplement amends and supplements the Indenture of Mortgage and Deed of Trust dated as of December 15, 1969, as amended by the Supplement to Indenture of Mortgage and Deed of Trust dated as of December 15, 1970 and the Second Supplement to Indenture of Mortgage and Deed of Trust dated as of October 1, 1985 (together herein called the Original Indenture). From the Company to the Trustees, duly recorded in the office of the Illinois Recorder of Deeds for Cook County (the Original Indenture, as amended and suppressed by this Supplement, being herein called the Indenture) covering the land described in Schedule A attached thereto, together with the improvements constructed thereon (said land and improvements being herein collectively called the Property).

The Company proposes to amend and supplement the Original Indenture in order to confirm the prepayment provisions with respect to the Series C

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Improvement Notes as set forth in the Commitment Letters dated August 23, 1985 among Zayre Corp., Krambo Corporation and each of the Holders of the Improvement Notes. The Company is duly authorized under all applicable provisions of law to execute and deliver this Supplement and to do such other things as are hereinafter set forth, and all action required by law and all corporate action on its part required therefor have been duly taken.

ARTICLE I

Amendments

The Company and the Trustees hereby agree that the Original Indenture shall be amended and supplemented as follows:

A new paragraph will be added at the end of Section 6.2 of the Original Indenture as follows:

The Company may, at its option, prepay in full or in part (but if in part, in an amount equal to at least \$100,000 of any one date) the then outstanding Series C Improvement Notes on or after January 1, 1996, at a price equal to 100% of the principal amount thereof to be prepaid, plus accrued and unpaid interest thereon to the date fixed for prepayment, together with a premium equal to the respective percentages of the principal mount of Series C Improvement Notes to be prepaid during the annual periods commencing with the first day of January in each of the years specified below:

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ARTICLE II

Supplement

This Supplement is expressly made supplemental to and a part of the Original Indenture.

ARTICLE III

Miscellaneous

Section 5.1. <u>Counterparts</u>. This Supplement may be executed in any number of counterparts and each thereof shall be deemed to be an original; and all such counterparts shall constitute but one and the same instrument.

Section 5.2. <u>Headings</u>. The headings of the various Articles,

Sections and Schedules herein have been inserted for convenient reference only
and shall not to any extent have the effect of modifying or amending the

express terms and provisions of this Suprisment.

ARTICLE IV

Incorporated Schedule

The following is Schedule A referred to in this Supplement.

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SCHEDULE A

PROPERTY DESCRIPTION

Α.

THAT PART OF THE WEST 2/3 OF THE SOUTH WEST 1/4 OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 33 FEET OF SAID SOUTH WEST 1/4 (SAID EAST ADE ALSO BEING THE EAST LINE OF CENTRAL AVENUE) WITH THE SOUTH LINE OF THE NORTH 33 OF SAID SOUTH WEST 1/4 (SAID SOUTH LINE ALSO BEING THE SOUTH LINE OF 115TH STREET); THENCE EAST ALONG THE SOUTH LINE OF 115TH STREET, 1537.18 FEET TO AN INTERSECTION WITH A LINE WHICH IS 200 FEET, MEASURED PERPENDICULARLY, WEST FROM AND PARALLEL WITH THE EAST LINE OF THE SAID WIST 2/3 OF THE SOUTH WEST 1/4; THENCE SOUTH ON LAST DESCRIBED LINE A DISTANCE OF 1217.79 FEET: THENCE NORTHWESTERLY ON A CURVE CONVEX TO THE NORTH EAST, HAVING A RADIUS OF 420 FEET AND AN ARC DISTANCE OF 529.45 FEET TO A POINT WHICH IS 959 FEET SOUTH FROM NORTH LINE OF SAID SOUTH WEST 1/4, AND 599.85 FEET, MEASURED PARALLEL WITH SAID NORTH LINE OF THE SOUTH WEST 1/4, WEST FROM THE EAST LINE OF SAID WEST 2/3 OF THE SOUTH WEST 1/4: THENCE WEST ALONG A LINE WHICH IS 959 FEET SOUTH FROM AND PARALLEL WITH NORTH LINE OF SAID SOUTH WEST 1/4, (SAID PARALLEL LINE BEING TANGENT 10 LAST DESCRIBED CURVE), A DISTANCE OF 1137.53 FEET TO A POINT ON THE EAST LINE OF CENTRAL AVENUE: THENCE NORTH ON THE EAST LINE OF CENTRAL AVENUE, A DISTANCE OF 926 FEET TO THE POINT OF BEGINNING, (EXCEPTING THOSE PARTS THEREOF TAKEN AND USED FOR 115th STREET AND CENTRAL AVENUE) IN COOK COUNTY, ILLINOIS.

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HONELDSEN, MARRIER

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THAT PART OF THE LAND FALLING IN THE NORTH 393 FEET OF THE SOUTH WEST E. 1/4 OF SECTION 21 AFORESAID AND ALSO THAT PART OF THE LAND LYING NORTHEASTERLY OF A CURVED LINE, HAVING A RADIUS OF 420 FEET, COMMENCING AT A POINT ON THE EAST LINE OF THE LAND, A DISTANCE OF 684.79 FEET SOUTH OF THE NORTH LINE OF SAID SOUTH WEST 1/4 OF SECTION 21 AND RUNS NORTHWESTERLY ALONG AFORESAID CURVED LINE A DISTANCE OF 529.44 FEET TO A POINT ON SAID SOUTH LINE OF THE NORTH 393 FEET OF THE WEST OF COOK COUNTY CLOTH'S OFFICE THE SOUTH WEST 1/4 SECTION 21.

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IN WITNESS WHEREOF, ZAYRE THIRD REALTY CORP. has caused this Supplement to be signed in its corporate name and its corporate seal to be hereunto affixed and attested by its officers thereunto duly authorized and SHAWMUT BANK, N.A., in token of its acceptance of the trusts created hereunder, has caused this Supplement to be signed in its corporate name and its corporate seal to be hereunte duly authorized, and MAX GOLDSMITH, in token of his acceptance of the trusts created hereunder, has hereunto set his hand and seal, all as of the day and year first above written.

	ZAYRE THIRD REALTY CORP.
Attest:	a
By:	President
Secretary '	1 7
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	Vige-President
[Seal]	40
	SHAWMUT LANK, N.A., as Trustee
Attest:	C
B•	By: Trust Officer
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	MAX GOLDSMITH, Individual Trustee
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SHAWMUT BANK, N.A., in token of its acceptance of the trusts created
hereunder, has caused this Supplement to be signed in its corporate name and
its corporate seal to be hereunto duly authorized, and NAX GOLDSMITH, in token
of his acceptance of the trusts created hereunder, has hereunto set his hand
and seal, all as of the day and year first above written.

	ZAYRE THIRD REALTY CORP.
Attest:	
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By:	Vice President
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	Treasurer
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	SHAWMUT BANK, N.A.,
	as Trustee
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By: Cel Mochand	By: Trust Officer
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	MAX GOLDSMITH,
	Individual Trustee

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County Clarks

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to wit:

COUNTY OF MIDDLESEX Before me. Shillo M. Lieberman, Notary Public of the state and county aforesaid, personally appeared Murice Locali & George Freezeway, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the President & Vice President of the Zayre Third Realty Corperation, the within named bargainor, a corporation, and that they as such freedent & . being authorized to do so, executed the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself as friedent & Vice President Witness my hand and seal, at office in Transcape MA, this The asy of December 1987. My commission expires the 30 day of 1993.

> Shella M. Beberman Notary Public My Commission Expires April 30, 1993

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Notary Public

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COUNTY OF Suffolk )
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Before me, Mary P. O'Heir of the state
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appeared Lee E. MacDonald , with whom I
am personally acquainted, and who, upon oath, acknowledged
herself to be the Authorized Officer
of Shawmut Bank, N.A., the within named corporation, a national
banking association, and that she as such Authorized Officer ,
being authorized to do so, executed the foregoing instrument
for the purpose therein contained, by signing the name of the
national banking association by herself as <u>Authorized Officer</u> .
Witness my hand and seal, at office
in Boston this 27th day of January,
1988.
My commission expires the $20^{+h}$ day
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appeared Max Goldsmith , w	ith whom I am	
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