

SECTION 3. Option to Purchase. Lessor hereby grants to Lessee the right, privilege and option to purchase the Property, for a purchase price and on the terms

SECTION 2. Lease. Lessor hereby demises and leases to Lessee the Property, in accordance with the provisions of the Lease, for a period commencing on January 1, 1989 and, unless terminated as provided therein, expiring at midnight on December 31, 1993.

SECTION 1. Definition and Reference to Lease. Capitalized terms used, but not defined, in this Memorandum shall have the meaning designated in the Lease.

NOW, THEREFORE, for good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, and intending to be bound by the Lease, the parties hereby covenant and agree as follows:

(B) Lessor and Lessee desire to record this Memorandum to set forth as a matter of public notice the rights granted to Lessee pursuant to the Lease.

(A) Reference is hereby made to that certain Industrial Building Lease dated as of the date hereof between Lessor and Lessee (the "Lease"), pursuant to which Lessor agreed to (i) lease to Lessee the real property legally described on Exhibit A attached hereto and made a part hereof, all improvements and personal property now located thereon and all appurtenances belonging to or in any way pertaining thereto (all of the above being collectively referred to as the "Property"), and (ii) grant to Lessee the option to acquire the Property.

WHEREAS:

WITNESSETH:

MEMORANDUM OF LEASE AND OPTION (this "Memorandum"), dated as of November 24, 1988 between BERKSHIRE FOODS, INC., an Illinois corporation ("Lessee") and AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, as Trustee under Trust Agreement dated November 24, 1986 and known as 100661-08 ("Lessor").

MEMORANDUM OF LEASE AND OPTION

After recording return  
to:  
Robert Bellmer  
20 S. Clark, Suite 600  
Chicago IL 60603



This instrument was prepared and after recording is to be returned by MAIL  
Brian L. Deveau, Esq.  
Rudnick & Wolfe  
203 North LaSalle Street, Suite #1800  
Chicago, Illinois 60601

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51183209

~~Name: Edward J. [unclear]~~  
~~Title: [unclear]~~

ATTEST:

Name: [unclear]  
Title: [unclear]

By:

BERKSHIRE FOODS INC.

LESSEE:

18712068

Property of Cook County Clerk's Office

Name: [unclear]  
Title: [unclear]

ATTEST:

Name: [unclear]  
Title: [unclear]

By:

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, as Lessee as herein described

LESSOR:

IN WITNESS WHEREOF Lessor and Lessee have caused this Memorandum to be duly executed as of the date first above written.

SECTION 6. Lease Controls. This Memorandum is intended solely as notice to third parties of the existence of the Lease and the Option and is not intended to set forth the terms thereof. In the event of any inconsistency between the Lease and this Memorandum, the Lease shall control.

SECTION 5. Covenant Running with the Land. The provisions herein shall inure to the benefit of and bind the successors and assigns of the parties hereto and shall be a covenant running with the land.

SECTION 4. Termination. Except as may be provided in Section 3 for the earlier termination of the Option, the rights herein granted shall terminate upon the termination of the Lease.

shall in no event be exercisable later than September 30, 1992. Without limitation of the foregoing, the Option set forth in the Lease (the "Option").

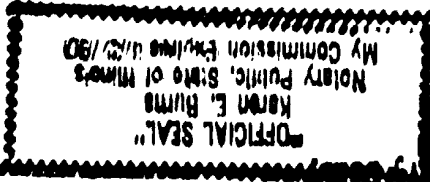
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Property of Cook County Clerk's Office

Commission Expires: \_\_\_\_\_



Notary Public  
*[Signature]*

GIVEN under my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 198\_\_

I, \_\_\_\_\_, a Notary Public in and for said County in the State of Illinois, do hereby certify that \_\_\_\_\_, President of AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, a national banking association, and \_\_\_\_\_, Secretary of said association 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 they signed and delivered the said instrument as said Secretary and \_\_\_\_\_, Secretary, respectively, and said \_\_\_\_\_ caused the seal of said association to be affixed thereto, pursuant to authority given by said association, as their free and voluntary act and as the free and voluntary act of said association for the uses and purposes therein set forth.

STATE OF ILLINOIS )  
COUNTY OF COOK )  
SS. )  
Karen E. Burns )

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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

I, ANNETTE M. WAICKUS a Notary Public in and for said County in the State aforesaid, do hereby certify that T. E. GOSWAMI, personally known to me to be a \_\_\_\_\_ President of BERKSHIRE FOODS, INC., an Illinois corporation, and EDWARD A. GOSWAMI personally known to me to be an ASST Secretary 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 they signed and delivered the said instrument as said \_\_\_\_\_ President and ASST Secretary, respectively, and said \_\_\_\_\_ Secretary caused the Seal of said corporation to be affixed thereto, pursuant to authority given by said corporation, as their free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 3 day of JANUARY 1989 ~~December, 1988~~

Annette M. Waickus  
Notary Public

Commission Expires:

12-10-92

" OFFICIAL SEAL "  
ANNETTE M. WAICKUS  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 12/10/92

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## EXHIBIT A

PARCEL 1: THAT PART OF LOT 3, LYING SOUTH OF EAST 107th STREET, AS DEDICATED BY DOCUMENT NUMBER 21322160, RECORDED NOVEMBER 19, 1970, IN ENJAY CONSTRUCTION COMPANY'S PULLMAN INDUSTRIAL DISTRICT, BEING A SUBDIVISION OF PARTS OF THE WEST 1/2 OF SECTION 14 AND THE EAST 1/2 OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN HYDE PARK TOWNSHIP, COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY LINE OF SAID LOT 3, BEING THE WESTERLY LINE OF THE 30 FOOT RIGHT OF WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD, WITH THE SOUTH LINE OF EAST 107th STREET, AS NOW DEDICATED, SAID LINE BEING DRAWN PARALLEL WITH AND 262.21 FEET SOUTH OF THE NORTH LINE OF SAID LOT 3; THENCE WEST ALONG SAID SOUTH LINE, A DISTANCE OF 386.20 FEET TO THE WEST LINE OF THE NORTH EAST 1/4 OF SAID SECTION 15; THENCE CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 67.96 FEET TO THE WEST LINE OF SAID LOT 3; THENCE SOUTH ALONG SAID WEST LINE, A DISTANCE OF 561.02 FEET, TO A POINT 424.72 FEET NORTH OF THE SOUTH WEST CORNER OF SAID LOT 3; THENCE SOUTH EASTERLY ALONG A CURVED LINE, CONVEXED TO THE SOUTH WEST, WITH A RADIUS OF 393.06 FEET, THE RADIAL LINE OF SAID CURVED LINE FORMS AN ANGLE OF 66 DEGREES 53 MINUTES 14 SECONDS, FROM NORTH TO EAST WITH THE AFORESAID WEST LINE, A DISTANCE OF 109.42 FEET (ARC); THENCE SOUTH EASTERLY ON A STRAIGHT LINE, TANGENT TO THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 80 FEET; THENCE SOUTH EASTERLY ON A CURVED LINE, TANGENT TO THE LAST DESCRIBED STRAIGHT LINE, CONVEXED TO THE NORTH EAST WITH A RADIUS OF 373.06 FEET, A DISTANCE OF 187.82 FEET (ARC), TO THE SOUTHERLY LINE OF SAID LOT 3; BEING THE NORTHERLY LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT OF WAY; THENCE NORTH EASTERLY ALONG SAID SOUTHERLY LINE, BEING A CURVED LINE, CONVEXED TO THE SOUTH EAST, WITH A RADIUS OF 291.50 FEET, A DISTANCE OF 102.44 FEET (ARC); THENCE NORTH EASTERLY ON A STRAIGHT LINE, TANGENT TO THE LAST DESCRIBED LINE, A DISTANCE OF 25.89 FEET TO THE SOUTH EAST CORNER OF SAID LOT 3; THENCE NORTH EASTERLY ALONG THE EASTERLY LINE OF SAID LOT 3, BEING THE WESTERLY LINE OF AFORESAID 30 FOOT RIGHT OF WAY, A DISTANCE OF 803.71 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF LOT 3, LYING SOUTH WESTERLY OF A 20 FOOT STRIP OF LAND FOR SWITCH TRACK RIGHT OF WAY, IN ENJAY CONSTRUCTION COMPANY'S PULLMAN INDUSTRIAL DISTRICT, BEING A SUBDIVISION OF PARTS OF THE WEST 1/2 OF SECTION 14 AND THE EAST 1/2 OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH WEST CORNER OF SAID LOT 3; THENCE NORTH EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 3, BEING THE NORTHERLY LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT OF WAY, A CURVED LINE CONVEXED TO THE SOUTH EAST, WITH A RADIUS OF 291.50 FEET, A DISTANCE OF 214.46 FEET (ARC) TO THE INTERSECTION WITH THE SOUTHERLY LINE OF A 20 FOOT STRIP OF LAND FOR SWITCH TRACK RIGHT OF WAY; THENCE NORTH WESTERLY ALONG SAID SOUTH WESTERLY LINE, CONVEXED TO THE NORTH EAST, WITH A RADIUS OF 373.06 FEET, A DISTANCE OF 187.82 FEET (ARC); THENCE NORTH WESTERLY ON A STRAIGHT LINE, TANGENT TO THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 80.0 FEET; THENCE NORTH WESTERLY ON A CURVED LINE CONVEXED TO THE SOUTH WEST, WITH A RADIUS OF 393.06 FEET, A DISTANCE OF 109.33 FEET (ARC) TO THE WEST LINE OF AFORESAID LOT 3; THENCE SOUTH ALONG SAID WEST LINE, A DISTANCE OF 424.72 FEET TO THE POINT OF BEGINNING, TOGETHER WITH THE EAST 31.67 FEET OF THE SOUTH 2 FEET OF LOT 4 AND THE EAST 31.67

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FEET OF LOT 5 THEREOF IN THE AFORESAID ENJAY CONSTRUCTION COMPANY'S PULLMAN INDUSTRIAL DISTRICT, ALL IN COOK COUNTY, ILLINOIS.

P.I.N: 25-14-300-12

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COOK COUNTY RECORDER

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