

UNOFFICIAL COPY

9 0 5 1 7 7 3

This instrument was prepared by and after recording is to be returned to:

90517773

Joseph J. Sperber, Esq.
Davis Polk & Wardwell
1 Chase Manhattan Plaza
New York, New York 10005

90517773

=====

FIRST AMENDMENT TO MEMORANDUM OF RESTATED GROUND LEASE

AMENDMENT (this "Amendment"), dated as of October 10, 1990 between MORGAN GUARANTY TRUST COMPANY OF NEW YORK, a New York corporation, as Trustee under Declaration of Trust dated December 9, 1960 for the Commingled Pension Trust Fund (Special Situation Investments - Real Estate), having an address at 522 Fifth Avenue, New York, New York 10036 ("Lessor"), and ROUSE-LANDHURST SHOPPING CENTER, INC., a Maryland corporation having an address at 10275 Little Patuxent Parkway, Columbia, Maryland 21044 ("Lessee").

WITNESSETH:

DEPT-01 RECORDING \$19.00
T#5555 TRAN 8134 10/23/90 15:31:00
#4703 #E *-90-517773
COOK COUNTY RECORDER

WHEREAS*:

A. Reference is hereby made to that certain Restated Ground Lease dated as of October 27, 1988 between Lessor and Lessee (the "Lease") and that certain Memorandum of Restated Ground Lease dated as of October 27, 1988 between Lessor and Lessee which was recorded on October 31, 1988 in the Office of the Recorder of Cook County, Illinois as Document No. 88501075 and registered in the Office of the Registrar of Titles for said County as Document No. LR3750217 (the "Memorandum"), which Lease affects the Land described therein and in Exhibit A hereto.

B. Reference is also hereby made to that certain First Amendment to Ground Lease dated as of the date hereof between Lessor and Lessee (the "First Amendment to Lease") whereby the Lessor and Lessee made certain amendments to the Lease deleting provisions relating to Rent Shortfalls effec-

* Capitalized terms not otherwise defined herein are defined in Section 1.

90517773

71-78-297

Box 333

1900

UNOFFICIAL COPY

80001000

80001000

Property of Cook County Clerk's Office

80001000

UNOFFICIAL COPY

9 0 5 1 7 7 3

tive as of July 1, 1988 and certain other amendments to the Lease effective as of the date thereof.

C. Lessor and Lessee desire to record this Amendment as a memorandum of the First Amendment to Lease and to amend the Memorandum as set forth herein and to record this Amendment as a memorandum of the Lease and the First Amendment on the date hereof in the Office of the Recorder of Cook County, Illinois and in the Office of the Registrar of Titles for said County.

NOW, THEREFORE, in consideration of the premises, in consideration of the covenants and agreements set forth in the Lease, and intending to be bound by the Lease and hereby, the parties hereby agree that the Memorandum is hereby amended as follows:

SECTION 1. Capitalized terms used, but not defined, in this Amendment are defined in, or by reference in, Section 1.1 of the Lease as amended by the First Amendment to Lease and have the same meanings herein as therein.

SECTION 2. Lessor and Lessee intend that this Amendment shall constitute a memorandum of the First Amendment to Lease which amends certain provisions of the Lease referred to in Section 5 of the Memorandum.

SECTION 3. The First Amendment to Lease contains the following provision:

"SECTION 9. Section 19 of the Lease is hereby amended by deleting from the twenty-fifth through thirty-first lines thereof the following words:

'to the Lender, all Cumulative Shortfall Interest (if any) accrued or accruing on the Loans and the Notes on the payment date and unpaid; and to Lessor, all Cumulative Shortfall Rent accrued or accruing under this Lease on the payment date and unpaid;'

and inserting the word '[Reserved.]' in their place."

SECTION 4. Except as specifically amended by the First Amendment to Lease and hereby all of the provisions of the Memorandum shall remain in full force and effect and are hereby ratified and confirmed and from and after the effective dates of the First Amendment to Lease, all of the terms, covenants, conditions and other provisions of the Lease as

UNOFFICIAL COPY

Property of Cook County Clerk's Office

11/11/11

UNOFFICIAL COPY

9 0 5 1 7 7 3

amended by the First Amendment to Lease all are incorporated in this Amendment by reference and the Lease, the First Amendment to Lease, the Memorandum and this Amendment shall be deemed to be a single document.

SECTION 5. No provision of this Amendment shall be modified, waived or terminated, except by an instrument in writing, signed by the party against whom enforcement of such modification, waiver or termination is to be enforced.

SECTION 6. This Amendment shall be governed by and construed in accordance with the laws of the State of Illinois.

SECTION 7. This Amendment may be signed in any number of counterparts, each of which shall be deemed by be an original with the same effect as if the signatures thereto and hereto were upon the same instrument, and it shall not be necessary in making proof hereof to produce or account for more than one such counterpart.

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Property of Cook County Clerk's Office

00000000

UNOFFICIAL COPY

9 0 5 1 7 7 3

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

LESSOR:

MORGAN GUARANTY TRUST COMPANY
OF NEW YORK, as Trustee
under Declaration of Trust
dated December 9, 1960 for
the Commingled Pension Trust
Fund (Special Situation
Investments - Real Estate)

By:

James M. Walsh
Name: James M. Walsh
Title: Vice President

[Corporate Seal]

Attest:

Donna Bonafide
Name: Donna Bonafide
Title: Assistant Secretary

LESSEE:

ROUSE RANDHURST SHOPPING
CENTER, INC.

By:

Anthony W. Grabus, Jr.
Name: Anthony W. Grabus, Jr.
Title: Vice President

[Corporate Seal]

Attest:

Kathleen E. Barry
Name: Kathleen E. Barry
Title: Assistant Secretary

UNOFFICIAL COPY

Property of Cook County Clerk's Office

00000000

UNOFFICIAL COPY

9 0 5 1 7 7 3

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, Deborah A. DeMaio a Notary Public
in and for said County in the State aforesaid, do hereby
certify that James M. Walsh, personally known to me to be a
Vice President of MORGAN GUARANTY TRUST COMPANY OF NEW YORK,
a New York corporation, and Donna Bonafide, personally known
to me to be an Assistant 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 Vice Presi-
dent and Assistant Secretary, respectively, and said Assis-
tant Secretary 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 of said
corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 17 day
of October, 1990.

Deborah A. DeMaio

Notary Public

[Notary Seal]

Commission Expires:

DEBORAH A. DeMAIO

State of New York No. 69-428145

Qualified in Bronx County

Cert. Filed in New York County

Commission Expires 12/22/90

UNOFFICIAL COPY

Property of Cook County Clerk's Office

COOK COUNTY CLERK'S OFFICE
PROPERTY OF COOK COUNTY CLERK'S OFFICE
PROPERTY OF COOK COUNTY CLERK'S OFFICE
PROPERTY OF COOK COUNTY CLERK'S OFFICE

00000000

UNOFFICIAL COPY

9 0 5 1 7 7 7 3

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

I, DIANE F GRUBERGER a Notary Public in and for said County in the State aforesaid, do hereby certify that Anthony W. Grabus, Jr., personally known to me to be a Vice President of ROUSE-RANDHURST SHOPPING CENTER, INC., a Maryland corporation, and Kathleen E. Barry, personally known to me to be an Assistant 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 Vice President and Assistant Secretary, respectively, and said Assistant Secretary 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 of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 18th day of October, 1990.

Diane F. Gruberger
Notary Public

[Notary Seal]

Commission Expires:

NOVEMBER 30, 1990

DIANE F GRUBERGER
Notary Public, State of New York
No. 24-6192600
Qualified in Richmond County
Commission Expires November 30, 1990

UNOFFICIAL COPY

Property of Cook County Clerk's Office

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08/14/01 BY 60322/UC/STP

00000000

UNOFFICIAL COPY

9 0 5 1 7 7 3

EXHIBIT A

Description of the Land

Lots One and Two in Randhurst Center Resubdivision - No. 1, being a resubdivision of Lot One in Randhurst Center, being a subdivision of part of the Southeast 1/4 of Section 27, Township 42 North, Range 11 East of the 3rd Principal Meridian, Cook County, Illinois, according to the Plat of said Randhurst Center Resubdivision - No. 1 recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 87400581 and registered in the Office of the Registrar of Titles of said County as Document No. 3637429.

LESS AND EXCEPTING from Said Lot One that part of the West 1/2 of the South East 1/4 of Section 27, Township 42 North, Range 11, East of the Third Principal Meridian, (except that part thereof falling in a 100 foot strip conveyed to the County of Cook by Deed recorded May 6, 1941 as Document 12674702 and filed May 5, 1941 as Document 1r. 895623) described as following: beginning at the South West corner of the South East 1/4 of said Section 27; thence on an assumed bearing of North 00 degrees 00 minutes 33 seconds East along the West line of said South East 1/4 259.99 feet; thence South 89 degrees 59 minutes 27 seconds East 50.00 feet to the Easterly right of way line of Elmhurst Road as dedicated per Plat recorded September 24, 1928 as Document 10155704 in said County; thence South 34 degrees 48 minutes 52 seconds East 99.76 feet; thence South 45 degrees 31 minutes 35 seconds East 168.13 feet; thence South 67 degrees 48 minutes 12 seconds East 74.96 feet to the Northerly right of way line of Kensington Road (Foundry Road); thence South 00 degrees 10 minutes 27 seconds West 32.88 feet to the South line of the South East 1/4 of said Section 27; thence North 89 degrees 49 minutes 33 seconds West along said South line 296.28 feet to the Point of Beginning).

TOGETHER WITH AND SUBJECT TO that certain Declaration of Reciprocal Easements dated as of July 21, 1987 by LaSalle National Bank, as Trustee under Trust Agreement dated May 5, 1981 and known as Trust No. 103910, and recorded in the Office of the Recorder of Deeds of Cook County, Illinois

90517773

UNOFFICIAL COPY

Property of Cook County Clerk's Office

000000

UNOFFICIAL COPY

9 0 5 1 7 7 3

as Document No. 87408582 and registered in the Office of the Registrar of Titles of said County as Document No. 3637430.

PIN: 03-27-401-077

Common Street Address: Rand Road and Elmhurst Road
Mt. Prospect, Illinois

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Property of Cook County Clerk's Office

00000000