

MEMORANDUM OF LEASE

MEMORANDUM OF LEASE, dated as of DECEMBER 29, 1989, between American National Bank and Trust of Chicago as Trustee under Trust Agreement dated May 2, 1988 known as Trust Number 10524908, having an address of 4104 North Harlem Avenue, Chicago, Illinois 60634 ("Landlord"), and J. C. PENNEY COMPANY, INC., a Delaware corporation, having an address at 14841 North Dallas Parkway, Dallas, Texas 75240 ("Tenant"),

WITNESSETH:

For and in consideration of the sum of Ten Dollars and other valuable consideration paid by Tenant to Landlord, the receipt and sufficiency of which is hereby acknowledged:

1. Landlord by Indenture of Lease bearing even date herewith ("the Lease") has demised and leased to Tenant and Tenant has leased from Landlord, and Landlord hereby demises and leases to Tenant and Tenant hereby leases from Landlord, upon and subject to the terms, covenants and conditions set forth in the Lease certain premises (the "Demised Premises") consisting of 1,700 square feet of floor area (as shown crosshatched on Exhibit B attached hereto) within the Dunning Square Shopping Center, which Shopping Center land area is legally described on Exhibit A attached hereto; and Landlord by the Lease has granted, and Landlord hereby grants, to Tenant for the hereinafter stated lease term:

(a) the quiet and undisturbed possession of the Demised Premises and all easements and appurtenances appertaining thereto;

(b) an easement for the use, by Tenant, its customers, employees and invitees and the customers, employees and invitees of any subtenant of Tenant in common with Landlord and other tenants and occupants of space situated within the Entire Premises and their customers, employees and invitees, of the areas reserved for parking and an easement for the use of the sidewalks, aisles, malls, streets, driveways and other common facilities located within the Entire Premises without being required to pay any charge or fee whatsoever for the use.

TO HAVE AND TO HOLD the same for a term commencing as of the earlier of (i) the date that Tenant opens its store in the Demised Premises to the public for business, or (ii) the date which is thirty (30) days after completion of the work required to be performed by Landlord in the article of the Lease captioned "DELIVERY OF PREMISES" (the Commencement Date) and, unless extended or sooner terminated under the provisions of this Lease, terminating five (5) years from the first day of the first month immediately following such Commencement Date; provided, however, that if such Commencement Date is the first day of a month, such term shall continue thereafter to and including the date which is the aforesaid number of years from such Commencement Date.

2. Landlord by the Lease has granted, and Landlord hereby grants to Tenant, one (1) option to extend such lease term, for an additional period of five (5) years, from the date upon which such term would otherwise expire, such option to be exercised by Tenant's notifying Landlord of such exercise in the manner specified in the Lease at least six (6) months before the beginning of the additional period for which such term is to be so extended and such extension to be upon and subject to the terms, covenants and conditions stated in the Lease.

The parties hereto by reference incorporate herein all the terms, covenants, and conditions contained in the Lease and agree to observe, conform to and comply with such terms, covenants and conditions on the part of each to be observed and performed. For a complete statement of the rights, privileges and obligations created under and by said instrument and of the terms, covenants and conditions contained therein, reference is hereby made to the Lease.

DEPT-01 RECORDING

\$16.00

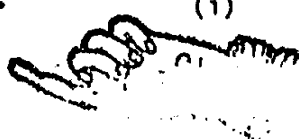
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#5800 # *90-103498

COOK COUNTY RECORDER

90103498

RETURN RECORDED DOCUMENT TO:
J.C. PENNEY COMPANY, INC.
1750 East Golf Road
Schaumburg, IL 60173-5049
ATTN: REAL ESTATE DEPT.

(1)


43678-EDPR-042

UNOFFICIAL COPY

Property of Cook County Clerk's Office

11/11/2011

RETURN RECORDED DOCUMENT TO:
J.C. PENNEY COMPANY, INC.
1750 East Golf Road
Schaumburg, IL 60173-2049
ATTN: REAL ESTATE DEPT.

11/11/2011

UNOFFICIAL COPY

IN WITNESS WHEREOF, Landlord and Tenant have caused this Memorandum of Lease to be duly executed and sealed as of the day and year first above written.

This instrument is executed by the undersigned Land Trustee, not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all of the warranties, indemnities, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. No personal liability or personal responsibility is assumed by or shall at any time be assessed or enforceable against the Trustee on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the Trustee in this instrument.

American National Bank and Trust
of Chicago as Trustee under Trust
Agreement Dated May 2, 1988 known as
Trust Number 10524908

[Signature]
Assistant Secretary

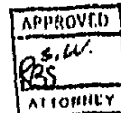
By: *[Signature]*
Vice President
J. Michael Whelan

ATTEST:

J. C. PENNEY COMPANY, INC.

[Signature]
Assistant Secretary
Cornelius T. Dorans

By: *[Signature]*
Director of Real Estate
Operations
Michael Lowenkron



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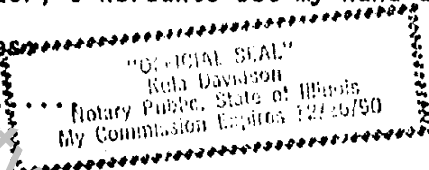
STATE OF
COUNTY OF

} ss.:

On this the day of JAN 5 1990, 1989, before me, a Notary Public duly authorized in and for the said County in the State aforesaid to take acknowledgments, personally appeared J. MICHAEL WIDYAN, to me known and known to me to be Vice President of American National Bank and Trust of Chicago as Trustee under Trust Agreement dated May 2, 1988 known as Trust Number 10524908, one of the corporations described in the foregoing instrument, and acknowledged that such officer, being authorized so to do, he executed the foregoing instrument on behalf of said corporation by subscribing the name of such corporation by himself as such officer and caused the corporate seal of said corporation to be affixed thereto, as his free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires



Kela Davidson
Notary Public

STATE OF TEXAS
COUNTY OF DALLAS

} ss.:

This instrument was acknowledged before me on the 12th day of , 1989 by Michael Lowenkron, Director of Real Estate Operations of J. C. PENNEY COMPANY, INC., a Delaware corporation, on behalf of said corporation.

Betty Sue Wickware
Notary Public, State of Texas



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EXHIBIT A

LEGAL DESCRIPTION OF DEMISED PREMISES AND ENTIRE PREMISES

The Demised Premises consists of 1,700 square feet of floor area which is crosshatched on Exhibit B to this Memorandum of Lease, being a portion of the Entire Premises, and situated in the City of Chicago, County of Cook, and State of Illinois, said Entire Premises being more particularly described as follows:

THAT PART OF THE FRACTIONAL SOUTH EAST 1/4 OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF A LINE DRAWN 33 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTH EAST 1/4 AND A LINE DRAWN 33 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTH EAST 1/4; THENCE SOUTH 89 DEGREES 50 MINUTES 26 SECONDS WEST, A DISTANCE 140 FEET ALONG SAID PARALLEL LINE TO POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 50 MINUTES 26 SECONDS WEST ALONG LAST DESCRIBED LINE A DISTANCE OF 628.63 FEET TO A POINT; THENCE NORTH 00 DEGREE, 09 MINUTES, 34 SECONDS WEST ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED LINE, A DISTANCE OF 175.00 FEET; THENCE NORTH 27 DEGREES, 20 MINUTES, 39 SECONDS EAST, A DISTANCE OF 216.54 FEET; THENCE NORTH 00 DEGREES, 09 MINUTES, 34 SECONDS WEST A DISTANCE OF 177.93 FEET TO THE INTERSECTION WITH A LINE 578.00 FEET NORTH AND PARALLEL WITH THE SOUTH LINE OF THE SOUTH EAST 1/4 OF SECTION 18 AFORESAID; THENCE NORTH 89 DEGREES, 50 MINUTES, 26 SECONDS EAST, A DISTANCE OF 668.36 FEET ALONG SAID PARALLEL LINE TO THE POINT OF INTERSECTION WITH A LINE 33 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTH EAST 1/4 OF SECTION 18 AFORESAID; THENCE SOUTH 00 DEGREES, 11 MINUTES, 16 SECONDS EAST, A DISTANCE OF 400 FEET ALONG SAID PARALLEL LINE TO A POINT; THENCE SOUTH 89 DEGREES 50 MINUTES 26 SECONDS WEST A DISTANCE OF 140 FEET. THENCE SOUTH 00 DEGREES 11 MINUTES 16 SECONDS WEST A DISTANCE OF 145 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS FEET.

Attached to and forming part of Memorandum of Lease, dated as of December 29, 1989, by and between American National Bank and Trust of Chicago as Trustee under Trust Agreement dated May 2, 1988 known as Trust Number 10524908, as Landlord, and J. C. Penney Company, Inc., as Tenant, covering premises at Dunning Square Shopping Center, Chicago, Illinois.

Initialed for
identification
for Landlord:

By: *[Signature]*

Initialed for
identification
for Tenant:

By: *[Signature]*
Attorney

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1998

INVESTIGATION REPORT

On 10/15/98, the Chicago Police Department received a report from a confidential source that...

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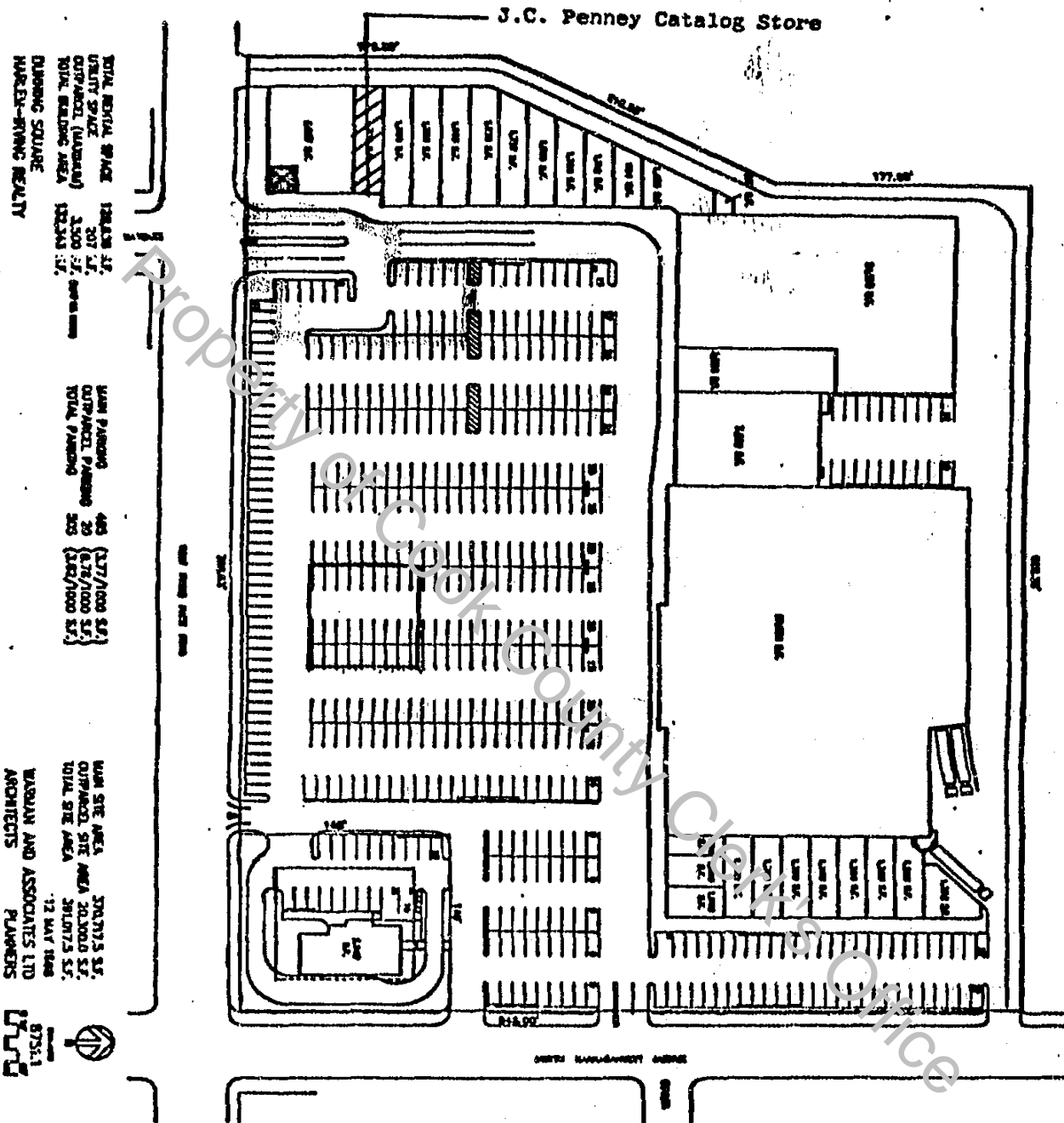
CHICAGO POLICE DEPARTMENT
1000 N. LAKE ST. CHICAGO, IL 60610

CHICAGO POLICE DEPARTMENT
1000 N. LAKE ST. CHICAGO, IL 60610

UNOFFICIAL COPY

EXHIBIT B

PLAT OF THE ENTIRE PREMISES (For store location purposes only)



Attached to and forming part of Memorandum of Lease, dated as of December 24, 1989, by and between American National Bank and Trust of Chicago as Trustee under Trust Agreement dated May 2, 1988 known as Trust Number 10524908, as Landlord, and J. C. Penney Company, Inc., as Tenant, covering premises at Dunning Square Shopping Center, Chicago, Illinois.

Initialed for identification for Landlord:

By.....

Initialed for identification for Tenant:

By S.W. Attorney

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