

UNOFFICIAL COPY

*Cook County, Ill.
Denny*

BOX 333 - TH

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72 41 565
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72 33 780
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72 33 782

This instrument was prepared by, and after recording should be returned to

Shearman & Sterling
599 Lexington Avenue
New York, New York 10022
Attention: Alan S. Cohen, Esq.

90369361

ASSIGNMENT

22⁰⁰

FOR VALUE RECEIVED, Denny's, Inc., a California corporation ("Assignor"), hereby ASSIGNS, CONVEYS, SELLS AND TRANSFERS to Citibank, N.A. as Agent for the Lenders under the Credit Agreement referred to below ("Assignee"), all of Assignor's right, title and interest in, to and under Section 5.18 of that certain Indenture dated as of July 12, 1990 between Denny's Realty, Inc. and State Street Bank and Trust Company, as trustee (the "Trustee") (the "Indenture"), as described in that certain Notice of Right of First Offer, dated as of July 12, 1990, made by the Trustee and the Assignor being recorded simultaneously herewith.

This Assignment is ABSOLUTE, UNCONDITIONAL and IRREVOCABLE, and it is the intention of the parties hereto that this Assignment does not constitute the mere passing of a security interest or an assignment for additional security purposes. Notwithstanding the foregoing intentions, if the assignment contemplated hereby is for any reason not effective in any respect or if by reason of any law or judicial decision the intention of the parties that this Assignment be absolute, unconditional and irrevocable is not fulfilled, then, in such event, shall this Assignment be deemed to constitute a security agreement granting a security interest in the personal property purported to be assigned hereby to secure the obligations of TW Services, Inc. and TWS Funding, Inc. (collectively the "Borrowers") pursuant to that certain Credit Agreement dated as of November 1, 1989, by and between the Borrowers, Assignee, the Bank of Nova Scotia and LTCB Trust Company, as Co-Agents, and the lenders parties thereto (the "Credit Agreement"). For the purpose of giving notice of this Assignment (and not for evidencing a security interest except as provided in the immediately prior sentence) this Assignment shall be recorded in each place where each Mortgage (as defined in the Indenture) is recorded.

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COOK COUNTY, ILLINOIS
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Assignor hereby irrevocably authorizes Assignee, and grants Assignee an irrevocable power of attorney coupled with an interest, to give notice to the Trustee of Assignee's rights hereunder and to do anything Assignee deems necessary or prudent in connection with enforcing the Assignment and to achieve the ends intended to be achieved hereby.

This Assignment shall be governed by New York law.

This Assignment shall be binding upon, and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, this Assignment is made effective this 10 day of July, 1990.

ATTEST:

By: [Signature]
Secretary

[Seal]

DENNY'S, INC.

By: [Signature]
V.P.

The foregoing Assignment is accepted by Citibank, N.A., as Agent, this 12 day of July, 1990.

CITIBANK, N.A., a
national banking
association, as Agent

ATTEST:

[Signature]
Secretary

[Seal]

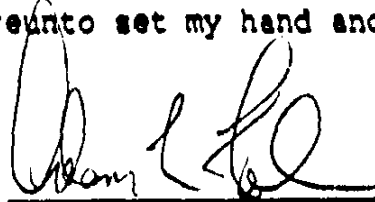
By: [Signature]
Vice President

90369361

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

On this 11th day of July, 1990, before me, the undersigned officer, personally appeared Mark H. Minter (residing at 14 Shinnecock Place, Weston, CT 06893), and Gregory J. Koczanski (residing at 61 Sardin Ave, New Canaan, CT 06840) personally known and acknowledged themselves to me to be the (Vice) President and (Assistant) Secretary respectively of Citibank, N.A., that as such officers, being duly authorized to do so pursuant to its by laws or a resolution of its board of directors, executed and acknowledged the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by themselves as such officers as their free and voluntary act and deed and the free and voluntary act and deed of said Corporation.

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



Notary Public

My Commission Expires:

ADAM FRANK
Notary Public, State of New York

Notary Public, State of New York

Cook County Clerk's Office

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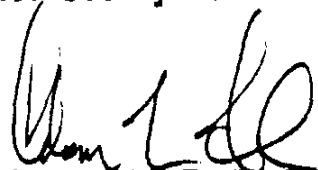
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STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

On this 11th day of July, 1990, before me, the undersigned officer, personally appeared ROBERT J. KRIST (residing at 23762 Barquilla, Mission Viejo, California 92691), and PAUL J. GEIGER (residing at 5516 Paseo Gilberto, Yorba Linda, California 92686), personally known and acknowledged themselves to me to be the (Vice) President and (Assistant) Secretary respectively of Denny's, Inc., a California corporation, that as such officers, being duly authorized to do so pursuant to its by laws or a resolution of its board of directors, executed and acknowledged the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by themselves as such officers as their free and voluntary act and deed and the free and voluntary act and deed of said Corporation.

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



Notary Public

My Commission Expires:

NOTARY PUBLIC
COUNTY OF NEW YORK
OUR COMMISSION EXPIRES ON _____
COMMISSION LICENSE NO. _____

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SCHEDULE "A"

LOT 7, EXCEPT THE EAST 132.00 FEET THEREOF, MEASURED AT RIGHT ANGLES TO THE EAST LINE THEREOF IN ROLLING MEADOWS INDUSTRIAL CENTER UNIT 2, BEING A SUBDIVISION IN THE WEST 1/2 OF SECTION 8, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

2905 Algonquin Road
Rolling Meadows

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08 08 123 016 0000

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SCHEDULE "A"

LOT G-2 IN THE SUBDIVISION OF ORLAND SQUARE PLANNED DEVELOPMENT IN THE WEST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, PER PLAT OF SUBDIVISION RECORDED AS DOCUMENT 23679530, IN COOK COUNTY, ILLINOIS.

70 Orland Square Drive
Orland Park

27 10 300 008 0000

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SCHEDULE "A"

TWO PART OF LOTS 1 AND 2 TAKEN AS A TRACT IN CODY AND OTHERS
SUBDIVISION OF THE EAST 1/2 OF THE NORTH WEST 1/4 AND THE NORTH WEST
1/4 OF THE NORTH WEST 1/4 OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 12
EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF SAID LOT 1 WHICH IS 70 FEET
SOUTH OF THE NORTH EAST CORNER OF SAID LOT 1; THENCE WEST ALONG A LINE
70 FEET SOUTH OF MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE
NORTH LINE OF SAID LOTS 1 AND 2 A DISTANCE OF 296 FEET; THENCE SOUTH AT
RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 56 FEET;
THENCE SOUTHEASTERLY ON A CURVED LINE TANGENT TO THE LAST DESCRIBED
COURSE, CONVEX TO THE SOUTH WEST HAVING A RADIUS OF 254.94 FEET A
DISTANCE OF 161.91 FEET TO A POINT IN A LINE EXTENDING FROM A POINT IN
THE WEST LINE OF SAID LOT 2 WHICH IS 428.97 FEET SOUTH OF THE NORTH
WEST CORNER OF SAID LOT 2 TO A POINT IN THE EAST LINE OF SAID LOT 1
WHICH IS 71.97 FEET SOUTH OF THE NORTH EAST CORNER OF SAID LOT 1;
THENCE NORTHEASTERLY ALONG SAID LINE EXTENDING FROM THE WEST LINE OF
SAID LOT 2 TO THE EAST LINE OF SAID LOT 1, A DISTANCE OF 320.62 FEET TO
THE EAST LINE OF SAID LOT 1; THENCE NORTH 1.97 FEET TO THE PLACE OF
BEGINNING (EXCEPTING THEREFROM THE EAST 50 FEET AS MEASURED ALONG THE
NORTH LINE THEREOF) IN COOK COUNTY, ILLINOIS

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7642 W. 98th ST

Hilltop Hill IL

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SCHEDULE "A"

THE SOUTH 150 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND;
THAT PART OF THE SOUTH 1/2 OF THE SOUTH WEST 1/4 OF SECTION 28,
TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN,
DESCRIBED BY COMMENCING AT THE NORTH WEST CORNER OF SAID SOUTH 1/2 OF
THE SOUTH WEST 1/4 OF SAID SECTION AND THENCE RUNNING SOUTH ON THE
SECTION LINE 304.94 FEET FOR A POINT OF BEGINNING, THENCE EAST ON A
LINE WHICH FORMS AN ANGLE OF 89 DEGREES 40 MINUTES WITH THE SECTION
LINE MEASURED FROM SOUTH TO EAST, 300.00 FEET; THENCE SOUTH PARALLEL
WITH THE SECTION LINE 275.8 FEET, THENCE WEST 300.0 FEET TO A POINT IN
THE SECTION LINE WHICH IS 275.8 FEET SOUTH FROM THE POINT OF BEGINNING,
THENCE NORTH 275.8 FEET TO THE POINT OF BEGINNING, (EXCEPTING THAT PART
THEREON FALLING ON THE EAST 17 FEET OF THE WEST 50 FEET OF THE SOUTH
150 FEET OF THE NORTH 150 FEET OF THE NORTH 300.74 FEET OF THE SOUTH WEST
1/4 OF SECTION 28 AFORESAID, AS CONVEYED TO THE PEOPLE OF THE STATE OF
ILLINOIS FOR THE USE OF THE DEPARTMENT OF TRANSPORTATION BY DEED
RECORDED AS DOCUMENT 23625902) IN COOK COUNTY, ILLINOIS

2447 Mannheim Road

12 28 302 453 0000

Franklin Park IL.

of Cook County Clerk's Office

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SCHEDULE "A"

LOT A IN R. O. W. SUBDIVISION, BEING A SUBDIVISION OF PART OF LOT 2 IN RIVER OAKS WEST UNIT NO. 2, BEING A PART OF THE NORTH EAST 1/4 OF SECTION 24, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 9, 1973 AS DOCUMENT NUMBER 22433655, IN COOK COUNTY, ILLINOIS.

1380 Towerce Avenue
Calumet Cdy IL
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SCHEDULE "A"

PARCEL 1:

LOT 1 IN CARL M. TEUTSCH SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL 1 FOR ACCESS AND PARKING AS CREATED BY AN AGREEMENT BETWEEN CARL M. TEUTSCH, JR., AND SAMBO'S OF ILLINOIS, INC., DATED SEPTEMBER 29, 1977 AND RECORDED OCTOBER 6, 1977 AS DOCUMENT 24138665, AS AMENDED BY AN AMENDMENT RECORDED JUNE 1, 1978 AS DOCUMENT 24472113, OVER AND UPON THE FOLLOWING DESCRIBED PROPERTY:

(A)

THAT PART OF LOT 2 IN CARL M. TEUTSCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH EAST CORNER OF LOT 1 IN SAID CARL M. TEUTSCH SUBDIVISION; THENCE SOUTH 8 DEGREES, 50 MINUTES, 04 SECONDS WEST ALONG THE EASTERLY LINE EXTENDED OF SAID LOT 1, BEING ALONG A LINE OF SAID LOT 2, A DISTANCE OF 20.0 FEET; THENCE SOUTH 81 DEGREES, 09 MINUTES, 56 SECONDS EAST ALONG A LINE OF SAID LOT 2, A DISTANCE OF 141.95 FEET TO THE MOST EASTERLY LINE OF SAID LOT 2; THENCE SOUTH 8 DEGREES, 50 MINUTES, 04 SECONDS WEST ALONG SAID MOST EASTERLY LINE, A DISTANCE OF 45.0 FEET; THENCE NORTH 81 DEGREES, 09 MINUTES, 56 SECONDS WEST, A DISTANCE OF 34.0 FEET; THENCE NORTH 57 DEGREES, 38 MINUTES, 53 SECONDS WEST, A DISTANCE OF 50.12 FEET; THENCE NORTH 81 DEGREES, 09 MINUTES, 56 SECONDS WEST, A DISTANCE OF 112.0 FEET; THENCE NORTH 8 DEGREES, 50 MINUTES, 04 SECONDS EAST, A DISTANCE OF 45.0 FEET TO THE SOUTHERLY LINE OF LOT 1 AS AFORESAID; THENCE SOUTH 81 DEGREES, 09 MINUTES, 56 SECONDS EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 30.0 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO

(B)

THAT PART OF LOT 2 IN CARL M. TEUTSCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH WEST CORNER OF SAID LOT 2; THENCE SOUTH 62 DEGREES, 50 MINUTES, 59 SECONDS EAST ALONG THE MOST NORTHERLY LINE OF SAID LOT 2, A DISTANCE OF 15.58 FEET FOR THE PLACE OF BEGINNING; THENCE SOUTH 11 DEGREES 30 MINUTES WEST PARALLEL WITH THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 67.02 FEET; THENCE SOUTH 78 DEGREES 30 MINUTES EAST, A DISTANCE OF 35.0 FEET TO THE WESTERLY LINE OF LOT 1 OF SAID CARL M. TEUTSCH SUBDIVISION; THENCE NORTH 11 DEGREES 30 MINUTES EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 57.0 FEET TO THE NORTH WEST CORNER OF SAID

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SCHEDULE CONTINUED-
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LOT 1; THENCE NORTH 58 DEGREES 36 MINUTES, 32 SECONDS WEST ALONG THE MOST NORTHERLY LINE OF SAID LOT 2, A DISTANCE OF 2.64 FEET TO AN ANGLE IN SAID MOST NORTHERLY LINE; THENCE NORTH 62 DEGREES, 50 MINUTES, 59 SECONDS WEST ALONG SAID MOST NORTHERLY LINE, A DISTANCE OF 33.77 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

(C)

ALSO THAT PART OF LOT 2 IN CARL M. TEUTSCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH EAST CORNER OF LOT 1 IN SAID CARL M. TEUTSCH SUBDIVISION; THENCE NORTH 81 DEGREES, 09 MINUTES, 56 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 30.0 FEET FOR THE PLACE OF BEGINNING; THENCE SOUTH 8 DEGREES, 50 MINUTES, 04 SECONDS WEST, A DISTANCE OF 45.0 FEET; THENCE NORTH 81 DEGREES, 09 MINUTES, 56 SECONDS WEST, A DISTANCE OF 216.48 FEET TO THE WESTERLY LINE OF SAID LOT 2; THENCE NORTH 11 DEGREES 30 MINUTES EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 307.29 FEET TO THE NORTH WEST CORNER OF SAID LOT 2; THENCE SOUTH 82 DEGREES, 50 MINUTES, 59 SECONDS EAST ALONG THE MOST NORTHERLY LINE OF SAID LOT 2, A DISTANCE OF 15.58 FEET; THENCE SOUTH 11 DEGREES 30 MINUTES WEST PARALLEL WITH THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 67.02 FEET; THENCE SOUTH 78 DEGREES 30 MINUTES EAST, A DISTANCE OF 35.0 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE SOUTH 11 DEGREES 30 MINUTES WEST ALONG SAID WESTERLY LINE, A DISTANCE OF 188.7 FEET TO THE SOUTH WEST CORNER OF SAID LOT 1; THENCE SOUTH 81 DEGREES, 09 MINUTES, 56 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 164.33 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR PLACEMENT AND MAINTENANCE OF A STORM SEWER AS CREATED BY AN AGREEMENT BETWEEN CARL M. TEUTSCH, JR., AND SAMBO'S OF ILLINOIS, INC., DATED SEPTEMBER 29, 1977 AND RECORDED OCTOBER 6, 1977 AS DOCUMENT 2438666 OVER AND UPON THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF LOT 2 IN CARL M. TEUTSCH SUBDIVISION OF PART OF THE EAST 1/2 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH WEST CORNER OF LOT 1 IN SAID CARL M. TEUTSCH SUBDIVISION; THENCE SOUTH 81 DEGREES, 09 MINUTES, 56 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID LOT 1, A DISTANCE OF 26.95 FEET FOR THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 81 DEGREES, 09 MINUTES, 56 SECONDS EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 10.01 FEET; THENCE SOUTH 11 DEGREES 30 MINUTES WEST, A DISTANCE OF 364.84 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE NORTH 80 DEGREES, 34 MINUTES, 07 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 10.01 FEET; THENCE NORTH 11 DEGREES 30 MINUTES EAST, A DISTANCE OF 364.73 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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*2340 Arlington Blvd
Arlington Heights*

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