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## TERMINATION STATEMENT

THIS TERMINATION STATEMENT is made as of the 3rd day of <sup>August</sup> 1992 by TOUHY AVENUE OFFICE COMPANY, INC., a Massachusetts corporation having an office at 19 Midstate Drive, Auburn, Massachusetts 02151 ("Touhy").

### WITNESSETH

WHEREAS, Property Capital Trust, a Massachusetts business trust ("Landlord") and American National Bank and Trust Company of Chicago as Trustee under Trust Agreement dated April 11, 1986 and known as Trust Number 67118 ("Trustee") are parties to a lease dated as of July 29, 1987, a memorandum of which was recorded on July 31, 1987 as document 87-423916 and filed as document LR-3639736 (the "Memorandum of Lease");

WHEREAS, the lease was amended by a lease amendment dated as of July 31, 1989 between Landlord and Trustee and a second amendment of indenture of lease dated as of May 31, 1990 between Landlord, Trustee and joined in by Commerce Center at O'Hare Associates, an Illinois limited partnership ("Commerce Center") (as so amended, the "Lease");

WHEREAS, Landlord's interest in the Demised Premises (as such term and all other capitalized but undefined terms are defined in the Lease) was granted to

Prepared by Judith Lobel  
e mail to Paul Weiss Rifkind Wharton & Garrison  
1285 Avenue of the Americas  
New York, New York 10019-6007

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Touhy by Deed dated April 24, 1992 which was recorded on

July 29, 1992 as document 92556735;

WHEREAS, Trustee's interest in the Improvements was granted to Touhy by Trustee's Deed dated April 24, 1992 and recorded on July 29, 1992 as document 92556734;

WHEREAS, Trustee's interest in the Lease was assigned to Touhy by Assignment of Intenture of Lease dated April 24, 1992 among Trustee, Commerce Center and Touhy;

WHEREAS, Trustee, as assignor and Landlord, as assignee, are parties to that certain Subordinate Assignment of Space Leases and Rents dated as of July 29, 1987 (the "Subordinate Assignment") which was recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document 87-423917 and filed in the Office of the Registrar of Titles of Cook County, Illinois as Document LR 3639737;

WHEREAS, Trustee's interest in the Subordinate Assignment was assigned to Touhy by an Assignment and Assumption of Subordinate Assignment of Space Leases and Rents and of Financing Statements dated April 24, 1992 to which Trustee, as assignor, Touhy, as assignee, and Commerce Center are parties;

WHEREAS, Touhy now holds (i) the Landlord's and Trustee's interests in the Lease and (ii) the assignor's and assignee's interests in the Subordinate Assignment; and

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WHEREAS, Touhy now desires to terminate the Lease and the Subordinate Assignment;

NOW, THEREFORE, Touhy hereby certifies as follows:

1. The Lease is hereby terminated and the Memorandum of Lease recorded in respect thereof shall be discharged of record.

2. The Subordinate Assignment is hereby terminated and shall be discharged of record.

IN WITNESS WHEREOF, Touhy has executed this Termination Statement as of the day and year first above written.

TOWNE AVENUE OFFICE COMPANY, INC.

By: 

William A. Bonn

*Prepared by & mail to :*

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State of Massachusetts )  
                                  ) : ss:  
County of SUFFOLK )

On this 3rd day of <sup>August</sup> July, 1992, before me appeared William A. Bonn, to me personally known, who, being by me duly sworn, did say that he is the Clerk of Touhy Avenue Office Company, Inc., and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its board of directors, and said William A. Bonn acknowledged said instrument to be the free act and deed of said corporation.

Josephine A. Adams  
Notary Public

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## SCHEDULE 1

### Legal Description

#### PARCEL 1:

LOT 1 IN O'HARE NORTH WEST OFFICE PARK SUBDIVISION, A SUBDIVISION OF PART OF THE NORTH WEST 1/4 OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

#### PARCEL 2:

LOT 3 IN O'HARE NORTH WEST OFFICE PARK SUBDIVISION, A SUBDIVISION OF PART OF THE NORTH WEST 1/4 OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;  
ALSO

#### PARCEL 3:

BOTH  
INCLUSIVE

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AND PARCEL 2 WAS CREATED BY AGREEMENT DATED DECEMBER 12, 1975, MADE BY AND BETWEEN LA SALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST NO. 48605 (GRANTOR), FIRST CHICAGO REALTY SERVICES CORPORATION (MORTGAGEE), AND LA SALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST NO. 46595 (GRANTEE), AND RECORDED DECEMBER 16, 1975 AS DOCUMENT 23325794 OVER AND ACROSS THE FOLLOWING:

THE NORTH 60.0 FEET, AS MEASURED AT RIGHT ANGLES AND CONCENTRIC WITH THE NORTHERLY LINE, OF THE FOLLOWING DESCRIBED TRACT OF LAND: THAT PART OF THE NORTH 2/3 OF THE EAST 1/2 OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SECTION 32 AFORESAID, 634.43 FEET SOUTH OF THE NORTH WEST CORNER THEREOF (SAID WEST LINE HAVING A BEARING OF SOUTH 0 DEGREES 14 MINUTES 58 SECONDS WEST FOR THE PURPOSES OF THIS DESCRIPTION); THENCE NORTH 88 DEGREES 32 MINUTES 18 SECONDS EAST A DISTANCE OF 157.28 FEET TO A POINT ON A CURVE HAVING A RADIUS OF 576.94 FEET AND BEING CONCAVE TO THE NORTH WEST; THENCE NORTHEASTERLY ALONG SAID CURVE (THE CHORD OF SAID CURVE BEARING NORTH 58 DEGREES 48 MINUTES 38 SECONDS EAST, A DISTANCE OF 390.77 FEET) AN ARC DISTANCE OF 398.65 FEET TO A POINT ON ANOTHER CURVE, WHICH HAS A RADIUS OF 490.0 FEET AND BEING CONCAVE TO THE SOUTH WEST, SAID POINT BEING 2.78 FEET SOUTHEASTERLY (AS MEASURED ALONG THE ARC OF SAID CURVE FROM A POINT WHICH LIES 444.00 FEET SOUTH (AS MEASURED AT RIGHT ANGLES) FROM THE NORTH LINE OF SAID NORTH WEST 1/4 OF

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SECTION 32 AND 175.0 FEET WEST (AS MEASURED AT RIGHT ANGLES) FROM THE EAST LINE OF SAID NORTH WEST 1/4 OF SECTION 32 AND LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:  
COMMENCING AT A POINT OF INTERSECTION OF THE SOUTH LINE OF THE NORTH 2/3 OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SECTION 32 WITH THE WESTERLY LINE OF THE RIGHT OF WAY OF THE ILLINOIS STATE TOLL HIGHWAY COMMISSION WHICH WAS ACQUIRED BY CONDEMNATION FILED AS CASE NUMBER 57-S-1501; THENCE NORTH 0 DEGREES 17 MINUTES EAST ALONG SAID WESTERLY LINE OF THE RIGHT OF WAY OF THE ILLINOIS STATE TOLL HIGHWAY COMMISSION, A DISTANCE OF 145.7 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVED LINE CONCAVE TO THE SOUTH WEST, HAVING A RADIUS OF 490.00 FEET AND CENTRAL ANGLE OF 31 DEGREES 30 MINUTES A DISTANCE OF 312.42 FEET TO A POINT, DISTANT 444 FEET SOUTH MEASURED AT RIGHT ANGLES FROM THE NORTH LINE OF SAID NORTH WEST 1/4 OF SECTION 32 AND DISTANT 175 FEET WEST MEASURED AT RIGHT ANGLES FROM THE EAST LINE OF SAID NORTH WEST 1/4 OF SECTION 32; EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING AT THE SOUTH WEST CORNER OF THE NORTH 2/3 OF THE EAST 1/2 OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 32; THENCE EAST 156.30 FEET ALONG THE SOUTH LINE OF THE SAID NORTH 2/3; THENCE NORTHWESTERLY 68.02 FEET AT A LEFT DEFLECTION OF 175 DEGREES 50 MINUTES 15 SECONDS WITH THE LAST DESCRIBED COURSE TO A POINT 'A'; THENCE NORTHWESTERLY 114.70 FEET ALONG AN ARC OF A CIRCULAR CURVE, CONCAVE TO THE LEFT WITH A RADIUS OF 3944.72 FEET, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AT SAID POINT 'A' TO THE WEST LINE OF THE EAST 1/2 OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 32; THENCE SOUTH 101.30 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING OF EXCEPTION, ALL IN COOK COUNTY, ILLINOIS.

## PARCEL 4:

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY RESERVATION IN WARRANTY DEED BY JACOB A. KELLEN AND HELEN E. KELLEN, HIS WIFE, AND JOHN P. KELLEN AND BARBARA M. KELLEN, HIS WIFE TO CROW-GLAZE NO. 5 A PARTNERSHIP, DATED OCTOBER 5, 1968 AND RECORDED OCTOBER 22, 1968 AS DOCUMENT 20652556 OVER AND ACROSS THE WEST 30 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE EASTERLY THREE HUNDRED AND FORTY-TWO (342) FEET (AS MEASURED ALONG TOUHY AVENUE) OF THAT PART OF THE WEST HALF OF THE NORTH EAST 1/4 OF THE NORTH WEST QUARTER OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 32, SAID POINT BEING 453.3 FEET SOUTH OF A CROSS IN THE PAVEMENT AT THE NORTH WEST CORNER OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 32; THENCE SOUTHEASTERLY 19.3 FEET ALONG A

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STRAIGHT LINE MAKING AN ANGLE FROM NORTH TO SOUTH EAST OF 109 DEGREES 50 MINUTES WITH WEST LINE OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 32 TO A POINT "A"; THENCE SOUTHEASTERLY 704.6 FEET ALONG A CIRCULAR CURVE TO THE RIGHT WITH A RADIUS OF 3944.72 FEET, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AT A POINT "A" TO EAST LINE OF THE WEST HALF OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 32, SAID POINT BEING 543.5 FEET NORTH OF THE SOUTH EAST CORNER OF THE WEST HALF OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SECTION 32 AFORESAID; LYING SOUTHERLY OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE NORTH WEST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 32, DISTANT 50.0 FEET SOUTHERLY OF THE NORTH LINE OF SAID SECTION 32, AS MEASURED AT RIGHT ANGLES FROM SAID NORTH LINE OF SECTION 32; THENCE SOUTHEASTERLY IN A STRAIGHT LINE A DISTANCE OF 684.26 FEET TO A POINT IN THE EAST LINE OF THE WEST HALF OF THE NORTH EAST 1/4 OF THE NORTH WEST 1/4 OF SAID SECTION 32, DISTANT 70.0 FEET SOUTHERLY OF SAID NORTH LINE OF SECTION 32, AS MEASURED AT RIGHT ANGLES FROM SAID NORTH LINE OF SECTION 32; ALL IN COOK COUNTY, ILLINOIS

ALSO AS SHOWN ON O'PARE NORTH WEST OFFICE PARK SUBDIVISION, AFORESAID, RECORDED AS DOCUMENT 29268729 AS TO THE WEST 30 FEET OF LOT 2 IN O'HARE NORTH WEST OFFICE PARK SUBDIVISION, AFORESAID

## PARCEL 5:

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY O'HARE NORTH WEST OFFICE PARK SUBDIVISION IN THE NORTH WEST 1/4 OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, RECORDED JULY 22, 1976 AS DOCUMENT 29268729 OVER AND ACROSS A 30 FOOT STRIP OF LAND OF LOT 2 IN O'HARE NORTH WEST OFFICE PARK SUBDIVISION, AFORESAID, AS SHOWN ON SAID SUBDIVISION

## PARCEL 6:

EASEMENT FOR PEDESTRIAN AND VEHICULAR TRAFFIC OVER, ACROSS, AND UPON ALL STREETS, ROADS, ALLEYS, AND WAYS NOW OR HEREAFTER LOCATED, AND FOR PARKING UPON ALL PUBLIC PARKING AREAS NOW OR HEREAFTER LOCATED FOR THE BENEFIT OF PARCEL 1 AS CREATED BY A RECIPROCAL EASEMENT AGREEMENT RECORDED MARCH 29, 1976 AS DOCUMENT 23432344 OVER AND ACROSS THE LAND WEST OF AND ADJOINING AS SHOWN ON EXHIBIT D AS ATTACHED TO SAID EASEMENT.

Common Address:

999 and 1111 East Touhy Avenue  
Des Plaines, Illinois

P.I.N. 09-32-101-019  
09-32-101-021

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