

# UNOFFICIAL COPY

94-01663

## MEMORANDUM OF LEASE

94-01663

This MEMORANDUM OF LEASE, entered into this 13th day of May 1994, by and between WENDY'S INTERNATIONAL, INC., an Ohio corporation and WENDY'S OLD FASHIONED HAMBURGERS OF NEW YORK, INC., an Ohio corporation (collectively "Lessor"), and SPARKLE FOODS, INC., an Illinois corporation and THOMAS G. MAILHIOT (collectively the "Lessee").

### WITNESSETH:

WHEREAS, Lessor and Lessee entered into a Lease Agreement, dated as of May 13, 1994 ("Lease") whereby Lessor demised and leased to Lessor for the term set forth below (and at a rental and upon such other terms and conditions as are stated in the Lease) the land, buildings, improvements, and equipment located at 12041 Crawford in the City of Alsip, County of Cook, State of Illinois, and more particularly described on the attached Exhibit A ("Premises").

WHEREAS, Lessor and Lessee wish to place notice of the Lease on record.

NOW, THEREFORE, Lessor and Lessee hereby execute this Memorandum of Lease for the purpose of evidencing Lessee's interest in the Premises, TO HAVE AND TO HOLD the Premises unto Lessee upon the terms, covenants and conditions contained in the Lease, for a term of twenty (20) years, commencing on May 16, 1994 and expiring December 31, 2013. Lessee has the option to extend the initial term of the Lease for two (2) successive periods of five (5) years and to purchase the Premises, on and subject to the applicable provisions of the Lease.

This Memorandum of Lease is made and executed and is to be recorded in the office of the Register of Deeds in and for Cook County, Illinois, for the purpose of giving notice of the Lease and the rights of the parties thereunder.

This Memorandum of Lease is subject in each and every respect to the rental and other terms, covenants and conditions contained in the Lease and is executed by Lessor and Lessee with the understanding and agreement that nothing contained herein shall in any manner alter, modify or vary the rental or any other term, covenant or condition of the Lease.

DEPT-01 RECORDING \$31.50  
T31111 5279 05/13/94 14:42:00  
42866 15 \*-94-431663  
COOK COUNTY RECORDER

3/5/94

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IN WITNESS WHEREOF, Lessor and Lessee have executed this Memorandum of Lease on the day, month and year first above written.

LESSOR:

WENDY'S INTERNATIONAL, INC.  
an Ohio corporation

By: 

GEORGE CONDOS  
EXECUTIVE VICE PRESIDENT

Title: \_\_\_\_\_

Attest: 

LAWRENCE E. SCHAUF  
SECRETARY

WENDY'S OLD FASHIONED  
HAMBURGERS OF NEW YORK, INC.  
an Ohio corporation

By: 

GEORGE CONDOS  
EXECUTIVE VICE PRESIDENT

Title: \_\_\_\_\_

Attest: 

LAWRENCE E. SCHAUF  
SECRETARY

LESSEE:

SPARKLE FOODS, INC.

By: Thomas G. Mailhot

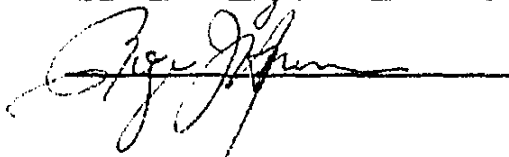
Title: President

Attest: Patricia J. Mailhot

Secretary

Witness:

Patricia J. Mailhot



Thomas G. Mailhot

Thomas G. Mailhot

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STATE OF OHIO  
COUNTY OF FRANKLIN, SS:

Personally came before me this 9th day of May, 1994, the above-named  
GEORGE CONDOS  
EXECUTIVE VICE PRESIDENT, to me known to be the  
of  
WENDY'S INTERNATIONAL, INC., an Ohio corporation, the person who executed  
the foregoing instrument on behalf of said corporation and acknowledged the same.

Carolyn A. Loeffler  
Notary Public, State of Ohio



CAROLYN A. LOEFFLER  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES OCT 14, 1996

STATE OF OHIO  
COUNTY OF FRANKLIN, SS:

Personally came before me this 9th day of May, 1994, the above-named  
GEORGE CONDOS  
EXECUTIVE VICE PRESIDENT, to me known to be the  
of  
WENDY'S OLD FASHIONED HAMBURGERS OF NEW YORK, INC., an Ohio  
corporation, the person who executed the foregoing instrument on behalf of said  
corporation and acknowledged the same.

Carolyn A. Loeffler  
Notary Public, State of Ohio

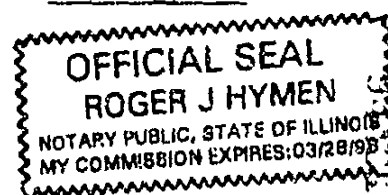


CAROLYN A. LOEFFLER  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES OCT 14, 1996

STATE OF ILLINOIS  
COUNTY OF Cook, SS:

Personally came before me this 10 day of May, 1994, the above-named  
Monica G. Marriot  
President, to me known to be the  
of  
SPARKLE FOODS, INC., an Illinois corporation, the person who executed the  
foregoing instrument on behalf of said corporation and acknowledged the same.

[Signature]  
Notary Public, State of Ill



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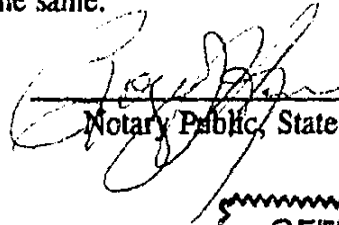


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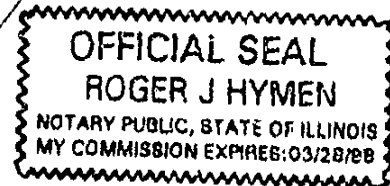
STATE OF ILLINOIS

COUNTY OF Cook, SS:

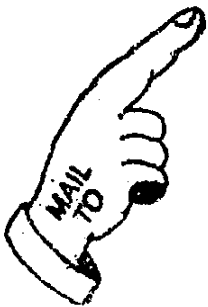
Personally came before me this 10 day of May, 1994, the above-named Thomas G. Mailhiot, individually, to me known to be the person who executed the foregoing instrument and acknowledged the same.

  
Notary Public, State of IL

This Instrument Drafted By and Should  
Be Returned To:



Raymond W. Baker, Esq.  
Wendy's Old Fashioned Hamburgers of New York, Inc.  
4288 W. Dublin-Granville Road  
Dublin, Ohio 43017



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\*  
FI23-606

CHICAGO TITLE INSURANCE COMPANY  
1 UNIT N 122513 830125 B \* 1823  
ALTA 1970 OWNERS FORM

9 68-52-836

CUSTOMER INFO: 120TH & CRAWFORD, ALSIP

## SCHEDULE A

NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE
68-52-836	JANUARY 10, 1983	\$180,000.00

### 1. NAME OF INSURED:

WENDY'S INTERNATIONAL, INC., AN OHIO CORPORATION.

### 2. A FEE SIMPLE ESTATE IN THE LAND COVERED BY THIS POLICY IS VESTED IN THE INSURED.

### 3. THE LAND HEREIN DESCRIBED IS ENCUMBERED BY THE FOLLOWING MORTGAGE OR TRUST DEED, AND ASSIGNMENTS:

AND THE MORTGAGES OR TRUST DEEDS, IF ANY, SHOWN IN SCHEDULE B HEREOF.

### 4. THE LAND COVERED BY THIS POLICY IS DESCRIBED AS FOLLOWS:

#### PARCEL 1:

LOT 1 IN CRAWFORD PLAZA, BEING A RESUBDIVISION OF LOT 3 IN BURKE'S RESUBDIVISION OF LOT 14 (EXCEPT THE WEST 50 FEET THEREOF) IN BRAYTON FARMS UNIT 2, A SUBDIVISION OF THE WEST 80 ACRES OF THE NORTH WEST 1/4 OF SECTION 26, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS PIN# 24-26-100-023

#### PARCEL 2:

NONEXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY GRANT FROM ALSIP PROPERTIES, INC., A CORPORATION OF DELAWARE, TO FIRST NATIONAL BANK OF BLUE ISLAND AS TRUSTEE UNDER TRUST AGREEMENT DATED APRIL 15, 1982 AND KNOWN AS TRUST NUMBER 82046 DATED OCTOBER 6, 1982 AND RECORDED NOVEMBER 9, 1982 AS DOCUMENT 26406190 FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY: THE NORTH 25 FEET OF THE SOUTH 45 FEET OF THE WEST 175 FEET OF LOT 2 AND THE EAST 25 FEET OF THE WEST 175 FEET OF THE SOUTH 20 FEET OF LOT 2 IN BURKE'S RESUBDIVISION OF LOT 14 (EXCEPT THE WEST 50 FEET THEREOF) IN BRAYTON FARMS UNIT 2, A SUBDIVISION OF THE WEST 80 ACRES OF THE NORTH WEST 1/4

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## CHICAGO TITLE INSURANCE COMPANY

\*  
FI23-606

UNIT N 122513 830125  
ALTA 1970 OWNERS FORM

B \* 1823

9 68-52-838

### SCHEDULE A CONTINUED

OF SECTION 26, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

#### PARCEL 3:

NONEXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY GRANT FROM FIRST NATIONAL BANK OF BLUE ISLAND AS TRUSTEE UNDER TRUST AGREEMENT DATED APRIL 15, 1982 AND KNOWN AS TRUST NUMBER 82046 TO WENDY'S INTERNATIONAL, INC., AN OHIO CORPORATION, DATED DECEMBER 30, 1982 AND RECORDED JANUARY 10, 1983 AS DOCUMENT 26463743 FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PROPERTY: THE WEST 25 FEET OF THE NORTH 159 FEET AND THE SOUTH 30 FEET OF THE WEST 175 FEET OF LOT 2 IN CRAWFORD PLAZA, BEING A RESUBDIVISION OF LOT 3 IN BURKE'S RESUBDIVISION OF LOT 4 (EXCEPT THE WEST 50 FEET THEREOF) IN BRAYTON FARMS UNIT 2, A SUBDIVISION OF THE WEST 80 ACRES OF THE NORTH WEST 1/4 OF SECTION 26, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

### SCHEDULE B

THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE BY REASON OF THE FOLLOWING EXCEPTIONS:

#### GENERAL EXCEPTIONS:

- (1) RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.
- (2) ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, AND ANY OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE PREMISES.
- (3) EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.
- (4) ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
- (5) TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.

SPECIAL EXCEPTIONS: THE MORTGAGE, IF ANY, REFERRED TO IN ITEM 3 OF SCHEDULE A.

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