

This Document prepared by  
and upon recordation, return to:  
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33 West Monroe, 21st floor  
Chicago, Illinois 60603

DEPT-01 RECORDING 129.50  
15333 TRAM 9986 05/25/94 12:12:00  
47040 & L.C. \*--94-467884  
COOK COUNTY RECORDER

DECLARATION OF TERMINATION OF GROUND LEASE AND MERGER

THIS DECLARATION OF TERMINATION OF GROUND LEASE AND MERGER (this "Declaration") is made and entered as of the 25<sup>th</sup> day of May, 1994 by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, as Trustee under Trust Agreement dated March 23, 1994, and known as Trust Number 118105-04 ("Declarant").

WHEREAS, Declarant acquired the fee interest to a certain parcel of real estate legally described in Exhibit A attached hereto and made a part hereof (the "Fee Estate"); and

WHEREAS, Declarant is also the assignee under that certain Assignment of Lessee's interest in Ground Lease and Conveyance of Improvements, with Assumption of Ground Lease and Limited Warranty of Title dated May 4, 1994 (the "Assignment") recorded with the Cook County Recorder of Deeds on May 6, 1994 as Document 94412587 pursuant to which Aetna Life Insurance Company assigned to Declarant, and Declarant accepted, that certain leasehold estate described in Exhibit B attached hereto and made a part hereof (the "Leasehold Estate"); and

WHEREAS, Declarant owns both the Fee Estate and the Leasehold Estate, and Declarant desires to terminate the Leasehold Estate and merge the Leasehold Estate into the Fee Estate;

NOW, THEREFORE, Declarant hereby declares as follows:

1. The Leasehold Estate acquired by Declarant under the Assignment is hereby merged into the Fee Estate, and is null, void and of no further force or effect.

2. The terms and provisions of this Declaration shall run with the Fee Estate, and be binding upon Declarant's successors and assigns.

3. This Declaration is executed by American National Bank and Trust Company of Chicago ("Bank"), as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed by every person, firm or corporation hereafter claiming any interest under this Declaration that Bank, as Trustee as aforesaid, and not personally, has joined in the execution of this Declaration for the sole purpose of subjecting the title holding interest and the trust estate under said Trust No. 118105-04 to the

FIRST AMERICAN TITLE INSURANCE # C75756 5050

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terms of this Declaration and that any and all obligations, duties, covenants, indemnities and agreements of every nature herein set forth by Bank, as Trustee as aforesaid, to be kept or performed, are intended to be kept, performed, and discharged by the beneficiaries under said Trust No. 118105-04 or their successors, and not by Bank personally.

IN WITNESS WHEREOF, American National Bank and Trust Company of Chicago, as Trustee as aforesaid has caused its name to be signed to this Declaration by its Vice President and attested by its \_\_\_\_\_ on the date first above written.

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, as Trustee under Trust Agreement dated March 23, 1994, and known as Trust Number 118105-04

By:  \_\_\_\_\_  
Its: \_\_\_\_\_

Attest:

By:   
Its: \_\_\_\_\_

Gregory S. Kasprzyk

Assistant Secretary

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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

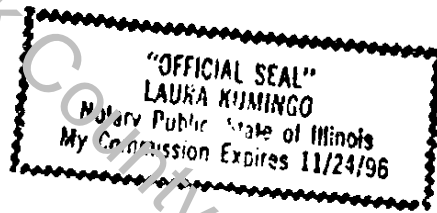
Before me, a Notary Public in and for the State and County aforesaid, personally appeared J. MICHAEL WHELAN and Gregory S. Kasprzyk, the VICE PRESIDENT and ASSISTANT SECRETARY, respectively, of American National Bank and Trust Company of Chicago, who acknowledged execution of the foregoing instrument for and on behalf of Bank.

MAY 25 1994

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

*Lauka Kujingo*  
Notary Public

My Commission Expires:



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## EXHIBIT A

### FEE ESTATE

THE SOUTHEAST 1/4 (EXCEPT THE WEST 1 1/2 FEET THEREOF) OF BLOCK 45 OF KINZIE'S ADDITION TO CHICAGO IN THE NORTH FRACTIONAL 1/2 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

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## EXHIBIT B

### LEASEHOLD ESTATE

LEASEHOLD ESTATE CREATED IN AND BY THAT CERTAIN LEASE DATED NOVEMBER 5, 1968, EXECUTED BY SAKS AND COMPANY, AS LESSOR, AND LAKESHORE NATIONAL BANK, TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 30, 1968, AND KNOWN AS TRUST NUMBER 2158, AS LESSEE, A MEMORANDUM OF WHICH WAS RECORDED APRIL 8, 1969 AS DOCUMENT NO. 20804412, WHICH LEASE HAS BEEN AMENDED NOVEMBER 5, 1968, MAY 25, 1970, JUNE 18, 1971 AND FEBRUARY 15, 1977, DEMISING THE FOLLOWING DESCRIBED LAND FOR A TERM OF YEARS:

THE SOUTHEAST 1/4 (EXCEPT THE WEST 1 1/2 FEET THEREOF) OF BLOCK 45 OF KINZIE'S ADDITION TO CHICAGO IN THE NORTH FRACTIONAL 1/2 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

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