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This instrument prepared by:

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Jo-Ann M. Marzullo, Esquire
POSTERNAK, BLANKSTEIN & LUND
100 Charles River Plaza
Boston, MA 02114

DEPT-01 RECORDING 128.50
146666 TRAM 02/17/94 11:47:00
#0290 = REC: 94-94-157734
COOK COUNTY RECORDER

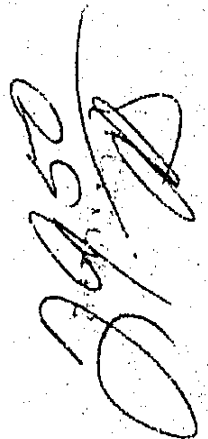
QUITCLAIM DEED

Waban Inc., a Delaware corporation having a principal place of business of One Mercer Road, Natick, Massachusetts 01760 being successor by merger to Mormax Realty Corp., a Delaware corporation and Mormax Corporation, an Illinois corporation ("Grantor"), for and in consideration of \$10.00 and other good and valuable consideration paid, conveys and quitclaims to Home Depot U.S.A., Inc., a Delaware corporation having a principal place of business at Two Paces West, 2727 Paces Ferry Road, N.W., Atlanta, Georgia 30339-4053 ("Grantee"), the following described real estate situated in the County of Cook, in the State of Illinois:

PARCEL 1:

That part of the 100 foot right of way of the Penn Central Railroad (Pittsburgh, Cincinnati, Chicago and St. Louis Railroad) in Section 24, Township 36 North, Range 14 East of the Third Principal Meridian bounded and described as follows; beginning at the point of intersection of a line 60.00 feet South of and parallel with the North line of the Northwest quarter (1/4) of said Section 24 with

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the Southwesterly right of way line of said Penn Central Railroad, thence Southeasterly on said Southwesterly right of way line 5,746.09 feet to a line 50 feet West of and parallel with the East line of Section 24 aforesaid; thence North on the last described line 163.18 feet to the Northeasterly right of way line of said Penn Central Railroad; thence Northwesterly on said Northeasterly right of way line 5,537.60 feet to a line 60 feet South of and parallel with the North line of the Northwest quarter (1/4) of said Section 24; thence Westerly on the last described parallel line 126.54 feet to the point of beginning, (excepting therefrom that part which falls within, the Little Calumet River, and Torrence Avenue as widened and except that part lying Northerly and Westerly of the West line of Paxton Avenue (Said West line being a line 33.00 West of and parallel with the East line of the Northwest quarter (1/4) of said Section 24) in Cook County, Illinois.

PARCEL 2:

Easement for the benefit of Parcel 1 as described in a Trustee's Deed to Grantee from LaSalle National Trust, N.A. as Trustee of Trustee No. 44580, dated August 14, 1972 which Trustee's Deed is to be recorded herewith, for an identification sign upon the pylon sign, located on the Chili's parcel, as created by Parking-Sign Easement Agreement dated April 10, 1989 and recorded July 13, 1989 as Document Number 89320322, by and between Chili's Inc., a Delaware corporation and Mormax Corporation.

Said real estate is situated between Paxton Avenue and Torrence Avenue and adjacent to 1550 Torrence Avenue, Calumet City, Illinois. Parcel 1 is P.I.N. 29-24-400-081 and P.I.N. 29-24-200-063 and Parcel 2 is P.I.N. 29-24-401-029.

Subject, however, to (i) general taxes for the year 1993 and subsequent years, (ii) rights-of-way for drainage tiles, ditches, feeders and laterals, if any, (iii) Covenants, Conditions and Restrictions Agreement recorded December 20, 1972 as Document Number 22163509 and recorded on January 24, 1973 as Document Number 22198198; (iv) spur tracks along westerly property line; (v) Notice of Requirements for Stormwater Detention recorded October 20, 1986 as Document Number 86486178, (vi) easements for public utilities as set forth in Document Number 26425121; (vii) terms, covenants, conditions, restrictions contained in the deed from Consolidated Rail Corporation to Mormax Realty Corp. recorded as Document Number

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86-179467, (viii) easement to the Metropolitan Sanitary District of Greater Chicago for sewer and storm drain purposes as set forth Document Numbers 20261394 and 20363631; (ix) rights of the public, the municipality and the State of Illinois in and to that portion of the land taken and used for Paxton and Torrence Avenues, (x) terms, conditions and provisions contained in the instrument creating the sign easement described as Parcel 2 recorded July 13, 1989 as Document Number 89320022, and (xi) natural gas pipeline crossing Parcel 3, near the West line of Paxton Avenue, as shown on survey revised to December 14, 1993, Order Number 9373, by S.D.I. Consultants Ltd.

Without limiting the generality of the foregoing, the Grantee accepts responsibility for the removal and restoration costs for bridges, grade and street crossing and/or appurtenances that may be located on Parcel 1. Grantee assumes any obligation and responsibility which may be imposed on Grantor or its predecessor in interest by any public utility body or any other governmental agency having jurisdiction for such grade and street crossings and their appurtenances located on said real estate, including without limitation, the removal, repairing or restoration of same in accordance with the requirements of such body or agency, and Grantee further agrees to indemnify, defend and hold Grantor harmless from and against any and all costs, expenses, obligations, responsibility and requirements associated with such grade and street crossings and their appurtenances.

The provisions of the immediately preceding paragraph (i) are intended solely to reaffirm the obligations of the Grantee and each subsequent grantee set forth in the deed from Consolidated Rail Corporation to Mormax Realty Corp. recorded as Document Number 86-179467 and (ii) shall also be the obligations of each subsequent

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grantee of said real estate and the respective heirs, personal representatives, successors and assigns; and provisions to that effect shall be included in any deed of said real estate.

In witness whereof, said Grantor has caused this instrument to be signed and sealed as of the 14th day of February, 1994.

WABAN INC.

By: 

Name: HERBERT J. LARKIN

Title: PRESIDENT

By: 

Name: Edward J. Weisberger

Title: Vice President-Finance

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex

February 14, 1994

Then personally appeared the above-named HERBERT J. Larkin and EDWARD J. WEISBERGER and the PRESIDENT and Vice President-Finance of Waban Inc. and acknowledged the foregoing instrument to be their free act and deed and the free act and deed of said corporation.



Mary T. Slattery
Notary Public
My commission expires.

Mail to:

Mark J. Levick, Esquire
Altman, Kritzer & Levick, P.C.
6400 Powers Ferry Road, N.W.
Atlanta, GA 30339

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EXEMPT AND ABI TRANSFER DECLARATION STATEMENT

REQUIRED UNDER PUBLIC ACT 87-543

COOK COUNTY ONLY

The SELLER or his agent hereby certifies that, to the best of his/her knowledge, and the BUYER or his agent hereby certifies that, to the best of his/her knowledge, that the name of the buyer shown on the deed is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Ronald Kuntz
SELLER OR AGENT

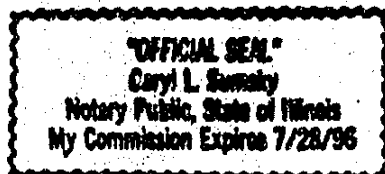
Ronald Kuntz
BUYER OR AGENT

State of Illinois)
County of Cook) ss:

Subscribed and sworn to before me this 17th day of February 1991

My Commission Expires:

Caryl L. Sumasky
Notary Public



NOTE: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

[Attach to deed or ABI to be recorded in Cook County, Illinois, if exempt under

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OFFICIAL SEAL
Caryl L. Smiley
Notary Public, State of Illinois
Commission Expires 1/28/08