

MEMORANDUM OF LEASE

This Memorandum of Lease is made this 14th day of February, 1994, between AMERICAN NATIONAL BANK & TRUST COMPANY OF CHICAGO, as trustee under Trust Agreement dated July 7, 1987, and known as Trust No. 102992-04 (hereinafter referred to as "Landlord"), and CIRCUIT CITY STORES, INC., a Virginia corporation (hereinafter referred to as "Tenant").

DEPT-01 RECORDING \$31.50
T00000 TRAN 6733 03/02/94 12:29:00
42938 * -94-195862
COOK COUNTY RECORDER

W I T N E S S E T H :

Landlord and Tenant have entered into a Lease (the "Lease") dated February 14, 1994, whereby Landlord has leased to Tenant a portion of the real property (the "Property"), located at 5701 West Touhy, Cook County, Niles, Illinois, the legal description of which Property is set forth on Exhibit "A-1" attached hereto. The Lease contains provisions and rights appurtenant to the Property, some of which are as follows:

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- I. Term. The term of the Lease is for a period of seventeen (17) years, commencing on the Rent Commencement Date (as established in the Lease based upon the substantial completion of the improvements upon the Property). Thereafter, Tenant has the right under the Lease to renew and extend the term of the Lease for four (4) successive periods of five (5) years each.
- II. Exclusive Use Rights. The Lease provides that, so long as the Premises are used for the Initial Use, no other tenant or occupant of the Shopping Center shall be entitled to use more than 200 square feet of its premises for the sale of consumer, office or automotive electronics products, computers, computer hardware, software and entertainment media, cellular telephones or household appliances, subject only to rights granted any such tenants under leases in existence as of the date of the Lease.
- III. Successors. The covenants, conditions and agreements made and entered into by the parties hereto shall be binding upon and inure to the benefits of their respective heirs, administrators, executors, representatives, successors and assigns.
- IV. Incorporation of Lease. All terms and conditions of the Lease are hereby incorporated herein by reference as if fully set forth herein.

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V. Conflicts with Lease. This Memorandum of Lease is solely for notice and recording purposes and shall not be construed to alter, modify, expand, diminish or supplement the provisions of the Lease. In the event of any inconsistency between the provisions of this Memorandum of Lease and the provisions of the Lease, the provisions of the Lease shall govern.

IN WITNESS WHEREOF, this Memorandum of Lease has been duly executed by the parties hereto as of the day and year first above written.

AMERICAN NATIONAL BANK & TRUST
COMPANY OF CHICAGO, as
Trustee

ATTEST:

By: [Signature]
Asst Secretary

By: [Signature]
Name: J. M. Whelan
Title: [Signature]

ATTEST:

By: [Signature]
Assistant Secretary

CIRCUIT CITY STORES, INC.,
a Virginia corporation

By: [Signature]
Name: [Signature]
Title: VP.

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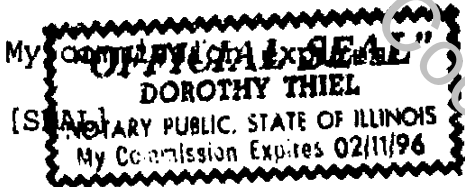
STATE OF ILLINOIS
CITY/COUNTY OF COOK, to-wit:

BEFORE ME, the undersigned authority, personally appeared Y. MICHAEL WATSON to me known and known to me to be the VICIPRESIDENT of American National Bank & Trust Company of Chicago, as trustee under Trust Agreement dated July 7, 1987, and known as Trust No. 102992-04, and acknowledged to me that he executed this instrument as the VICIPRESIDENT of American National Bank & Trust Company of Chicago, as trustee under Trust Agreement dated July 7, 1987, and known as Trust No. 102992-04 and that this instrument is the free act and deed of American National Bank & Trust Company of Chicago, as trustee under Trust Agreement dated July 7, 1987, and known as Trust No. 102992-04.

WITNESS my hand and official seal this 18 day of February, 1994.

Dorothy Thiel

Notary Public



STATE OF Virginia
CITY/COUNTY OF HENRICO, to-wit:

Benjamin B. Cunnings

BEFORE ME, the undersigned authority, personally appeared Philip Dunn, to me known and known to me to be the ~~Treasurer of~~ V.P. Circuit City Stores, Inc., a Virginia corporation, and acknowledged to me that he executed this instrument as the Treasurer of Circuit City Stores, Inc. and that this instrument is the free act and deed of Circuit City Stores, Inc.

WITNESS my hand and official seal this 17th day of February, 1994.

Cathy B. Furr

Notary Public

My commission expires: 10/31/96

[SEAL]

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PARCEL 1:

A TRACT OF LAND BEING PART OF THE EAST 30 ACRES OF THE NORTHEAST FRACTIONAL 1/4 OF FRACTIONAL SECTION 32, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL OF THE EAST 17 ACRES OF THE WEST 19 1/2 ACRES OF THE EAST FRACTIONAL 1/2 OF THE NORTHEAST 1/4 OF SAID FRACTIONAL SECTION 32 BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID 17 ACRES AND RUNNING THENCE NORTH 89 DEGREES 09 MINUTES 30 SECONDS EAST ON THE NORTH LINE OF SAID NORTHEAST 1/4, 102.55 FEET TO A POINT 612.16 FEET, MORE OR LESS, WEST OF THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION; THENCE SOUTH 00 DEGREES 48 MINUTES 37 SECONDS EAST, A DISTANCE OF 50.0 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF TOUHY AVENUE, BEING ALSO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 48 MINUTES 37 SECONDS, A DISTANCE OF 526.35 FEET; THENCE ALONG A LINE BEING PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST FRACTIONAL 1/4 OF FRACTIONAL SECTION 32, SOUTH 89 DEGREES 09 MINUTES 30 SECONDS A DISTANCE OF 310.58 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 00 SECONDS, A DISTANCE OF 526.54 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF TOUHY AVENUE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF TOUHY AVENUE 89 DEGREES 09 MINUTES 30 SECONDS, A DISTANCE OF 296.85 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1, AS CREATED BY THE AGREEMENT RECORDED APRIL 19, 1977 AS DOCUMENT 23893061, FOR UNDERGROUND UTILITIES UNDER AND THROUGH THE FOLLOWING TRACT:

THAT PART OF THE EAST 17 ACRES OF THE WEST 19.5 ACRES OF THE EAST FRACTIONAL 1/2 OF THE NORTHEAST FRACTIONAL 1/4 OF FRACTIONAL SECTION 32, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT THE NORTHEAST CORNER OF SAID 17 ACRES AND RUNNING THENCE NORTH 89 DEGREES 09 MINUTES 30 SECONDS EAST, ON THE NORTH LINE OF SAID NORTHEAST FRACTIONAL 1/4 102.55 FEET TO A POINT 612.16 FEET, MORE OR LESS, WEST OF THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION; THENCE SOUTH 00 DEGREES, 48 MINUTES 37 SECONDS EAST, 1,124.13 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 50 SECONDS WEST, 324.80 FEET; THENCE NORTH 00 DEGREES, 41 MINUTES 00 SECONDS EAST, 59.81 FEET; THENCE SOUTH 44 DEGREES 41 MINUTES 24 SECONDS WEST, 84.63 FEET TO THE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED HEREIN, SAID POINT ALSO BEING A LINE 50.0 FEET NORTHEASTERLY OF (RIGHT ANGLES MEASUREMENT) AND PARALLEL WITH THE EASTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD; THENCE CONTINUING SOUTH 44 DEGREES 41 MINUTES 24 SECONDS WEST 54.37 FEET TO THE SAID EASTERLY RIGHT OF WAY LINE; THENCE NORTH 22 DEGREES 11 MINUTES 00 SECONDS WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE 16.31 FEET; THENCE NORTH 44 DEGREES 41 MINUTES 24 SECONDS EAST, 54.37 FEET TO A LINE 50 FEET NORTHEASTERLY OF (RIGHT ANGLES MEASUREMENT) AND PARALLEL WITH THE SAID EASTERLY RIGHT OF WAY LINE; THENCE SOUTH 22 DEGREES 11 MINUTES 00 SECONDS EAST, ALONG SAID PARALLEL LINE 16.31 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

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EASEMENT FOR THE BENEFIT OF PARCEL OF 1, AS DISCLOSED BY AGREEMENT RECORDED APRIL 19, 1977 AS DOCUMENT 23893061, FOR UNDERGROUND UTILITIES UNDER AND THROUGH THE FOLLOWING DESCRIBED TRACT OF LAND:

THAT PART OF THE EAST 17 ACRES OF THE WEST 19.5 ACRES OF THE EAST FRACTIONAL 1/2 OF THE NORTHEAST FRACTIONAL 1/4 OF FRACTIONAL SECTION 32, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT THE NORTHEAST CORNER OF SAID 17 ACRES AND RUNNING THENCE NORTH 89 DEGREES 09 MINUTES 30 SECONDS EAST, ON THE NORTH LINE OF SAID NORTHEAST FRACTIONAL 1/4 102.55 FEET TO A POINT 612.16 FEET, MORE OR LESS, WEST OF THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION; THENCE SOUTH 00 DEGREES 48 MINUTES 37 SECONDS EAST, 1,124.13 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 50 SECONDS WEST, 324.80 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 00 SECONDS EAST, 59.81 FEET TO THE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED HEREIN; THENCE SOUTH 44 DEGREES 41 MINUTES 24 SECONDS WEST, 84.63 FEET TO A POINT ON A LINE 50 FEET NORTHEASTERLY OF (RIGHT ANGLES MEASUREMENT) AND PARALLEL WITH THE EASTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD; THENCE NORTH 22 DEGREES 11 MINUTES 00 SECONDS WEST, ALONG SAID PARALLEL LINE 16.31 FEET; THENCE NORTH 44 DEGREES 41 MINUTES 24 SECONDS EAST 93.76 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 00 SECONDS WEST, 21.59 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

EASEMENT FOR THE BENEFIT OF PARCEL OF 1, AS DISCLOSED BY AGREEMENT RECORDED APRIL 19, 1977 AS DOCUMENT 23893061, FOR WATER STORAGE, TAKNS AND PUMP HOUSE OVER AND UPON THE FOLLOWING DESCRIBED TRACT OF LAND:

THAT PART OF THE EAST 17 ACRES OF THE WEST 19.5 ACRES OF THE EAST FRACTIONAL 1/2 OF THE NORTHEAST FRACTIONAL 1/4 OF FRACTIONAL SECTION 32, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT THE NORTHEAST CORNER OF SAID 17 ACRES AND RUNNING THENCE NORTH 89 DEGREES 09 MINUTES 30 SECONDS EAST, ON THE NORTH LINE OF SAID NORTHEAST FRACTIONAL 1/4 102.55 FEET TO A POINT 612.16 FEET, MORE OR LESS, WEST OF THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION; THENCE SOUTH 00 DEGREES 48 MINUTES 37 SECONDS EAST, 1,124.13 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 50 SECONDS WEST, 324.80 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 00 SECONDS EAST, 125.0 FEET TO THE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED HEREIN; THENCE CONTINUING NORTH 00 DEGREES 41 MINUTES 00 SECONDS EAST 97.0 FEET; THENCE NORTH 89 DEGREES 19 MINUTES 00 SECONDS WEST 41.0 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 00 SECONDS WEST 97.0 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 00 SECONDS EAST, 41.0 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

THAT PART OF THE EAST 17 ACRES OF THE WEST 19.5 ACRES OF THE EAST FRACTIONAL 1/2 OF THE NORTHEAST FRACTIONAL 1/4 OF FRACTIONAL SECTION 32, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT THE NORTHEAST CORNER OF SAID 17 ACRES AND RUNNING THENCE NORTH 89 DEGREES 09 MINUTES 30 SECONDS EAST, ON THE NORTH LINE OF SAID NORTHEAST FRACTIONAL 1/4 102.55 FEET TO A POINT 612.16 FEET, MORE OR LESS, WEST OF THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION; THENCE SOUTH 00 DEGREES 48 MINUTES 37 SECONDS EAST, 1,124.13 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 50 SECONDS WEST, 324.80 FEET; THENCE NORTH 00 DEGREES 41 MINUTES

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00 SECONDS EAST, 125.0 FEET TO THE PLACE OF BEGINNING OF THE PARCEL TO BE DESCRIBED HEREIN; THENCE CONTINUING NORTH 00 DEGREES 41 MINUTES 00 SECONDS EAST, 97.0 FEET; THENCE NORTH 89 DEGREES 19 MINUTES 00 SECONDS WEST, 41.0 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 00 SECONDS WEST 97.0 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 00 SECONDS EAST, 41.0 FEET TO THE PLACE OF BEGINNING IN COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office

10-32-203-017

10-32-203-032

5701 W. Touhy
Niles, IL

prepared by, return to:



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McGuire and Woods
One James Center
Richmond, VA 23219

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