

# UNOFFICIAL COPY

297

WHEN RECORDED MAIL TO:

Payless ShoeSource, Inc.  
Real Estate Department  
ATTN: C. Tilton  
P. O. Box 3591  
3231 East 6th Street  
Topeka, Kansas 66601-3591

(Store #5126)  
Streamwood, IL

95237693

DEPT-01 RECORDING \$29.00  
T#0012 TRAN 3503 04/10/95 11:24:00  
#7054 # JM \*-95-237693  
COOK COUNTY RECORDER

## MEMORANDUM OF LEASE

DEPT-01 RECORDING \$2  
T#0012 TRAN 3503 04/10/95 11:24:00  
#7054 # JM \*-95-237693  
COOK COUNTY RECORDER

NOTICE IS HEREBY GIVEN THAT:

On October 28, 1994, CHARTER BANK TRUST #1446 dated July 1, 1991, an Illinois trust, whose address is c/o Dino Alex, 1185 Roselle Road, Hoffman Estates, IL 60195, leased to PAYLESS SHOESOURCE, INC., a Missouri corporation, whose address is 3231 East 6th Street, P. O. Box 3560, Topeka, Kansas, 66601, those premises shown crosshatched on the site plan, Exhibit B, attached hereto, and situated on that certain tract of real property located in the Village of Streamwood, County of Cook, State of Illinois, the legal description of which is attached hereto as Exhibit A.

The terms and conditions of said Lease are stated therein, which is for a term of ten (10) years, commencing as provided in the Lease, except that in the event commencement of the Lease term is a date other than a first day of a calendar month, said term shall be computed from the first day of the calendar month next following the date of commencement of the Lease term.

This instrument is merely a memorandum of the aforementioned Lease and is subject to all the terms, conditions, and provisions thereof. In the event of any inconsistency between the terms of this instrument and said Lease, the terms of said Lease shall prevail as between the parties.

Dated December 23, 1994

LANDLORD:  
CHARTER BANK TRUST #1446  
dated July 1, 1991, an Illinois trust  
not personally, but as Trustee

TENANT:  
PAYLESS SHOESOURCE, INC.,  
a Missouri corporation

BY: [Signature]  
Trust Officer

By: [Signature]  
Vice President

ATTESTED: [Signature]  
Assistant Vice President

PAYLESS SHOESOURCE, INC.  
12/23/94  
CSS  
REVIEWED  
REAL ESTATE AND CONSTRUCTION

95237693

SUBJECT TO THE EXCISE  
HEREIN AND MADE A

At 004241 Dell  
(LW)D

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It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the **Charter Bank & Trust, N.A.** or any of the beneficiaries under said Trust Agreement, on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

ALTERNATE PROVISIONS ATTACHED  
PART HEREOF

**Charter Bank**  
AND TRUST, N.A.

1400 Irving Park Rd.  
Manover Park, N. C. 28103  
706/837-8700

BFC Forms Service, Inc.

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THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST 1/4; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST 172.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE SOUTH 88 DEGREES 49 MINUTES 34 SECONDS WEST 550.01 FEET ALONG A LINE DRAWN PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST 1/4; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST 216.19 FEET MORE OR LESS ALONG A LINE DRAWN PARALLEL WITH THE EAST LINE OF SAID NORTHEAST 1/4; THENCE NORTH 88 DEGREES 49 MINUTES 34 SECONDS EAST 550.01 FEET ALONG A LINE DRAWN PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST 1/4 TO THE EAST LINE THEREOF; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST 223.60 FEET MORE OR LESS ALONG SAID EAST LINE TO THE HEREINABOVE DESIGNATED PLACE OF BEGINNING; IN COOK COUNTY, ILLINOIS.

95237693

Address: Corner of Bu Hiti Drive + Barrington Road  
Streamwood, IL

PIN#

06-25-207-901 ✓

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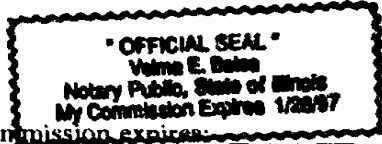
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STATE OF Illinois )  
 ) ss:  
COUNTY OF Cook )

December

On this 24th day of 1994, before me, a Notary Public in and for the County and State aforesaid, personally appeared Christopher D. Piazza ~~Trust Officer~~ to me personally known to be the Landlord(s) executing the foregoing instrument, who by me being duly sworn did depose, say and acknowledge that James J. Romanek ~~Assistant Vice President~~ James J. Romanek signed and sealed said instrument in the name and on behalf of the Landlord(s) and that they executed the same as their free act and voluntary deed.



Valma E. Bates  
Notary Public

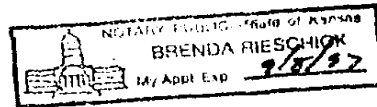
My Commission expires: \_\_\_\_\_

STATE OF KANSAS )  
 ) ss:  
COUNTY OF SHAWNEE )

On this 28th day of October, 1994, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared James J. Romanek, a Vice President of Payless ShoeSource, Inc., a Missouri corporation, who by me being duly sworn did depose, say, and acknowledge that said corporation executed the said instrument; that he signed said instrument in the name of and on behalf of said corporation and that he executed same as a free act and voluntary deed of said corporation.

Brenda Rieschick  
Brenda Rieschick, Notary Public

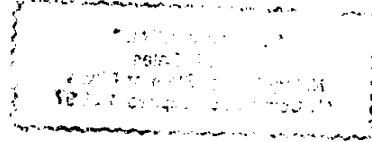
My Commission expires: September 8, 1997



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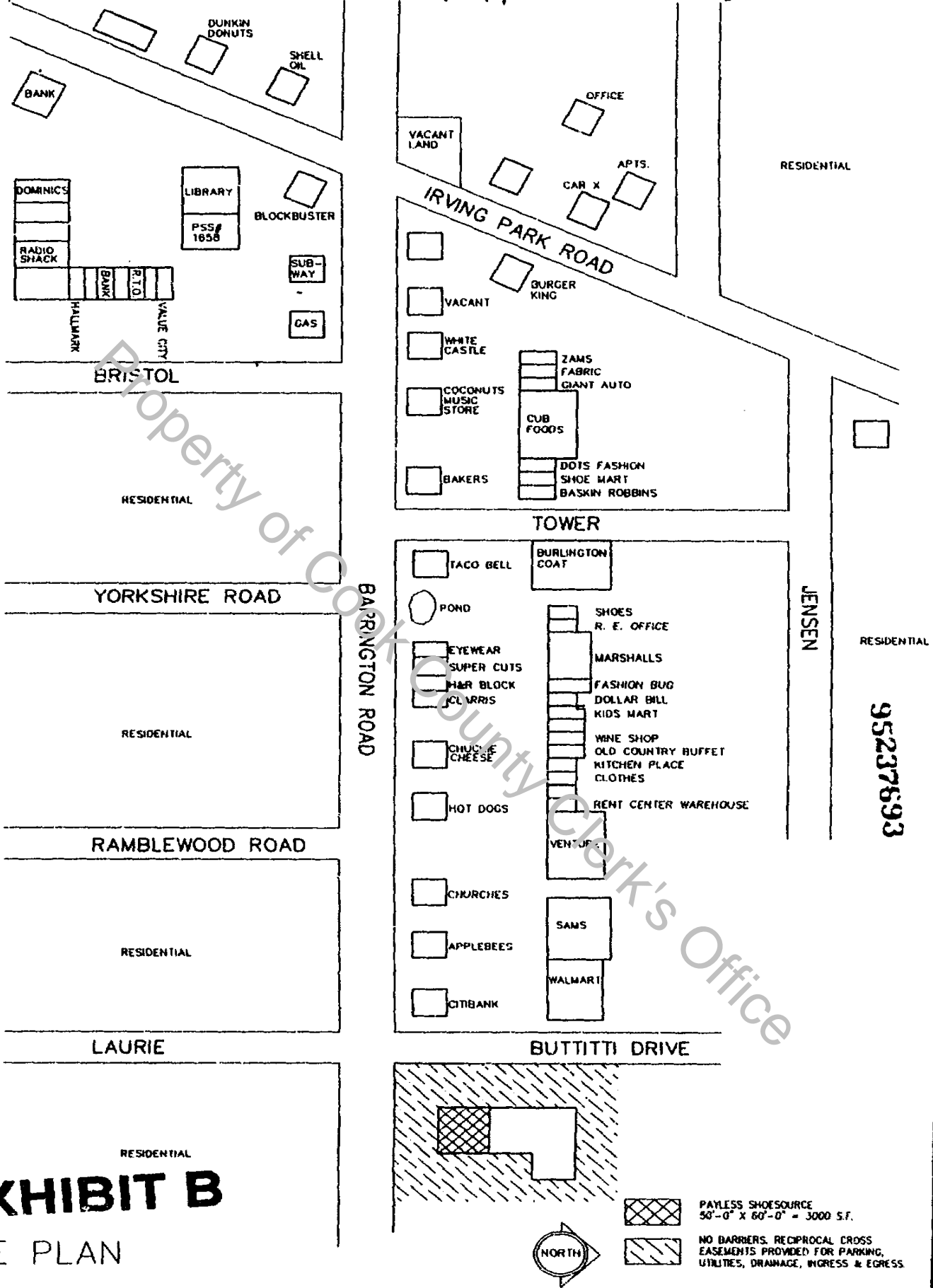
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# EXHIBIT B

## SITE PLAN

PSS # 5126 RE TYPE: S  
 WESTVIEW COMMONS  
 STREAMWOOD, IL  
 REV'D BY: APM: RLS PM: REK  
 S-5126

SCALE: N.T.S.  
 DATE: 8/12/94  
 DRAWN BY: CC/SBF  
 REVISIONS: NONE

**Payless ShoeSource**  
 A DIVISION OF THE MAY DEPARTMENT STORES COMPANY  
 CORPORATE HEADQUARTERS - 3231 EAST 8TH STREET  
 P.O. BOX 3591 - TOPEKA, KANSAS 66601  
 913/233-5171 FAX 913/295-6825

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