

2198-13788-nbu-bc

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1998-08-10 10:18:36  
Cook County Recorder 27.00

2 of 7 CTF 7700532 0301 CR

**RELEASE OF RIGHT OF FIRST REFUSAL**  
**(Lincoln Mall; Matteson, Illinois Property)**

WHEREAS, Six Anchors Limited Partnership, a Maryland limited partnership, and Chicago Title & Trust Company, as Trustee under a trust agreement dated June 15, 1985, and known as Trust No. 1085200 (collectively referred to as "Grantor"), and CPS Realty Partnership, an Illinois general partnership, and Carson Pirie Scott & Company, an Illinois corporation (collectively, referred to as "Grantee"), entered into that certain Right of First Refusal dated as of October 30, 1985 (the "Right of First Refusal"), recorded as Document No. 85-261575, Cook County, Illinois, pursuant to which Grantor conveyed to Grantee a right of first refusal with respect to that certain property located in Cook County, Illinois, described on Exhibit A, attached hereto and incorporated herein (the "Property"), all as more particularly described in the Right of First Refusal.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Grantee, the beneficiary under the Right of First Refusal, hereby releases and terminates the Right of First Refusal, and waives any rights previously arising thereunder, effective as of the date set forth below.

IN WITNESS WHEREOF, Grantee has executed this Release of Right of First Refusal effective as of August 5, 1998.

CPS DEPARTMENT STORES, INC.,  
a Delaware corporation, as successor-in-interest to  
CPS REALTY PARTNERSHIP,  
an Illinois general partnership

By: [Signature]  
Name: Charles Atkinson  
Title: [Signature]

**BOX 333-CTI**

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THIS INSTRUMENT PREPARED BY,  
~~AND AFTER RECORDING RETURN TO:~~

Lorne O. Liechty, Esq.  
Liechty & McGinnis, P.C.  
10440 N. Central Expressway  
Suite 1100  
Dallas, Texas 75231

D:\WOLVERINCARSON\LINCOLN\RELEASE2.ROF

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LINCOLN MALL.

PARCEL 1:

LOT 2 IN LINCOLN MALL, BEING A SUBDIVISION OF PART OF THE SOUTH WEST 1/4 OF SECTION 22, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2:

THE RECIPROCAL AND NON-EXCLUSIVE EASEMENTS FOR INGRESS AND EGRESS, PARKING OF VEHICLES, PASSAGE AND ACCOMMODATION OF PEDESTRIANS, THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, RELOCATION AND REMOVAL OF STORM AND SANITARY SEWERS, WATER LINES AND GAS MAINS, ELECTRICAL POWER LINES, TELEPHONE LINES AND OTHER UTILITY LINES, STORM WATER RETENTION BASIN, FIRE PROTECTION WATER STORAGE TANK AND PUMPHOUSE FACILITIES, THE CONSTRUCTION, RECONSTRUCTION, ERECTION AND MAINTENANCE OF COMMON FOUNDATIONS, FOOTINGS, SUPPORTS, CANOPIES, ROOFS, BUILDING AND OTHER OVERHANGS, AWNINGS, ALARM BELLS, SIGNS, LIGHTS AND LIGHTING DEVICES, UTILITY VAULTS AND OTHER SIMILAR APPURTENANCES, AND FOR THE PURPOSE OF THE DEVELOPMENT AND RECONSTRUCTION OR RECONSTRUCTION OF IMPROVEMENTS, CREATED AND GRANTED AS APPURTENANCES TO THE AFORESAID PARCEL 1, ALL CREATED, DEFINED AND LIMITED BY THAT CERTAIN RECIPROCAL CONSTRUCTION OPERATION AND EASEMENT AGREEMENT DATED MARCH 7, 1972 AND RECORDED ON MARCH 24TH 1972 AS DOCUMENT NUMBER 21846183 BY AND BETWEEN CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 4, 1971 AND KNOWN AS TRUST NUMBER 57420, CARSON PIRIE SCOTT AND COMPANY, A DELAWARE CORPORATION, J. C. PENNY PROPERTIES, INC., A DELAWARE CORPORATION, MONTGOMERY WARD DEVELOPMENT CORPORATION, A DELAWARE CORPORATION AND WIEBOLDT STORES, INC., AN ILLINOIS CORPORATION, IN, ON, OVER, UPON AN UNDER LOTS 1, 3, 4, 5 AND 6 IN LINCOLN MALL SUBDIVISION AFORESAID AS SHOWN ON THE PLAT PLAN ATTACHED TO SAID RECIPROCAL CONSTRUCTION OPERATION AND EASEMENT AGREEMENT

PARCEL 3:

THE RECIPROCAL AND NON-EXCLUSIVE EMENTS FOR INGRESS AND EGRESS AND FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, RELOCATION AND REMOVAL OF STORM AND SANITARY SEWERS, WATER LINES AND GAS MAINS, ELECTRICAL POWER LINES, TELEPHONE LINES AND OTHER UTILITY LINES, CREATED AND GRANTED AS APPURTENANCES TO THE AFORESAID PARCEL 1, ALL CREATED, DEFINED AND LIMITED BY THE CERTAIN TOTAL SITE AGREEMENT DATED MARCH 7, 1972 AND RECORDED MARCH 24, 1972 AS DOCUMENT 21846182 BY AND BETWEEN CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 4, 1971 AND KNOWN AS TRUST NUMBER 57420, CARSON PIRIE SCOTT AND COMPANY, A DELAWARE CORPORATION, MONTGOMERY WARD DEVELOPMENT CORPORATION, A DELAWARE CORPORATION, WIEBOLDT STORES, INC., AN ILLINOIS CORPORATION, AND CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 30, 1971 AND KNOWN AS TRUST NUMBER 57855, IN, ON, OVER, UPON AND UNDER LOTS 1, 3, 4, 5, 8, 9, 10, 11 AND 12 IN LINCOLN MALL SUBDIVISION AFORESAID AS SHOWN ON THE PLOT PLAN ATTACHED TO THE SAID TOTAL SITE AGREEMENT.

PERMANENT INDEX #312230000230000

X Rt. 30 - Lincoln Highway / Cicero Avenue, Matteson, Ill

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85 261 575

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RETURN TO: *SL Cooper*  
CHICAGO TITLE INSURANCE  
NATIONAL BUSINESS GROUP  
7615 LBJ FRWY., SUITE 300  
DALLAS, TEXAS 75251