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PARTIAL SATISFACTION OF MORTGAGE, PARTIAL RELEASE OF LEASE AND PARTIAL RELEASE OF ASSIGNMENT OF LEASE AND CONSENT DARTMOOR CORPORATION SERIES F

This Partial Satisfaction of Mortgage, Partial Release of Lease, and Partial Release of Assignment of Lease, dated as of August 19, 1985, from FIRST FIDELITY BANK, NATIONAL ASSOCIATION, NEW JERSEY (formerly known as Fidelity Union Trust Company), a New Jersey corporation having its principal office and place of business at 765 Broad Street, Newark, New Jersey, (the "Corporate Trustee") and J. Patterson, having duly succeeded Shirley M. Reed, who duly succeeded S. A. Clark, as Individual Trustee, having her office at 765 Broad Street, Newark, New Jersey (collectively the "Trustees") to DARTMOOR CORPORATION, a Delaware corporation, having its principal office at 7630 Clayton Road, St. Louis, Missouri 63117 (the "Company").

WITNESSETH:

WHEREAS, the Company has heretofore executed and delivered to the Trustees a First Mortgage and Deed of Trust, Series F, dated as of October 1, 1987, (the "Original Mortgage"), to secure as provided therein the Company's 6 1/4 % 20-year First Mortgage Notes, Series F, due August 1, 1987, in an aggregate principal amount not exceeding \$2,100,000.00 (the "Notes") and to secure the payment of all other indebtedness which the Original Mortgage by its terms secures and the performance of and compliance with all of the terms thereof; and

WHEREAS, the Original Mortgage originally created a lien on 28 separate service station premises as described in the Schedule A attached thereto, some of which are described on Schedule X attached hereto; and

WHEREAS, nine Supplemental Mortgages and Deeds of Trust caused 19 additional properties to be subject to the lien of the Original Mortgage and also caused 12 properties which had theretofore been encumbered by the Original Mortgage to be released from the provisions of the Original Mortgage (collectively referred to as the "Properties"); and

WHEREAS, on August 1, 1984, the Company made a partial prepayment of the Notes in order to secure the release of one property from the lien of the Original Mortgage, and Supplemental Mortgages and

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By M. Lewis, Nat'l. Atty.
Conced 23/8/87 WSR
23/8/87 WSR

24-05 24-08-225-001, 002, 003, 004, 005.

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Property of Cook County Clerk's Office

SCHEDULE X

Location: 14601 South Halsted Street
Harvey, Illinois

Description: Lots Forty-Two (42), Forty-Three (43), Forty-Four (44), Forty-Five (45) and Forty-Six (46) in Block "Q" in Academy Addition to Harvey, a subdivision of that part of the Northwest Quarter (1/4) of Section Nine (9) Township Thirty-Six (36) North, Range Fourteen (14) East of the Third Principal Meridian, lying South of the Calumet River and West of the Illinois Central Railroad and all of that part of the Northeast Quarter (1/4) of Section Eight (8) in Township Thirty-Six (36) North, Range Fourteen (14), East of the Third Principal Meridian lying South of the Calumet River (excepting that part of the said Northeast Quarter (1/4) lying South of Thornton Road and excepting also the South 35 acres of the East Half (1/2) of the West Half (1/2) of said Northeast Quarter (1/4)) in Cook County, Illinois.

Exceptions: 1. Rights of parties in possession under unrecorded lease agreement.

2. Various deeds dated and recorded between 1891 and 1899 containing covenants, conditions and restrictions relating to the use of property as a slaughter house, glue or bone factory, or manufacturing of gun powder or any bone boiling establishment or factory, or liquor saloon, or allowing intoxicating drinks to be manufactured, sold, or given away, or any gambling to be carried on thereon, or other immoral practice.

P.I.N. 29-08-225-001, 002, 003, 004, + 005
14601 SOUTH HALSTED
HARVEY IL

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Property of Clerk's Office

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Mortgage recorded October 19, 1967 as Document No. 20295913 and filed October 19, 1967 as Document No. LR 2354365

Deeds of Trust and the Assignment of Lease and to obtain a reassignment of the lease to the company as it pertains only to those one property and the noteholders accepted the partial prepayment and the property was so released; and

WHEREAS, there are currently 28 properties subject to the provisions of the Original Mortgage and Supplemental Mortgages and Deeds of Trust (collectively referred to as "Properties"); and

WHEREAS, in order to further secure the payment, when and as due and payable, of the principal, premium (if any), and interest on the Note and the payment of all other indebtedness which the Original Mortgage by its terms secures and the performance of and compliance with all of the terms of the Original Mortgage, the Company has, by an Assignment of Lease dated as of October 1, 1967, assigned, transferred, conveyed and set over to the Trustees all of the Company's estate, right, title and interest in, to and under a composite lease dated as of October 1, 1967, from the Company, as Lessor, to Clark Oil & Refining Corporation, a Wisconsin corporation of St. Louis, Missouri, as Lessee, covering the Properties (the "Lease"), together with all rights, powers, privileges, remedies, options and other benefits of the Company, as Lessor, under the Lease; and

WHEREAS, the Trustees have consented in writing to the Assignment of the Lease, as aforesaid by an instrument dated as of October 1, 1967; and

WHEREAS, the Original Mortgage and Supplemental Mortgages and Deeds of Trust created a lien on the Company's interest as Lessor in and to the Lease; and

WHEREAS, the Company now desires to obtain the release of the service station premises, listed in Schedule X attached hereto and by specific reference incorporated herein, from the lien of the Original Mortgage, Supplemental Mortgages and Deeds of Trust, and the Assignment of Lease, and to obtain a reassignment of the Lease to the Company; and

WHEREAS, all of the noteholders have agreed to accept a partial prepayment of the aforementioned note and have consented to the release of the properties described on Schedule X from the lien of the Original Mortgage, Supplemental Mortgages and Deeds of Trust and the Assignment of Lease in consideration of the partial prepayment.

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RECORDED
NO. 9

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NOW, THEREFORE, THIS PARTIAL SATISFACTION OF MORTGAGE AND PARTIAL RELEASE OF LEASE AND PARTIAL RELEASE OF ASSIGNMENT OF LEASE, WITNESSETH, that the Trustees, in pursuance of the Original Mortgage and Supplemental Mortgages and Deeds of Trust, and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, have granted, released, quit-claimed and set over and by these presents, do grant, release, quit-claim and set over unto the Company, the property on Schedule X attached hereto, together with the hereditaments and appurtenances thereunto belonging, and all the right, title and interest of the said Trustees of, in and to the same, to the intent that the land hereby conveyed may be discharged from the lien of the Original Mortgage, Supplemental Mortgages and Deeds of Trust, and Assignment of Lease and the Trustees further grant, release, quit-claim and reserve all rights in and under the Lease to the Company for the properties described on Schedule X attached hereto, without impairing the lien of the Original Mortgage, Supplemental Mortgages and Deeds of Trust and the Assignment of Lease as to the remaining properties not herein described.

TO HAVE AND TO HOLD, the land and premises hereby released and conveyed to the Company, its successors and assigns, forever free, clear and discharged of and from the Lease dated October 1, 1967 and from all liens and claims of the Trustees under and by virtue of the Original Mortgage dated as of October 1, 1967, Supplemental Mortgages and Deeds of Trust and Assignment of Lease dated as of October 1, 1967.

The parties hereto agree that this partial release shall in no way affect the lease nor the lien of the Original Mortgage or Supplemental Mortgages and Deeds of Trust, and the Assignment of Lease as to the lands and premises not described in Schedule X attached hereto and not specifically released hereby.

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RECORDED
NO. 2376

Property of Cook County Clerk's Office

RECORDED
1980

IN WITNESS WHEREOF, the Trustees have caused this Partial Satisfaction of Mortgage and Partial Release of Lease, and Partial Release of Assignment of Lease to be executed and the corporate seal of the Corporate Trustee to be hereunto affixed and attested by its officers thereunto duly authorized as of the day and year first above written.

FIRST FIDELITY BANK, NATIONAL ASSOCIATION, NEW JERSEY

Witnessed:

Stephanie A. Madala
B. Anthony Polig
(Corporate Seal)

By: JW Simons

Attest:

Michael S. ...
Secretary
Assistant Cashier

L. Patterson
L. Patterson, Individual Trustee

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Property of Cook County Clerk's Office

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1987-1988
NO. 7

IN WITNESS WHEREOF, the Company has caused this Partial Satisfaction of Mortgage, Partial Release of Lease and Partial Release of Assignment of Lease to be executed and corporate seal of the Company to be hereunto affixed and attested by its officers thereunto duly authorized as of the day and year first above written.

DARTMOOR CORPORATION

Witnessed:

Caroline M. Hill

By: M.R. Burmaster
M.R. Burmaster, Vice President

Michael C. [Signature]

(Corporate Seal)

Attest:

Robert W. Zilha
Robert W. Zilha, Secretary

This instrument drafted by:

M. R. Burmaster, Esq.
7930 Clayton Road
St. Louis, Missouri 63117

JANUARY

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Property of Cook County Clerk's Office

RECORDED
NO. 9

STATE OF MISSOURI)
) in
COURT OF ST. LOUIS)

On this 15th day of August, 1985, before me
Raymond D. Davis, a Notary Public in and for the said
County and State, duly commissioned and sworn, personally in said
County and State appeared St. R. Burmaster and
Robert W. Tihon, to be personally known and
known to me to be Vice President and Secretary
respectively of Bartmore Corporation one of
the corporations named in and executing the foregoing instrument,
whose instrument includes Schedule X
attached thereto and made a part thereof, and which instrument
was produced to me in said County and State aforesaid by the said
Vice President and Secretary
who are known to me to be the identical persons who subscribed
the name of the maker thereof to the foregoing instrument as its
Vice President and Secretary, respectively, who
by me being duly sworn, did severally depose, say and acknowledge,
on their several oaths, in said County and State aforesaid that
they reside at 615 Wydown, Clayton, Missouri
and 15 Woodhill Lane, St. Louis, Missouri
respectively, that they are the Vice President and
Secretary, respectively, of said corporation and that said
corporation executed said instrument; that they know the seal of
said corporation; that the seal affixed to said instrument is the
corporate seal of said corporation; that they, being informed of
the contents of said instrument, signed and sealed said instrument
and that they executed the same in the name and on behalf of said
corporation by order, authority and resolution of its Board of
Directors and that they signed their names thereto by like order;
that they executed the same as, and said instrument is, their
free and voluntary act and deed and the free and voluntary act
and deed of said corporation for the consideration, uses and
purposes therein set forth and expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed by official seal in the County and State aforesaid on the
day and year first above written.

Raymond D. Davis

Notary Public

My place of residence is: 7082 Bancroft,
St. Louis, Missouri

My Commission Expires: 2-13-88

(Notarial Seal)

NOTARY PUBLIC
COURT OF ST. LOUIS
ST. LOUIS CITY

JANUARY
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RECORDED
NO. 276

UNOFFICIAL COPY

STATE OF New Jersey
COUNTY OF Essex

ss

On this 19th day of August, 1988, before me Donna Flanagan, a Notary Public in and for the said County and State, duly commissioned and sworn personally in said County and State appeared Thomas W. Simons and Michael SABAANO to me personally known and known to me to be Assistant Vice Pres and Assistant Cashier respectively, of First Fidelity Bank, the Corporate Trustee, named in and executing the foregoing instrument, which instrument includes Schedule A attached thereto and made a part thereof, and which instrument was produced to me in said County and State aforesaid by the said Thomas W. Simons and Michael SABAANO, who are known to me to be two identical persons who subscribed the name of the maker thereof to the foregoing instrument as its Assistant Vice Pres and Assistant Cashier, respectively, who by me being duly sworn, did severally depose, say and acknowledge that they reside at 17 Almira Street Bloomfield New Jersey 07003 and 233 Parkhurst Ave, Linden NJ that they are a Asst. Vice Pres and Assistant Cashier respectively, of said corporation and that said corporation executed said instrument as Corporate Trustee; that they know the seal of said corporation and that said corporation executed said instrument as Corporate Trustee; that they know the seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation; that they, being informed of the contents of said instrument signed and sealed said instrument and that they executed the same in the name and on behalf of said corporation by order, authority and resolution of its Board of Directors and that they signed their names thereto by like order; that they executed the same as, and said instrument is, their free and voluntary act and deed and the free and voluntary act and deed of said corporation for the consideration, uses and purposes therein set forth and expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid on the day and year first above written.

Donna J. Flanagan
Notary Public

My place of residence is:
674 Garden Street
Maywood N.J. 07607
My Commission expires:

1/18/90

(Notarial Seal)

DONNA J. FLANAGAN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Jan. 18, 1988

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UNOFFICIAL COPY

FBI REC'D
NO. 2

OF NEW JERSEY)
COUNTY) SS

JANUARY

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On this 19th day of August, 1985, before me
Donna Planagan a Notary Public in
and for the said County and State, duly commissioned and sworn,
personally in said County and State appeared L. Patterson, to
me personally known and known to me to be L. Patterson, successor
individual trustee named in and executing the foregoing instrument,
which instrument includes Schedule x
attached thereto and made a part thereof, and which instrument
was produced to me in said County and State aforesaid by the said
L. Patterson who is known to me to be the identical person who
subscribed the name of the maker thereof to the foregoing instrument
as its successor individual trustee who by me being duly sworn
did severally depose, say and acknowledge that she resides at
4 Mitchell Road, Somerville, N.J. 08876 and that she
is a successor individual trustee for said corporation; that the
seal affixed to said instrument is the corporate seal of said
corporation; that she being informed of the contents of said
instrument, signed and sealed said instrument and that she executed
the same in the name and on behalf of said corporation by order,
authority and resolution of its Board of Directors and that she
signed her name thereto by like order; that she executed the same
as, and said instrument is, her free and voluntary act and deed
and the free and voluntary act and deed of said corporation for
the consideration, uses and purposes therein set forth and expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal in the County and State aforesaid on the day and
year first above written.

Donna Planagan
Notary Public

My Place of Residence is:
674 Garden Street
Maywood N.J. 07607
My Commission Expires:
11/18/88

DONNA PLANAGAN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Jan 18, 1988

(Notarial Seal)

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Clerk's Office

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WHEREAS, Dartmoor Corporation has heretofore executed and delivered a First Mortgage and Deed of Trust, Series F, to secure the First Mortgage Notes, Series F, which mortgage created a lien on several separate service station properties, including that property located at 14601 South Halstead, Harvey, Illinois; and

WHEREAS, on August 19, 1986, the property located at 14601 South Halstead, Harvey, Illinois, was released from the First Mortgage and Deed of Trust, Series F, following partial prepayment by Dartmoor Corporation of the First Mortgage Notes, Series F;

NOW, THEREFORE, I, Milton R. Burmaster, Vice President of Dartmoor Corporation do hereby guarantee that the Registrar's Release Number in Torrens for the property located at 14601 South Halstead, Harvey, Illinois, shall be affixed to the First Mortgage Notes, Series F.

Milton R. Burmaster
Milton R. Burmaster

STATE OF MISSOURI)
) ss
COUNTY OF ST. LOUIS)

I, Faye Marie Peats, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that Milton R. Burmaster, Vice President of DARTMOOR CORPORATION, who is personally known to me to be the person whose name is subscribed to the foregoing instrument as such Vice President, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and as such Vice President, and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

Given under my hand and seal, this 14th day of January, 1986.

Faye Marie Peats

My Commission Expires:

NOTARY PUBLIC
ST. LOUIS CITY

JANUARY

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UNOFFICIAL COPY

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JAN 30 10 42 AM '86

DEPARTMENT OF TITLE

3493124



JANUARY

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Handwritten: 11/28/85
11/29/85

Property of Cook County Clerk's Office

DEPT-01 RECORDING \$20.00
T01111 TRAM 6594 01/30/86 10:53:00
00093 * * * -86-042876

Handwritten: 20.00

Vertical stamp: 01/30/86