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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2002 009735

2002 JAN 28 PM 3:59

INDIAN STATE  
RECORDER

**MEMORANDUM OF LEASE**

This is a Memorandum of Lease for the Lease executed on the **24<sup>th</sup> day of August 2001**, between **Subway Real Estate Corp.** a corporation organized under the laws of the State of Delaware, having its principal office at 325 Bic Drive, Milford, CT 06460, hereinafter called "the Tenant," and **Hendrie LLC., a/an COMPANY** organized under the laws of the State of INDIANA, having its principal office at: **16800 Chicago Avenue, Lansing, IL 60438** hereinafter called "the Landlord."

For the purpose of this document and/or the Lease, as well as the exhibits/schedules executed by the Landlord and Tenant, the terms "Landlord" and "Lessor" as used shall be deemed synonymous and the terms "Tenant" and "Lessee" as used shall be deemed synonymous.

The Landlord leases to the Tenant the premises as described in the Lease:

1. Premises:

Store Number: **24756** approximately: **1800 Square Feet.**

Located at: **3443 East 45<sup>th</sup> Street, Highland, IN 46322**

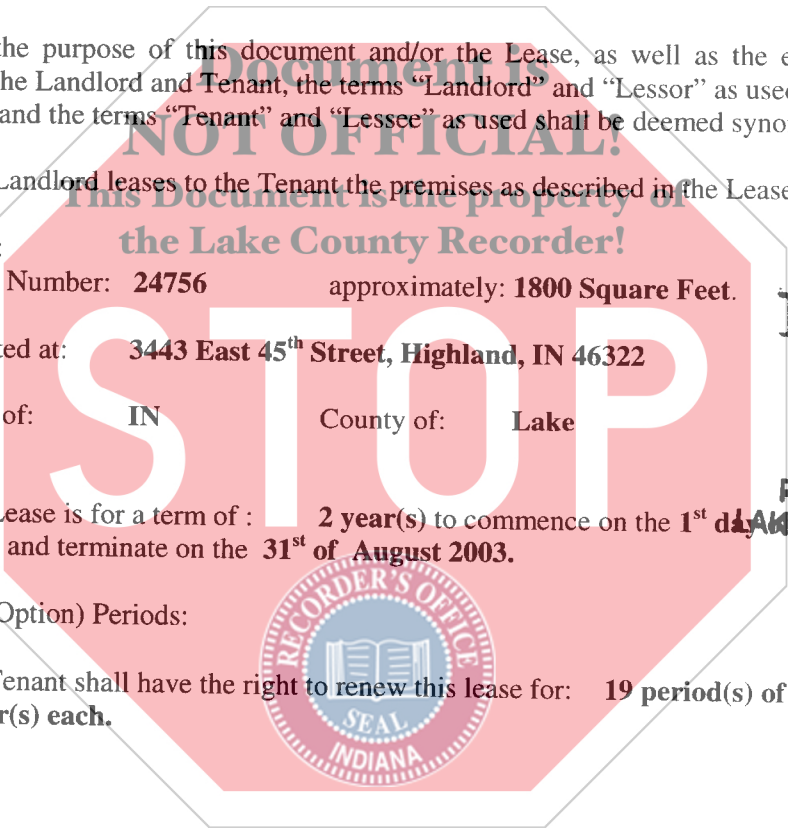
State of: **IN** County of: **Lake**

2. Term:

The Lease is for a term of : **2 year(s)** to commence on the **1<sup>st</sup> day of August 2001**, and terminate on the **31<sup>st</sup> of August 2003.**

3. Renewal (Option) Periods:

The Tenant shall have the right to renew this lease for: **19 period(s)** of **1 year(s) each.**



**FILED**

**JAN 25 2002**

**PETER BENJAMIN  
LAKE COUNTY AUDITOR**

**001565**

Prepared by, and return to:  
Subway Real Estate Corp.  
R. Asper, Lease Recording Specialist  
325 Bic Drive ~ Milford, CT 06460  
203-878-2791 ext. 1435



19.00  
Pe  
60V 4790

In Witness whereof the "Landlord" has hereunto executed this memorandum of lease this 2<sup>ND</sup> day of JANUARY, 200 2.

Landlord: HENDRIE, L.L.C.

HENDRIE, LLC

John Bachewicz  
C.E.O.

Print: JOANN BACHEWICZ

Title: \_\_\_\_\_  
Gregory J Roberts 1/02/02  
Witness Date  
Gregory J Roberts  
Print

Date: \_\_\_\_\_  
Heidi Rogan 1/02/02  
Witness Date  
HEIDI ROGAN  
Print

State of ILLINOIS, County of COOK

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, JOANN BACHEWICZ, personally appeared before me and has proved to my satisfaction to be the person(s) described in and who executed the foregoing instrument as CEO of HENDRIE, LLC, a L.L.C. Corporation, who acknowledged that he/she did sign the foregoing instrument for, and on behalf of said Corporation, being thereunto duly authorized by its Board of Directors and that the same is their free act and deed as such officers and the free act of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at LANSING, IL, This 2<sup>ND</sup> day of JANUARY, 200 2.

Pamela A. Vander Meyden  
Notary Public PAMELA A. VANDERMEYDEN  
Print

4/22/03

My commission expires

"Official Seal"  
Pamela A. Vander Meyden  
Notary Public, State of Illinois  
My Commission Expires 4/22/03



In Witness Whereof the "Tenant" has hereunto executed this memorandum of lease this 11<sup>th</sup> day of Jan, 2002.

Tenant: Subway Real Estate Corp.

[Signature]  
John C. Devine, Its: Vice President

1-11-02  
Date

[Signature] 1-11-02  
Witness Date

[Signature] 1/11/02  
Witness Date

R. Asper  
Print

Lindsay Steferak  
Print

State of Connecticut, County of New Haven

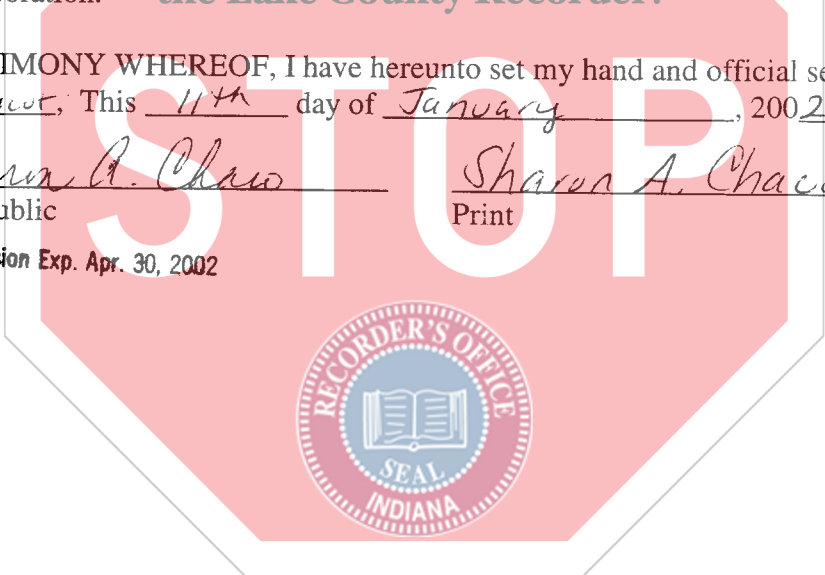
Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **John C. Devine**, personally appeared before me and has proved to my satisfaction to be the person(s) described in and who executed the foregoing instrument as Vice President of **Subway Real Estate Corp.**, a **Delaware Corporation**, who acknowledged that he did sign the foregoing instrument for, and on behalf of said Corporation, being thereunto duly authorized by its Board of Directors and that the same is his free act and deed as such officer and the free act of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Milford Connecticut, This 11<sup>th</sup> day of January, 2002.

[Signature]  
Notary Public

[Signature]  
Print

My Commission Exp. Apr. 30, 2002



Prepared by, and return to:  
Subway Real Estate Corp.  
325 Bic Drive ~ Milford, CT 06460

Chicago Title Insurance Company, a Missouri corporation herein called the "Company" for valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

Effective Date: June 19, 2001 8:00 AM NBU 70100904-REV

No: 620015205

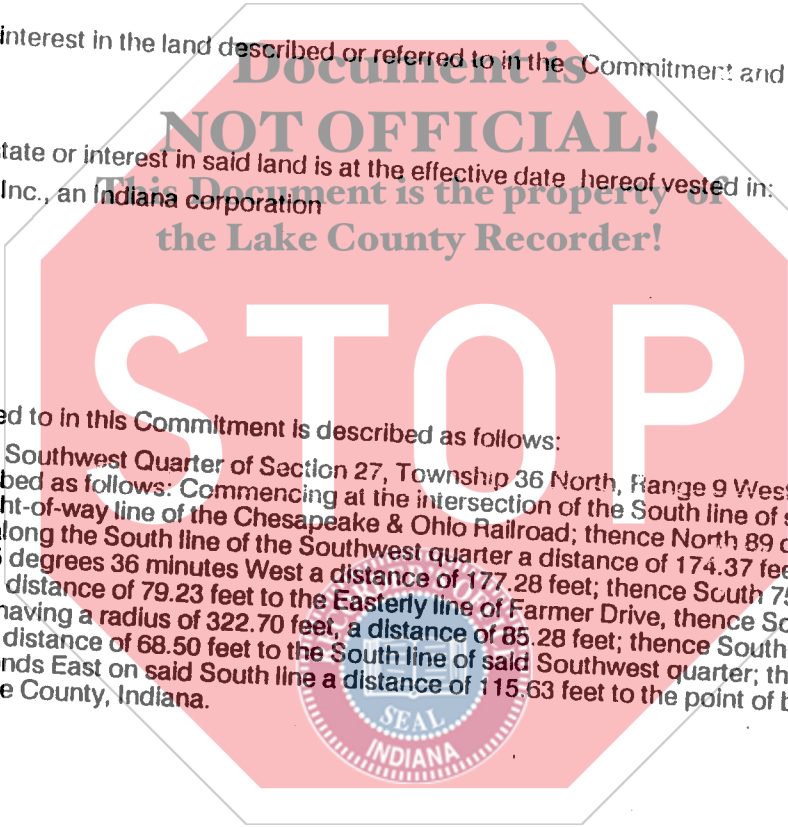
Policy or Policies to be issued:

OWNER'S POLICY: ALTA OWNER'S POLICY (REV. 10/17/92)  
Proposed Insured:  
Hendrie, LLC

LOAN POLICY: ALTA LOAN POLICY (REV. 10/17/92) W/GEN.  
Proposed Insured:  
Centler Bank, its successors and/or assigns

The estate or interest in the land described or referred to in the Commitment and covered herein is fee simple

Title to said estate or interest in said land is at the effective date hereof vested in:  
Bender Pizza, Inc., an Indiana corporation



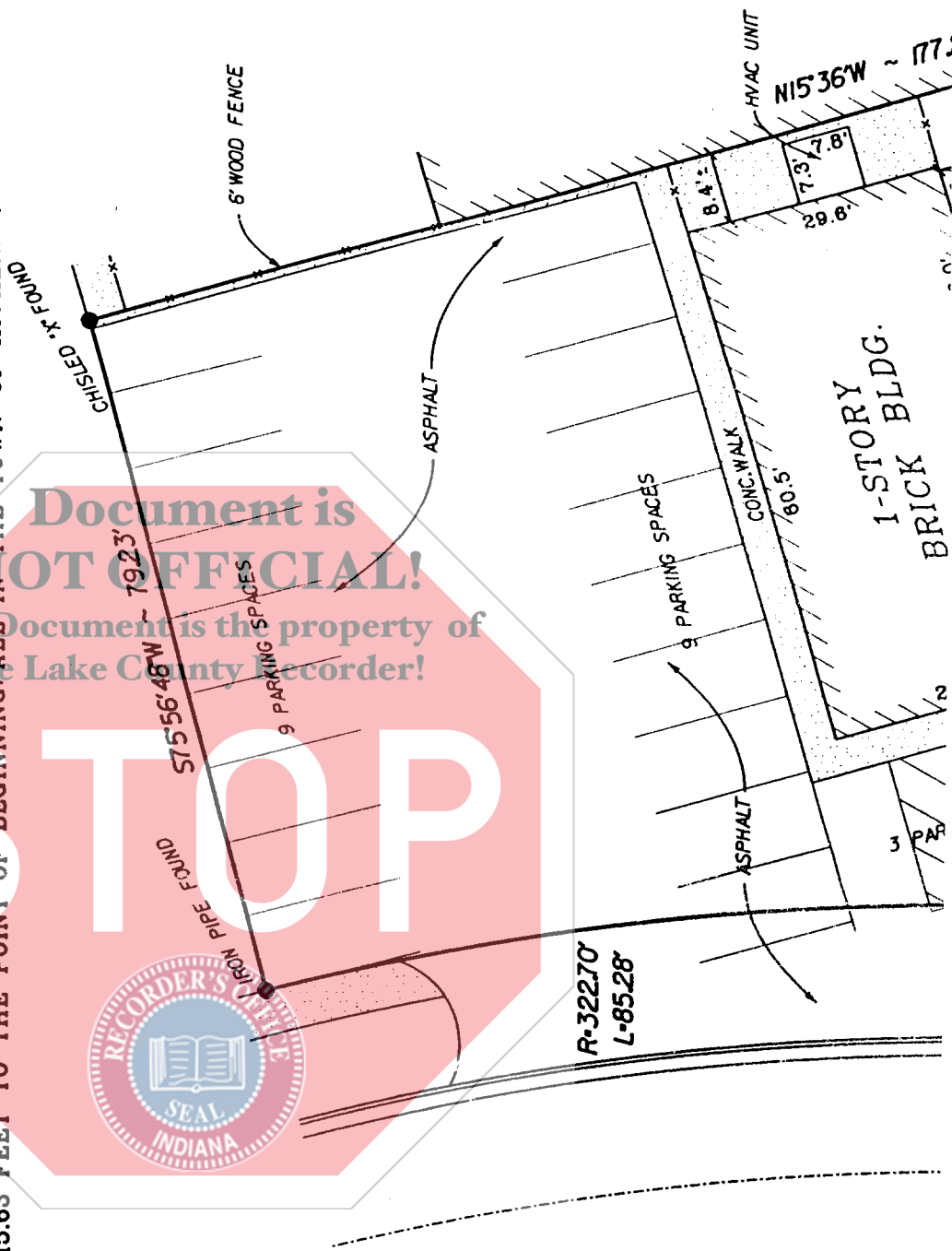
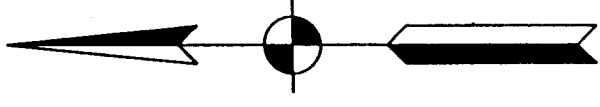
READ AND APPROVED  
\_\_\_\_\_  
DATE

The land referred to in this Commitment is described as follows:  
That part of the Southwest Quarter of Section 27, Township 36 North, Range 9 West of the Second Principal Meridian described as follows: Commencing at the intersection of the South line of said Southwest quarter and the Westerly right-of-way line of the Chesapeake & Ohio Railroad; thence North 89 degrees 23 minutes 30 seconds West along the South line of the Southwest quarter a distance of 174.37 feet to the point of beginning; thence North 15 degrees 36 minutes West a distance of 177.28 feet; thence South 75 degrees 56 minutes 48 seconds West a distance of 79.23 feet to the Easterly line of Farmer Drive, thence Southerly on a curve convex to the East and having a radius of 322.70 feet, a distance of 85.28 feet; thence South 0 degrees 36 minutes 30 seconds West a distance of 68.50 feet to the South line of said Southwest quarter; thence South 89 degrees 23 minutes 30 seconds East on said South line a distance of 115.63 feet to the point of beginning, all in the Town of Highland, Lake County, Indiana.

This Commitment is valid only if Schedule B is attached.

# SURVEYOR LOCATION REPORT

DESCRIPTION OF PROPERTY:  
 THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 9 WEST OF THE 2ND PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SOUTHWEST 1/4 AND THE WESTERLY RIGHT-OF-WAY LINE OF THE C&O RAILROAD; THENCE NORTH 89°23'30" WEST, ALONG SAID SOUTH LINE OF SOUTHWEST 1/4, A DISTANCE OF 174.37 FEET TO THE POINT OF BEGINNING; THENCE NORTH 15°36' WEST A DISTANCE OF 177.28; THENCE SOUTH 75°56'48" WEST A DISTANCE OF 79.23 FEET TO THE EASTERLY LINE OF FARMER DRIVE; THENCE SOUTHERLY ON A CURVE CONVEX TO THE EAST AND HAVING A RADIUS OF 322.70 FEET, A DISTANCE OF 85.28 FEET; THENCE SOUTH 00°36'30" WEST A DISTANCE OF 68.50 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4; THENCE SOUTH 89°23'30" EAST ON SAID SOUTH LINE A DISTANCE OF 115.63 FEET TO THE POINT OF BEGINNING; ALL IN THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA.



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R-32270  
 L-8528



