

UNOFFICIAL COPY

0010544467

3/8/2001 12:27:00 Page 1 of 7
2001-06-21 12:31:26
Cook County Recorder 33.00



7900519 DI C 2003

AFTER RECORDING RETURN TO:

James M. Bradley, Esq.
Bradley and Associates
1270 Soldiers Field Road
Boston, Massachusetts 02135

SPECIAL WARRANTY DEED

THE STATE OF ILLINOIS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF COOK §

THAT, 29 NORTH WACKER, L.L.C. ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to Grantor, the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto INTERCONTINENTAL FUND III 29 NORTH WACKER DRIVE, LLC, a Massachusetts limited liability company ("Grantee"), whose mailing address is 1270 Soldiers Field Road, Boston, Massachusetts 02135, that certain real property being more particularly described in Exhibit A attached hereto and made a part hereof for all purposes, together with all improvements, structures and fixtures situated thereon (collectively, the "Property"); subject, however, to those matters more particularly described in Exhibit B attached hereto and made a part hereof for all purposes (collectively, the "Permitted Exceptions").

7A4

TO HAVE AND TO HOLD the Property, together with all and singular the rights, and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns forever, subject to the Permitted Exceptions; and Grantor does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Permitted Exceptions, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through, or under Grantor, but not otherwise.

BOX 333-CTI

UNOFFICIAL COPY

NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREIN, IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT GRANTEE IS ACQUIRING THE PROPERTY "AS IS" AND "WHERE IS", AND WITH ALL FAULTS AND THAT, EXCEPT AS TO THE SPECIAL WARRANTY OF TITLE SET FORTH ABOVE AND THE REPRESENTATIONS SET FORTH IN PARAGRAPH 7 OF THAT CERTAIN AGREEMENT OF SALE (THE "CONTRACT") DATED MAY 4, 2001 BETWEEN GRANTOR AND INTERCONTINENTAL REAL ESTATE INVESTMENT FUND III, LLC ("BUYER"), GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, IN THIS DEED WITH RESPECT TO THE QUALITY, PHYSICAL CONDITION, EXPENSES, VALUE OF THE PROPERTY OR IMPROVEMENTS THEREON, HANDICAPPED ACCESSIBILITY LAW COMPLIANCE, PRESENCE/ABSENCE OF HAZARDOUS MATERIALS, ELECTROMAGNETIC FIELD EXPOSURE LEVELS OR ANY OTHER MATTER OR THING AFFECTING OR RELATED TO THE PROPERTY (INCLUDING, WITHOUT LIMITATION, WARRANTIES OF HABITABILITY, WARRANTIES OF MERCHANTABILITY AND/OR OF FITNESS FOR A PARTICULAR PURPOSE), WHICH MIGHT BE PERTINENT IN CONSIDERING THE MAKING OF THE PURCHASE OF THE PROPERTY, AND GRANTEE, BY ITS ACCEPTANCE HEREOF, DOES HEREBY RELEASE AND FOREVER DISCHARGE GRANTOR, ITS OFFICERS, DIRECTORS AND TRUSTEES AND THEIR RESPECTIVE AGENTS, EMPLOYEES, SUCCESSORS AND ASSIGNS FROM (A) ANY AND ALL CLAIM, OBLIGATION AND LIABILITY (WHETHER BASED IN TORT, UNDER CONTRACT OR OTHERWISE) ATTRIBUTABLE, IN WHOLE OR IN PART, TO ANY SUCH REPRESENTATION (OTHER THAN THE SPECIAL WARRANTY OF TITLE SET FORTH HEREIN AND THE REPRESENTATIONS SET FORTH IN PARAGRAPH 7 OF THE CONTRACT) AND/OR ALLEGED REPRESENTATION; AND (B) ANY AND ALL CONTRIBUTION, INDEMNITY OR OTHER CLAIMS AND LIABILITIES UNDER ANY ENVIRONMENTAL LAWS, RULES OR REGULATIONS (INCLUDING CERCLA).

[END OF PAGE]

10544467

UNOFFICIAL COPY

Grantee, by its acceptance hereof, hereby assumes payment of all standby charges, ad valorem real estate taxes and assessments not yet due and payable, each to the extent attributable to all or any portion of the Property.

IN WITNESS WHEREOF, this instrument has been executed as of (but not necessarily on) this 19 day of June, 2001.

GRANTOR:

29 NORTH WACKER, L.L.C., a Delaware limited liability company

By: GE Investment Realty Partners III, Limited Partnership, a Delaware limited partnership, Its Manager

By: GE Asset Management Incorporated, a Delaware corporation, Its General Partner

By: 

Name: Michael Strze

Title: JP

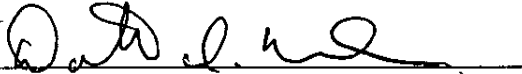
Property of Cook County Clerk's Office

10544467

UNOFFICIAL COPY

THE STATE OF Connecticut §
COUNTY OF Fairfield §

This instrument was acknowledged before me on June 11,
2001, by Michael Straw, a V.P. of GE
Asset Management Incorporated, a Delaware corporation, on behalf
of such corporation.



Notary Public, State of
Connecticut

My Commission Expires:

Notary's name printed:

DANETTE I. MELCHIONNE
NOTARY PUBLIC
My Commission Expires April 30, 2004

Property of Cook County Clerk's Office

10544467

UNOFFICIAL COPY

Exhibit "A"

LEGAL DESCRIPTION OF PREMISES

PARCEL 1:


LOTS 1 TO 9, BOTH INCLUSIVE, IN THE ASSESSOR'S DIVISION OF LOT 4 IN BLOCK 53 IN THE ORIGINAL TOWN OF CHICAGO IN SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:


EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS OVER AND UPON THE WEST 6 FEET OF LOT 3 IN BLOCK 53 IN ORIGINAL TOWN OF CHICAGO AFORESAID, CREATED BY AGREEMENT MADE BY AND BETWEEN CHICAGO TELEPHONE COMPANY, A CORPORATION OF ILLINOIS AND MARIE LEFENS, AND OTHERS DATED SEPTEMBER 13, 1916 AND RECORDED NOVEMBER 9, 1916 AS DOCUMENT NUMBER 5989236 AS MODIFIED BY INSTRUMENT DATED MAY 3, 1921 AND RECORDED MAY 6, 1921 AS DOCUMENT NUMBER 7136314, ALL IN COOK COUNTY, ILLINOIS.


C/K/A/ 29 N. WACKER, CHICAGO, IL 60606

PIN: 17-09-453-013-0000

STATE TAX  JUN. 20. 01 REAL ESTATE TRANSFER TAX DEPARTMENT OF REVENUE	STATE OF ILLINOIS
	REAL ESTATE TRANSFER TAX
# 0000010159	18200.00
	FP 102808

City of Chicago
Dept. of Revenue
253652
06/19/2001 15:18 Batch 07923 27

 Real Estate
Transfer Stamp
\$136,500.00

COUNTY TAX  JUN. 20. 01 REVENUE STAMP	COOK COUNTY REAL ESTATE TRANSACTION TAX
	REAL ESTATE TRANSFER TAX
# 0000010172	091000.0
	FP 102802

10544467

UNOFFICIAL COPY

Exhibit "B"

LIST OF PERMITTED ENCUMBRANCES

1. TAXES AND ASSESSMENTS WHICH ARE A LIEN, BUT WHICH ARE NOT YET BILLED, OR ARE BILLED BUT ARE NOT YET DUE AND PAYABLE AND ANY ASSESSMENTS NOT SHOWN ON THE PUBLIC RECORD.
2. ANY LAWS, REGULATIONS OR ORDINANCES (INCLUDING, BUT NOT LIMITED TO, ZONING, BUILDING AND ENVIRONMENTAL MATTERS) AS TO THE USE, OCCUPANCY, SUBDIVISION OR IMPROVEMENT OF THE PREMISES ADOPTED OR IMPOSED BY ANY GOVERNMENTAL AGENCY.
3. ALL MATTERS DISCLOSED ON SURVEY OF THE PROPERTY.
4. RIGHTS OF TENANTS UNDER LEASES FOR THE PROPERTY
5. LEASE MADE BY THE MUTUAL LIFE INSURANCE COMPANY TO MCDONALD'S CORPORATION DATED FEBRUARY 26, 1997, A MEMORANDUM OF WHICH WAS RECORDED APRIL 7, 1997 AS DOCUMENT NO. 97240597, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING MARCH 26, 1997 AND ENDING 20 YEARS AFTER THE DATE SIX MONTHS AFTER THE EARLIEST TO OCCUR OF: (1) THE DATE TENANT OPENS FOR BUSINESS ON THE LAND AND (2) THE LATER TO OCCUR OF (A) THE DATE LANDLORD DELIVERS SOLE AND ACTUAL POSSESSION OF THE LAND TO TENANT (B) THE DATE TENANT WAIVES OR SATISFIES THE CONTINGENCIES SET FORTH IN SECTION 30 OF THE LEASE AND (C) THE DATE LANDLORD COMPLETES "LANDLORDS WORK" AS DEFINED THEREIN.
6. (A) TERMS, PROVISIONS, AND CONDITIONS RELATING TO THE EASEMENT DESCRIBED AS PARCEL 2 CONTAINED IN THE INSTRUMENT CREATING SAID EASEMENT.

(B) RIGHTS OF THE ADJOINING OWNER OR OWNERS TO THE CONCURRENT USE OF SAID EASEMENT.
7. PRIVATE ALLEY OVER THE EAST 10 FEET OF THE LAND TO BE FOREVER KEPT OPEN FOR USE OF THE OWNER OF LOT 3 IN BLOCK 53, RESERVED IN DEEDS DOCUMENT NUMBERS 5989236, 7136314, 11208695, 11208694.
8. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE MEMORANDUM OF LEASE RECORDED APRIL 7, 1997 AS DOCUMENT 97240597 MADE BY AND BETWEEN THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK AND MCDONALD'S CORPORATION RESTRICTING THE USE AND OPERATION OF CERTAIN BUSINESSES IN THE BUILDING.
9. RIGHTS OF THE COMMONWEALTH EDISON COMPANY AS DISCLOSED BY EXISTENCE OF MANHOLES AS SHOWN ON SURVEY DATED JUNE 15, 1999 AND

10544467

UNOFFICIAL COPY

REVISED JUNE 24, 1999 PREPARED BY PAUL LOTZ, ORDER NUMBER 99-6-8.

10. ENCROACHMENT OF THE 10 STORY BRICK OFFICE BUILDING LOCATED MAINLY ON THE LAND ONTO THE PROPERTY NORTH AND ADJOINING BY APPROXIMATELY 0.17 FEET, AS SHOWN ON PLAT OF SURVEY NUMBER 99-6-8 PREPARED BY PAUL LOTZ DATED JUNE 15, 1999 AND REVISED JUNE 24, 1999.

11. ENCROACHMENT OF THE 18 STORY BRICK OFFICE BUILDING LOCATED MAINLY ON THE PROPERTY EAST AND ADJOINING THE LAND BY APPROXIMATELY 0.15 FEET, AS SHOWN ON PLAT OF SURVEY NUMBER 99-6-8 PREPARED BY PAUL LOTZ DATED JUNE 15, 1999 AND REVISED JUNE 24, 1999.

12. MATTERS DONE OR SUFFERED TO BE DONE BY, THROUGH OR UNDER PURCHASER

13. EXISTING UNRECORDED SUBLEASE MADE BY MCDONALD'S CORPORATION, A DELAWARE CORPORATION, TO WOLF CAMERA, INC., A GEORGIA CORPORATION