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2001-11-29 10:20:26

Cook County Recorder 59.50

P.I.N.: 31-21-201-009



001119889

SPECIAL WARRANTY DEED

STATE OF ILLINOIS  
COUNTY OF COOK

THIS INDENTURE, made this 15<sup>th</sup> day of November, 2001, by IHOP REALTY CORP., a Delaware corporation ("Grantor"), to NOVOGRODER/MATTESON, LLC, an Illinois limited liability company ("Grantee"),

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land described on Exhibit A, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee, forever, IN FEE SIMPLE.

This Deed and the warranty of title contained herein are made expressly subject to the list of permitted exceptions set forth on Exhibit B attached hereto and made a part hereof.

Grantor will warrant and forever defend the right and title to the above described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context requires or permits.)

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Attest:

IHOP REALTY CORP.,  
a Delaware corporation

Jess E. Sotomayor  
Name: Jess E. Sotomayor  
Title: Assistant Secretary  
(AFFIX CORPORATE SEAL)

By: [Signature]  
Name: Russell K. Hansen  
Title: President

MATTESON.I.L.

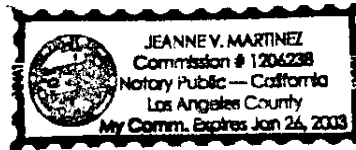
Lawyers Title Insurance Corporation

State of California )  
County of Los Angeles ) S.S.

On November 15, 2001, before me, Jeanne V. Martinez, a Notary Public in and for said County and State, personally appeared Richard K. Herzer, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person, or the entity(ies) upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Jeanne V. Martinez



(Seal)

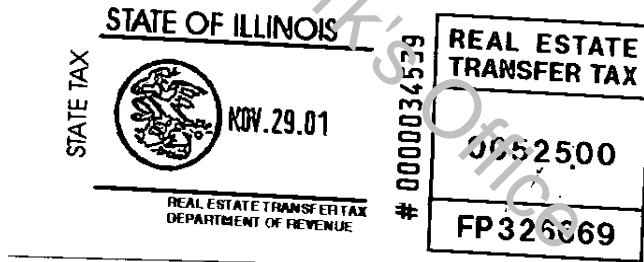
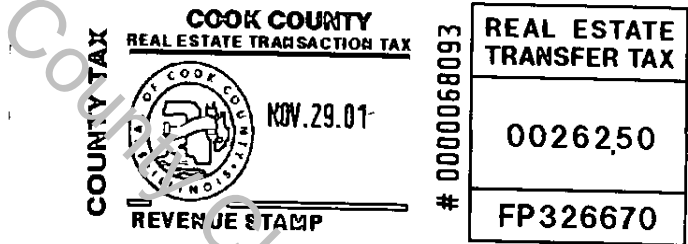
Address of Property:  
20955 Cicero Ave  
Matteson, IL

This Instrument Prepared by:

Joseph J. London, Esq.  
21800 Oxnard Street, Suite 1190  
Woodland Hills, California 91367

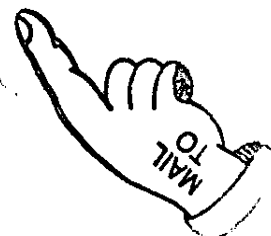
Send Subsequent Tax Bills to:

Novogroder/Matteson, LLC  
875 North Michigan Avenue  
Suite 3612  
Chicago, Illinois 60611

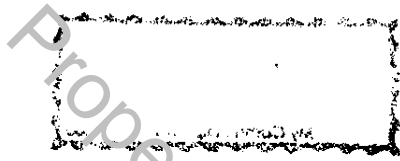


After Recording, Return to:

PETER G. KORANSKY  
KORANSKY & BOUWER, P.C.  
425 JOLIET ST, SUITE 425  
DYER, IN 46311



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Property of Cook County Clerk's Office

Exhibit A to Deed  
Legal Description

Parcel 1

That certain tract of land situated in the Village of Matteson, Cook County, Illinois, described as follows:

Lot 2 in Corporate Lakes Subdivision-Unit VI, being a subdivision of part of the Northeast 1/4 of Section 21, Township 35 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded January 14, 1999, as Document No. 99045165, Cook County, Illinois records, in Cook County, Illinois.

Parcel 2

Perpetual, non-exclusive ingress and egress easement for the benefit of Parcel 1 and other property, created and granted by Warranty Deed in Trust dated February 27, 1987, and recorded March 3, 1987, as Document No. 87114887, from The May Department Stores Company to the First National Bank of Blue Island, as Trustee under Trust Agreement dated February 12, 1987, and known as Trust No. 87022, through, upon and across the following described property, for the purpose of pedestrian and vehicular ingress and egress to and from Parcel 1 and other property and Cicero Avenue:

That part of Lot 1 in Venture's Subdivision, being part of the South 1/2 of the Northeast 1/4 of Section 21, Township 35 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded as Document No. 23968407, Cook County, Illinois records, described as beginning at a point on the East line of said Lot 1 that is 375 feet South of the Northeast corner of said Lot 1; thence continuing South 70 feet along the East line of said Lot 1; thence West, 221.39 feet, perpendicular to the previously described course; thence North, 70 feet, perpendicular to the previously described course; thence East, 221.39 feet, perpendicular to the previously described course to the point of beginning.

Parcel 3

Perpetual, non-exclusive ingress and egress easement for the benefit of Parcel 1, created and granted by Restrictive Covenants and Easement Agreement dated October 30, 2001, by and between Home Depot U.S.A., Inc., a Delaware corporation, and IHOP Realty Corp., a Delaware corporation, and recorded November 5, 2001, as Document No. 0011038119, Cook County, Illinois records, through, upon and across that certain adjoining property as set forth and described in said Agreement, for the purpose of pedestrian and vehicular ingress and egress to and from Parcel 1 and Cicero Avenue.

Parcel 4

Perpetual, non-exclusive ingress, egress and utility easements for the benefit of Parcel 1, created and granted by Reciprocal Easement and Operation Declaration dated July 29, 1999, by and between Corporate Lakes of Matteson, L.L.C., an Illinois limited liability company, and Home Depot U.S.A., Inc., a Delaware corporation, and recorded December 7, 1999, as Document No. 09138271, Cook County, Illinois Records.

Exhibit B to Deed  
Permitted Title Exceptions

1. Taxes for the year 2001 and thereafter, not yet due and payable.
2. Building setback lines as shown on the plat of subdivision of Corporate Lakes Subdivision-Unit VI recorded January 14, 1999 as Document 99045165.
3. Public utility and sidewalk easement as shown on the plat of subdivision of Corporate Lakes Subdivision-Unit VI recorded January 14, 1999 as Document No. 99045165.
4. Public utility easement as shown on the plat of subdivision of Corporate Lakes Subdivision-Unit VI recorded January 14, 1999 as Document No. 99045165.
5. Easement provisions contained on the plat of subdivision of Corporate Lakes Subdivision-Unit VI recorded January 14, 1999 as Document No. 99045165, as follows:

(A) Easement for serving the subdivision and other property with electric and communications service rendered for and granted to Commonwealth Edison Company and Illinois Bell Telephone Company (Ameritech), and their respective successors and assigns, to install, operate, maintain and remove facilities used in connection with overhead and underground transmission and distribution of electricity and sounds and signals in, over, under, across, along and upon those parts of the land shown within dotted lines on said plat and marked "easement" and the property designated as common areas, together with the right to install required service connections over or under the surface of each lot and common area to serve improvements thereon or on adjacent lots and common areas, and also with the right to enter upon the land for all such purposes, and with further provision that obstructions shall not be placed over said grantees' facilities or in, upon or over said easement areas without prior written consent of said grantees, and the terms, provisions and conditions therein contained.

(B) Easement reserved for and granted to Northern Illinois Gas Company, and its successors and assigns ("Ni-Gas"), to install, operate, maintain, repair, replace and remove facilities used in connection with the transmission and distribution of natural gas in, over, under, across, along and upon those parts of the land shown within dotted lines on said plat and marked "easement") and the property designated as common areas, together with the right to install required service connections over or under the surface of each lot and common area to serve improvements thereon or on adjacent lots and common areas, and also with the right to enter upon the land for all such purposes, and with further provision that obstructions shall not be placed over Ni-Gas' facilities or in, upon or over said easement areas without prior written consent of Ni-Gas, and the terms, provisions and conditions therein contained.

6. Covenants, conditions and restrictions and notations contained on the plat of subdivision of Corporate Lakes Subdivision-Unit VI recorded January 14, 1999 as Document No. 99045165, as follows:

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to Section 2 of "An Act to Revise the Law in Relation to Plats," as amended. A plan that meets the requirements contained in the Department's "Policy

- on Permits for Access Driveways to State Highways" will be required by the Department. There will only be two driveways to IL. 50 (Cicero Avenue) from Lot 1. One driveway shall be a full access driveway and align with Maplewood Lane. The other driveway shall be a restricted driveway and align with Sprucewood Lane. There shall be no access from Lot 2 or Lot 3 to IL. 50 (Cicero Avenue).
7. Grant of easement dated February 9, 1976 recorded March 4, 1976 as Document No. 23406655 to Commonwealth Edison Company, and its successors and assigns, for public utility purposes to install, operate, maintain, repair, renew, replace and remove electric facilities in and upon those parts of the land described therein and shown on Exhibit "A" attached thereto, together with right of access thereto, and with further provision that no structure or obstruction shall be installed or constructed over any sub-surface facilities, and the terms, provisions and conditions therein contained. Also granted and shown on grant of easement to Commonwealth Edison Company recorded November 16, 1977 as Document No. 24197545. Also as shown on the plat of subdivision of Corporate Lakes Subdivision-Unit VI recorded January 14, 1999 as Document No. 99045165. (Affects those portions of the land as shown on said plat).
  8. Terms, provisions, covenants, conditions, restrictions, limitations, easements, rights and obligations contained in and granted by Warranty Deed in Trust dated February 27, 1987 and recorded March 3, 1987 as Document No. 87114887 from The May Department Stores Company, a New York corporation, to the First National Bank of Blue Island, as Trustee under Trust Agreement dated February 12, 1987 and known as Trust No. 87022.
  9. Covenants, conditions and restrictions contained in Declaration of Use Restrictions dated as of April 18, 1991 and recorded April 23, 1991 as Document No. 91187413, relating to, among other things, use of the land and limitation on use as certain named restaurants as specified therein.
  10. Terms, provisions, covenants, conditions, limitations, rights and obligations contained in and granted by Agreement for Regulation of Parking of Motor Vehicles and Traffic at Shopping Center dated August 6, 1979 and recorded August 10, 1979 as Document No. 25095136 by and between the Village of Matteson and The May Department Stores Company, and Extension Agreement dated August 3, 1989 by and between the Village of Matteson and May Department Stores, and Resolution No. 440-0889 of the Village of Matteson authorizing extension, passed and approved August 21, 1989 and certified copy thereof recorded August 30, 1989 as Document No. 89406974; and any amendments or supplements thereto.
  11. Covenants, conditions and restrictions contained in Declaration of Use Restrictions dated as of March 26, 1987 and recorded March 27, 1987 as Document No. 87164646, relating to, among other things, use of the land and certain prohibited uses as specified therein.
  12. Easements, rights and obligations created and granted by, and the terms, provisions, covenants, conditions and limitations contained in, Reciprocal Easement and Operation Declaration dated as of July 29, 1999 and recorded December 7, 1999 as Document No. 09138271 by and between Corporate Lakes of Matteson, L.L.C., an Illinois limited liability company, and Home Depot U.S.A., Inc., a Delaware corporation, creating and granting easements and rights for the purposes set forth therein, and also relating to maintenance and repair, taxes, and restrictions on use and operation as set forth therein.

13. Notice of Requirements for Storm Water Detention by the Metropolitan Sanitary District of Greater Chicago recorded January 20, 1988 as Document No. 88028742.
14. Unrecorded easement in favor of the Village of Matteson for 12 inch water main and 8 inch sanitary sewer, as disclosed by letter (unrecorded) dated May 14, 1998, together with the right of access thereto; as disclosed in Deed from Corporate Lakes of Matteson, L.L.C. to Home Depot U.S.A., Inc. dated July 29, 1998 recorded August 24, 1998 as Document No. 98749418.
15. Terms, provisions, covenants, conditions, limitations, rights and obligations contained in and granted by Agreement dated December 11, 1967 and recorded January 23, 1968 as Document No. 20386284 by and between Carl Kasper, et. al., and the Village of Matteson.
16. Terms, provisions, covenants, conditions, restrictions, limitations, easements, rights and obligations contained in and granted by Restrictive Covenants and Easements Agreement dated October 30, 2001, and recorded November 5, 2001, as Document No. 0011038119, by and between Home Depot U.S.A., Inc., a Delaware corporation, and IHOP Realty Corp., a Delaware corporation.
17. Matters disclosed by survey dated July 9, 2001, job number 01-06-13, by Roake and Associates, Inc.
  - (A) Encroachment by parking lot area from the southwest by approximately 35 feet.
  - (B) The public sidewalk is over onto the land along the east line by approximately 5 feet.
  - (C) Storm sewer running through the south and southwesterly portion of the land, which is connected to lines from the land to the west.
  - (D) Electric lines running outside of the recorded easement Document No. 23406655 and rerecorded as No. 14297545.