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2002-02-05 13:15:52

Cook County Recorder 43.00

This Instrument prepared by:

Werner S. Achatz, Esq.
Reed Smith LLP
375 Park Avenue
New York, New York 10152



After recording return to:

Ruth S. Perfido, Esq.
Reed Smith LLP
375 Park Avenue
New York, New York 10152

2/6

WARRANTY DEED

The undersigned, **BB Property Company**, a Nebraska general partner ("Grantor"), having an address of c/o W.P. Carey & Co. LLC, 50 Rockefeller Plaza, Second Floor, New York, New York 10020, for and in consideration of Ten Dollars (\$10.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **DOES CONVEY AND WARRANT UNTO BB (Multi) Limited Partnership**, a Delaware limited partnership ("Grantee"), having an address at c/o W.P. Carey & Co. LLC, 50 Rockefeller Plaza, Second Floor, New York, New York 10020, all interest in and to the real property situated in the County of Cook, State of Illinois, and legally described on **Exhibit A** attached hereto and incorporated herein by this reference, said conveyance made subject to the permitted exceptions to title listed on **Exhibit B** (the "Permitted Exceptions") attached hereto and incorporated herein by this reference.

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Property Address: 4707 Lincoln Mall Drive, Matteson, Illinois
PIN: 31-22-300-039-0000

TO HAVE AND TO HOLD the said premises as above described unto the Grantee forever, subject to the Permitted Exceptions.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the 25th day of January 2002.

GRANTOR:

BB PROPERTY COMPANY

By: BBC (NE) QRS 11-18, INC.
General Partner

By: [Signature]
Title: Vice President

BY: BBC (NE) QRS 12-2, INC.,
General Partner

By: [Signature]
Title: Vice President

This transfer exempt under the provisions of Section 4, Paragraph (e) of the Illinois Real Estate Transfer Tax Act (35 ILCS 305/4).

[Signature]
Grantor, Grantee or Representative

BOX 333-CTT

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ACKNOWLEDGEMENT OF GRANTOR

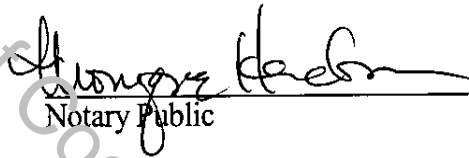
STATE OF NEW YORK)

COUNTY OF NEW YORK)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Benjamin P. Harris, the Vice President of BBC (NE) QRS 11-18, INC., a Nebraska corporation and a general partner of BB Property Company, a Nebraska general partnership, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such officer, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of said BBC (NE) QRS, 11-18, INC. on behalf of BB Property Company, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 25 day of January, 2002

SEAL



Notary Public


STATE OF NEW YORK)

COUNTY OF NEW YORK)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Benjamin P. Harris, the Vice President of BBC (NE) QRS 12-2, INC., a Nebraska corporation and a general partner of BB Property Company, a Nebraska general partnership, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such officer, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of said BBC (NE) QRS, 11-18, INC. on behalf of BB Property Company, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 25 day of January, 2002

SEAL



Notary Public

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EXHIBIT "A"

PARCEL 1:

THE RECIPROCAL AND NON-EXCLUSIVE EASEMENTS 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 3 AND OTHER PROPERTY ALL CREATED, DEFINED AND LIMITED BY THAT 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, J. C. PENNEY PROPERTIES, INC., 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 57866, IN, ON, OVER, UPON AND UNDER LOTS 2, 3 (EXCEPT THAT PART OF LOT 3 CONDEMNED IN CASE NUMBER 83LO52236), 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 AS AMENDED AND MODIFIED BY THAT CERTAIN EASEMENT RELOCATION AGREEMENT, FIRST AMENDMENT TO TOTAL SITE AGREEMENT AND HIGHWAY EASEMENT REVOCATION AND DRAINAGE GRANT EASEMENT, RECORDED ON SEPTEMBER 9, 1977 IN THE OFFICE OF THE RECORDER OF DEEDS FOR COOK COUNTY, ILLINOIS AS DOCUMENT 24099069.

PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 3 AND OTHER PROPERTY AS CREATED BY GRANT OF EASEMENT DATED MAY 4, 1990 AND RECORDED MAY 4, 1990 AS DOCUMENT 90207754 FOR INSTALLATION, USE, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT OF THE OUTFALL FACILITIES AND OTHER DRAINAGE FACILITIES OVER THE FOLLOWING DESCRIBED LAND: THE SOUTH 100 FEET OF THE NORTH 153.49 FEET OF LOT 21 LYING WESTERLY OF THE CENTERLINE OF BUTTERFIELD CREEK IN BLOCK 2 IN MATTESON FARMS, A SUBDIVISION IN THE WEST 2 OF THE SOUTH EAST 1/4 OF SECTION 22, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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PARCEL 3:

LOT 2 IN THE RESUBDIVISION OF LOT 9 IN LINCOLN MALL, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 30, 1978 AS DOCUMENT 24693781, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 3, CREATED BY DOCUMENT DATED MARCH 7, 1972 AND RECORDED MARCH 24, 1972 AS DOCUMENT NUMBER 21846183 BY AND BETWEEN CHICAGO TITLE AND TRUST COMPANY, TRUST NUMBER 57420, CARSON PIRIE SCOTT & COMPANY, J.C. PENNEY PROPERTIES INC., MONTGOMERY WARD DEVELOPMENT CORP. AND WIEBOLDT STORES, INC.. IN, TO, OVER AND ACROSS THE COMMON AREA PORTION, FOR INGRESS AND EGRESS, FOR PASSAGE AND ACCOMMODATION OF PEDESTRIANS, OVER, UPON AND ACROSS LOTS 1, 3, 4, 5 AND 6 IN LINCOLN MALL SUBDIVISION.

Property Address: 4707 Lincoln Mall Drive, Matteson, Illinois
PIN: 31-22-300-039-0000

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EXHIBIT "B"

1. TAXES OR SPECIAL ASSESSMENTS. FOR THE YEAR(S) 2001 AND THEREAFTER, NOT YET DUE OR PAYABLE.
2. RIGHTS OF THE PUBLIC, STATE OF ILLINOIS AND THE VILLAGE OF MATTESON IN AND TO THAT PART OF THE LAND DEDICATED FOR LINCOLN HIGHWAY.

(AFFECTS THE NORTH 33 FEET OF LOT 1 AND THE NORTH 33 FEET OF LOT 3 OF LINCOLN MALL SUBDIVISION)

(AFFECTS PARCEL 1 AND OTHER PROPERTY)

3. A PERPETUAL EASEMENT FOR THE SOLE PURPOSE OF DRAINAGE IN, UPON AND OVER THE FOLLOWING DESCRIBED LAND: THAT PART OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, BEING A 35 FOOT STRIP OF LAND LYING EQUIDISTANT ABOUT THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING AT A POINT ON THE EAST LINE OF CICERO AVENUE, DISTANT 1454.12 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 THENCE EAST AT RIGHT ANGLES TO SAID EAST LINE, A DISTANCE OF 206.14 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE, CONCAVE SOUTHWESTERLY WITH A RADIUS OF 50 FEET AND A CENTRAL ANGLE OF 60 DEGREES, A DISTANCE OF 52.36 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE AT THE LAST DESCRIBED POINT, A DISTANCE OF 555.14 FEET THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 5 DEGREES TO THE LEFT OF THE LAST DESCRIBED COURSE A DISTANCE OF 213.72 FEET TO THE POINT OF TERMINATION, AND A LICENSE TO CONSTRUCT A TEMPORARY DRAINAGE DITCH FROM THE EAST END OF THE ABOVE DESCRIBED LAND TO THE NEAREST PRACTICAL POINT OF NATURAL DRAINAGE, AS CREATED BY EASEMENT AGREEMENT BETWEEN LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST NUMBER 40798, AND STATE OF ILLINOIS ACTING BY AND THROUGH ITS DEPARTMENT OF PUBLIC WORKS AND BUILDINGS, DATED DECEMBER 10, 1970 AND RECORDED MARCH 29, 1971 AS DOCUMENT 21433856, AND THE TERMS, LIMITATIONS, CONDITIONS, RESERVATION AND COVENANTS CONTAINED THEREIN.

NOTE: AMENDED BY FIRST AMENDMENT DATED MAY 1, 1977 AND RECORDED SEPTEMBER 9, 1977 AS DOCUMENT 24099069, AS SHOWN ON PLAT OF RESUBDIVISION OF LOT 9 AFORESAID.

(AFFECTS LOTS 5, 8 AND 9 OF LINCOLN MALL SUBDIVISION)

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(AFFECTS PARCELS 1 AND 3 AND OTHER PROPERTY)

4. GRANT FOR UTILITY PURPOSES MADE BY J. WESLEY MC CORMACK, INC., TO THE ILLINOIS BELL TELEPHONE COMPANY DATED NOVEMBER 3, 1952 AND RECORDED APRIL 6, 1953 AS DOCUMENT 15584692, CREATING AN EASEMENT OVER, UPON, ETC., A STRIP OF LAND 1 ROD WIDE PARALLEL WITH AND ADJACENT TO AND NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF MICHIGAN CENTRAL RAILROAD BEING THE SOUTHERLY 1 ROD OF PART OF THE SOUTHWEST 1/4 OF SECTION 22 (EXCEPT RAILROAD PROPERTY AND EXCEPT THE EAST 75 FEET BY METES AND BOUNDS CONVEYED TO CHICAGO DISTRICT PIPELINE COMPANY), AND UPON, OVER AND ACROSS PUBLIC ROADS AND STREETS ADJOINING SAID PROPERTY WITH RIGHT OF INGRESS AND EGRESS THERETO.

5. TERMS, PROVISIONS AND CONDITIONS RELATING TO THE EASEMENTS DESCRIBED AS PARCEL 1, 2 AND 4 CONTAINED IN THE INSTRUMENTS CREATING SUCH EASEMENTS.

6. RESTRICTIONS CONTAINED IN PLAT OF SUBDIVISION RECORDED DECEMBER 15, 1950 AS DOCUMENT 14974213 RELATING TO CONSTRUCTION AND LOCATION OF WATER WELLS AND WASTE DISPOSAL SYSTEM.

NOTE: SAID INSTRUMENT CONTAINS NO PROVISION FOR A FORFEITURE OF OR REVERSION OF TITLE IN CASE OF BREACH OF CONDITION.
(AFFECTS PARCEL 2)

7. RESTRICTION CONTAINED IN DEED RECORDED SEPTEMBER 5, 1952 AS DOCUMENT 15428037 REQUIRING BUILDING PLANS BY A LICENSED ARCHITECT. (AFFECTS PARCEL 2 AND OTHER PROPERTY)

8. BUILDING LINE AS SHOWN ON THE PLAT OF SAID SUBDIVISION RECORDED DECEMBER 15, 1950 AS DOCUMENT 14974213 AS FOLLOWS:

50 FOOT BUILDING LINE ON THE WEST LINES OF LOTS 20 AND 21.
(AFFECTS PARCEL 2)

9. RIGHTS OF THE ADJOINING OWNERS TO THE UNINTERRUPTED FLOW OF BUTTERFIELD CREEK. (AFFECTS PARCEL 2)

10. GRANT OF EASEMENT MADE BY LINCOLN MALL PROPERTIES INC., RECORDED SEPTEMBER 28, 1977 AS DOCUMENT 24125547 TO THE COMMONWEALTH EDISON COMPANY AND THE ILLINOIS BELL TELEPHONE COMPANY TO CONSTRUCT, INSTALL, OPERATE, MAINTAIN, RENEW, RELOCATE AND REMOVE FROM TIME TO TIME CABLES, CONDUITS, MANHOLES, AND OTHER UNDERGROUND FACILITIES USED IN CONNECTION WITH THE UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRIC, SOUNDS AND SIGNALS TOGETHER WITH RIGHT OF ACCESS THERETO IN, OVER, UNDER, ACROSS AND ALONG A

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PART OF LOT 5 IN LINCOLN MALL. (AFFECTS LOT 5 IN LINCOLN MALL)
(AFFECTS PARCEL 1)

11. GRANT OF EASEMENT MADE BY UNION FEDERAL SAVINGS AND LOAN ASSOCIATION OF COOK COUNTY, ILLINOIS TO THE COMMONWEALTH EDISON COMPANY TO CONSTRUCT, OPERATE, MAINTAIN, RENEW, RELOCATE AND REMOVE FROM TIME TO TIME WIRES, CABLES, CONDUITS, WHOLES, TRANSFORMERS, PEDESTALS AND OTHER FACILITIES USED IN CONNECTION WITH ELECTRIC TOGETHER WITH RIGHT OF ACCESS RECORDED JUNE 5, 1975 AS DOCUMENT 23104916. (AFFECTS LOT 1 IN RESUBDIVISION OF LOT 12 IN LINCOLN MALL) (AFFECTS PARCEL 1)
12. DECLARATION OF RESTRICTIONS AND EASEMENT FOR INGRESS AND EGRESS, 50 FEET IN WIDTH AS CREATED BY DECLARATION RECORDED NOVEMBER 8, 1968 AS DOCUMENT 20671343, AND TERMS AND CONDITIONS THEREIN CONTAINED. (AFFECTS LOTS 1, 4 AND 6 AND OF LINCOLN MALL SUBDIVISION)

(AFFECTS PARCEL 1)

NOTE: AMENDED BY DOCUMENT NUMBERS 23796658 THROUGH 23796664, 23562217, AND 24060855.

NOTE: DESIGNATION OF EASEMENT RECORDED NOVEMBER 10, 1977 AS DOCUMENT 24188603 AND TERMS CONTAINED THEREIN.

13. 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 PUMP HOUSE 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 CONSTRUCTION OR RECONSTRUCTION OF IMPROVEMENTS, CREATED AND GRANTED AS APPURTENANCES TO THE AFOREDESCRIBED PARCEL 1, ALL CREATED, DEFINED AND LIMITED BY THAT CERTAIN RECIPROCAL CONSTRUCTION OPERATION AND EASEMENT AGREEMENT DATED MARCH 7, 1972, AND RECORDED ON MARCH 24, 1972 AS DOCUMENT 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. PENNEY PROPERTIES, INC., A DELAWARE CORPORATION, MONTGOMERY

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WARD DEVELOPMENT CORPORATION, A DELAWARE CORPORATION, AND WIEBOLDT STORES, INC., AN ILLINOIS CORPORATION, IN, ON, OVER, UPON AND UNDER LOTS 1, 3, 4, 5 AND 6 IN LINCOLN MALL SUBDIVISION AFORESAID AS SHOWN ON THE PLOT PLAN ATTACHED TO SAID RECIPROCAL CONSTRUCTION, OPERATION AND EASEMENT AGREEMENT.

NOTE: IN DOCUMENT 22551241 DATED AUGUST 9, 1973 AND RECORDED NOVEMBER 21, 1973, LINCOLN MALL PROPERTIES, INC., ASSUMED THE TERMS, CONDITIONS, COVENANTS AND AGREEMENTS SET FORTH IN THE AFORESAID RECIPROCAL CONSTRUCTION OPERATION AND EASEMENT AGREEMENT AND IN THE TOTAL SITE AGREEMENTS RECORDED AS DOCUMENTS 21846182 AND 21846183, SAID AGREEMENTS BEING AMENDED BY FIRST AMENDMENT DATED MAY 1, 1977 AND RECORDED SEPTEMBER 9, 1977 AS DOCUMENT 24099069.

14. THE RECIPROCAL AND NON-EXCLUSIVE EASEMENTS 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 AFOREDESCRIBED PARCEL 1, ALL CREATED, DEFINED AND LIMITED BY THAT 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, J. C. PENNEY PROPERTIES, INC., 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.

NOTE: IN DOCUMENT 22551241 DATED AUGUST 9, 1973 AND RECORDED NOVEMBER 21, 1973, LINCOLN MALL PROPERTIES, INC., ASSUMED THE TERMS, CONDITIONS, COVENANTS AND AGREEMENTS SET FORTH IN THE AFORESAID RECIPROCAL CONSTRUCTION OPERATION AND EASEMENT AGREEMENT AND IN THE TOTAL SITE AGREEMENTS RECORDED AS DOCUMENTS 21846182 AND 21846183, SAID AGREEMENTS BEING AMENDED BY FIRST AMENDMENT DATED MAY 1, 1977 AND RECORDED SEPTEMBER 9, 1977 AS DOCUMENT 24099069.

15. GRANT OF EASEMENT FOR THE BENEFIT OF LOT 8 IN LINCOLN MALL AFORESAID, A 15 FOOT EASEMENT OVER AND UNDER AND ACROSS THE SPOKE ROAD PORTION OF LOT 5 IN LINCOLN MALL AFORESAID AS SHOWN

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ON EXHIBIT B ATTACHED TO SAID GRANT FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, RELOCATION AND REMOVAL OF WATER LINES, GAS MAINS AND ELECTRICAL POWER LINES (ALL OF SUCH LINES AND MAINS TO BE UNDERGROUND) AS CONTAINED IN TOTAL SITE AGREEMENT DATED MARCH 7, 1972 AND RECORDED MARCH 24, 1972 AS DOCUMENT NUMBER 21846182, AND TERMS AND CONDITIONS THEREOF.

(AFFECTS PARCEL 1)

16. GRANT OF EASEMENT MADE BY CHICAGO TITLE AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 30, 1971 AND KNOWN AS TRUST NUMBER 57855 TO LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 21, 1978 AND KNOWN AS TRUST NUMBER 54580 DATED MAY 9, 1980 AND RECORDED JUNE 6, 1980 AS DOCUMENT 25479097, FOR SANITARY AND STORM SEWER PURPOSES TO CONSTRUCT, OPERATE, MAINTAIN, RENEW AND REMOVE FROM TIME TO TIME, UNDERGROUND SANITARY AND STORM SEWERS OVER AND ABOVE THE FOLLOWING DESCRIBED REAL ESTATE:

THE EASTERLY 30 FEET OF LOT 2 AND THE WESTERLY 5 FEET OF THE EASTERLY 35 FEET OF THE SOUTHERLY 10 FEET OF LOT 2 IN THE RESUBDIVISION OF LOT 9 IN LINCOLN MALL AFORESAID, AND THE AGREEMENTS, COVENANTS AND CONDITIONS THEREIN CONTAINED.
(AFFECTS PARCEL 3)

17. COVENANTS AND RESTRICTIONS RELATING TO GRANTEE BEING A "PARTY" UNDER TOTAL SITE AGREEMENT RECORDED AS DOCUMENT 21846182 AND AMENDMENT RECORDED AS DOCUMENT 24099069, AND ASSUMING ALL RIGHTS, LIABILITIES, DUTIES AND OBLIGATIONS OF GRANTOR THEREUNDER CONTAINED IN DEED FROM CHICAGO TITLE AND TRUST COMPANY A CORPORATION OF ILLINOIS AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 30, 1971 KNOWN AS TRUST NUMBER 57855 TO LEHNDORFF USA(CENTRAL) LIMITED, CORPORATION OF ILLINOIS, RECORDED JUNE 27, 1984 AS DOCUMENT 27149134.

NOTE: SAID INSTRUMENT CONTAINS NO PROVISION FOR A FORFEITURE OF OR REVERSION OF TITLE IN CASE OF BREACH OF CONDITION. (AFFECTS PARCEL 3)

18. GRANT OF EASEMENT (KNOWN AS EASEMENT GRANT NUMBER 24) DATED NOVEMBER 27, 1989 AND RECORDED DECEMBER 20, 1989 AS DOCUMENT 89609486 MADE BY CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 4, 1971 AND KNOWN AS TRUST NUMBER 57420 TO METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO, A MUNICIPAL CORPORATION OF ILLINOIS, ITS SUCCESSOR AND ASSIGNS WHICH GRANTS TEMPORARY EASEMENT OVER THE WEST 10 FEET OF LOTS

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20 AND 21 (EXCEPT THE NORTH 40 FEET) ALSO THE WEST 10 FEET OF THE SOUTH 100 FEET OF THE NORTH 153.49 FEET OF LOT 21 LYING EAST OF THE WEST 10 FEET THEREOF AS SHOWN ON EXHIBIT 24A ATTACHED THERETO FOR THE PURPOSES OF CONSTRUCTING A SEWER OVER ADJOINING LAND; TOGETHER WITH TERMS AND CONDITIONS THEREIN.

(AFFECTS PARCEL 2)

19. RIGHTS OF PARTIES TO THE UNINTERRUPTED FLOW OF THE WATERS IN THE STREAM RUNNING EAST AND WEST THROUGH PARCEL 2 AS DISCLOSED BY SURVEY BY J. M. HANK AND ASSOCIATES, DATED DECEMBER 22, 1989, NUMBER 89-2273, SHEET 5.
20. UNRECORDED EASEMENT FOR GAS SYSTEM MAIN ALONG APPROXIMATELY THE WESTERLY 10 FEET OF THE LAND AS DISCLOSED BY SURVEY MADE BY J. M. HANK AND ASSOCIATES, DATED DECEMBER 22, 1989, NUMBER 89-2273, SHEET 5, AND AS DISCLOSED BY ATLAS PAGE F-19223 ATTACHED TO UTILITY LETTER DATED JUNE 15, 1992 FROM DAVID P. KONRAD, REAL ESTATE AGENT FOR NORTHERN ILLINOIS GAS COMPANY

(AFFECTS PARCEL 3)

21. UNRECORDED EASEMENT FOR THE ILLINOIS BELL TELEPHONE COMPANY BURIED CABLE ALONG APPROXIMATELY THE WEST 20 FEET OF THE LAND AS DISCLOSED BY SURVEY MADE BY NATIONAL SURVEY SERVICE, INC., DATED APRIL 28, 1992 AND REVISED AS OF AUGUST 4, 1992 NUMBER N-117151.

(AFFECTS PARCEL 3)

22. TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE SPECIAL WARRANTY DEED DATED AS OF AUGUST 21, 1992 AND RECORDED AUGUST 21, 1992 AS DOCUMENT 92623471 MADE BY PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION OF COLORADO, AN ASSOCIATION CREATED UNDER THE LAWS OF THE STATE OF COLORADO TO BEST BUY CO. INC., A MINNESOTA CORPORATION RELATING TO APPROVALS AND IMPROVEMENTS TO THE PREMISES; MAINTENANCE OF THE PREMISES; TERM; STORM SEWER AND SANITARY SEWER CONNECTIONS; PARKING; AND RIGHTS TO REPURCHASE.

23. LEASE MADE BY B. B. PROPERTY COMPANY TO BEST BUY COMPANY, INC., A MINNESOTA CORPORATION DATED APRIL 20, 1993 AS EVIDENCED BY A MEMORANDUM OF LEASE DATED AS OF APRIL 20, 1993 BETWEEN THE SAME PARTIES AND RECORDED APRIL 27, 1993 AS DOCUMENT NO. 93309385, AS AMENDED BY THAT CERTAIN AMENDED AND RESTATED LEASE, DATED AS OF SEPTEMBER 26, 2001, BY AND BETWEEN BB PROPERTY COMPANY AND BEST BUY STORES, L.P., AS SUCCESSOR IN INTEREST OF BEST BUY COMPANY, INC., AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE

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OR SUFFERED THEREUNDER BY, SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH, OR UNDER SAID LESSEE.

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STATEMENT BY GRANTOR AND GRANTEE

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated February 4, ~~19~~ 2002 Signature: [Signature]
Grantor or Agent

Subscribed and sworn to before me by the
said [Signature]
this 4th day of February
19 2002.

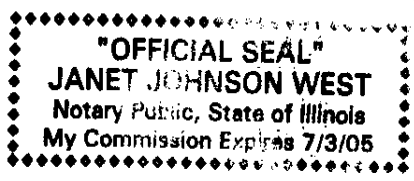


[Signature]
Notary Public

The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated February 4, ~~19~~ 2002 Signature: [Signature]
Grantee or Agent

Subscribed and sworn to before me by the
said grantee
this 4th day of February
19 2002.



[Signature]
Notary Public

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NOTE: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

[Attach to deed or ABI to be recorded in Cook County, Illinois, if exempt under provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.]