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2002-01-25 16:01:28

Cook County Recorder 31.50

This instrument was prepared by and after recording return to:

Alzheimer & Gray  
10 South Wacker Drive  
Suite 4000  
Chicago, IL 60606  
Attn: Marjorie J. Zessar



SPECIAL WARRANTY DEED

**THIS SPECIAL WARRANTY DEED** is made as of the 24<sup>th</sup> day of January, 2002 by and between **KINZIE PEABODY STERLING, LLC**, a Delaware limited liability company, party of the first part, and **PGC STERLING, LLC**, a Delaware limited liability company, party of the second part. WITNESSETH, that the party of the first part, for and in consideration of the sum of Ten and No/100 Dollars in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, by these presents does GRANT, BARGAIN, SELL, REMISE, RELEASE AND CONVEY unto the party of the second part, and to its heirs and assigns, FOREVER, the following described real estate, situated in the County of Cook and State of Illinois known and described as follows, to wit:

See Exhibit "A" attached hereto and made a part hereof.

Together with all of the party of the first part's right, title and interest in the improvements, hereditaments, easements and appurtenances thereunto belonging, or in anyway appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, either in law or equity, of, in and to the above described premises, with the improvements, hereditaments, easements and appurtenances (collectively, the "Property"): TO HAVE AND TO HOLD the Property, unto the party of the second part, its heirs and assigns forever.

And the party of the first part, for itself, and its successors, does covenant, promise and agree, to and with the party of the second part, its heirs and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as provided on Exhibit "B", and WILL WARRANT AND DEFEND against all persons lawfully claiming or to claim the same, by through or under it, subject to the matters described on Exhibit "B", and not otherwise.

I hereby declare that this Deed represents a transaction exempt under the provisions of Paragraph E Section 4, of the Real Estate Transfer Act.

William M. Marzano  
Seller or Representative

NEAR NORTH N01010003

Property of Cook County Clerk's Office

IN WITNESS WHEREOF, said party of the first part has executed this Special Warranty Deed as of the date first above written.

KINZIE PEABODY STERLING, LLC,  
a Delaware limited liability company

By: Kinzie Properties, L.L.C.  
d/b/a Kinzie Street Properties, L.L.C.,  
a Delaware limited liability company,  
its managing member

By: B. Mordecai Tessler  
Boruch Mordecai Tessler  
Co-Manager

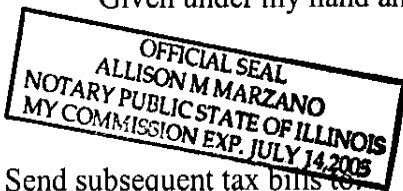
By: David Tessler  
David Tessler  
Co-Manager

Property of Cook County Notary Public's Office

STATE OF ILLINOIS )  
  ) SS.  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that Boruch Mordecai Tessler and David Tessler, the co-managers of Kinzie Properties, L.L.C. d/b/a Kinzie Street Properties, L.L.C., a Delaware limited liability company, as managing member of Kinzie Peabody Sterling LLC, a Delaware limited liability company, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such co-managers, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of said limited liability company for the uses and purposes therein set forth.

Given under my hand and Notary Seal, this 24 day of January, 2002.



Allison M. Marzano  
Notary Public

Send subsequent tax bills to:

Kinzie Properties, L.L.C.  
c/o Royal Imperial Group  
900 West Jackson  
8th Floor  
Chicago, Illinois 60607

EXHIBIT A

LEGAL DESCRIPTION OF COMMERCIAL PARCEL AND GARAGE PARCEL

**Residential Parcel**

Lots 5S, 6S, 7S, 8S, 10S, 7, 8, 5A, 7A, 9A, 1C, 3C, 2D, 1E, 2E, 1F and 2F in Sterling Residences Subdivision, recorded September 28, 2001 as Document No. 0010909218, being a resubdivision of part of Lots 5, 6 and 7 in Block 3 in the Original Town of Chicago, in the Southeast  $\frac{1}{4}$  of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

**Easement Parcel Residential**

Non-exclusive easements for ingress and egress, structural support, encroachments and utilities, for the benefit of the Residential Parcel and more particularly described in Article 3 of Declaration of Covenants, Conditions, Restrictions and Easements dated October 12, 2001 and recorded December 12, 2001 as document No. 0011174517, in, to, under, over, upon and through portions of the Garage Parcel and Commercial Parcel as described in said declaration.

PIN NUMBERS: Part of 17-09-406-001-000 and 17-09-406-005-0000

Common Address: 345 North LaSalle Street, Chicago, Illinois

**EXHIBIT B**  
**PERMITTED EXCEPTIONS**

1. General real estate taxes for the year 2001. Tax number 17-09-406-001 and 17-09-406-005, Volume 501.
2. Party wall and Party Wall rights over the East line as contained in the Party Wall Agreement recorded on October 4, 1900 as document number 3016635.
3. Encroachment by wall up to 0.17 and 0.70 feet North onto right-of-way for West Kinzie Street, as disclosed by survey prepared by National Survey Service, Inc., dated November 26, 2001, No. N124235.
4. Encroachment by 2 planters onto the right-of-way for North LaSalle Street, by an undisclosed amount, as disclosed survey prepared by National Survey Service, Inc., dated November 26, 2001, No. 124235.
5. Adverse encroachment by wall over South line and onto subject property by 2.29 feet North as disclosed by survey prepared by National Survey Service, Inc., dated November 26, 2001, No. 124235.
6. Declaration of Covenants, Conditions, Restrictions and Easements dated October 12, 2001 and recorded December 12, 2001 as document No. 0011174517 made by Kinzie Peabody Sterling LLC, a Delaware limited liability company, and the terms, covenants, conditions and restrictions contained therein.
7. Rights of the adjoining owner and owners to the concurrent use of the Easement Parcel.
8. If any document referenced herein contains a covenant, condition or restriction violative of 42 use 3604(c), such covenant, condition or restriction to the extent of such violation is hereby deleted.
9. Parking Agreement dated as of January 24, 2002 by and between Kinzie Properties, L.L.C. and PGC Sterling, LLC.
10. Mortgage dated November 17, 1999 and recorded November 19, 1999 as document number 09091648, made by Kinzie Peabody Sterling, LLC, a Delaware Limited Liability Company, to LaSalle Bank National Association, to secure an indebtedness of \$60,000,000.00.
11. Assignment of Leases and Rents dated November 17, 1999 and recorded November 19, 1999 as document number 09091649, made by Kinzie Peabody Sterling, LLC, a Delaware Limited Liability Company, to LaSalle Bank National Association.
12. Security interest of LaSalle Bank National Association, under a financing statement executed by Kinzie Peabody Sterling, LLC, and filed November 19, 1999 as document number 99U12999.

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13. Memorandum of Lease Agreement made by Kinzie Peabody Sterling, LLC, a Delaware Limited Liability Company and Twelve Oaks Corporate Residences, Inc. D/B/A Twelve Oaks Corporate Housing, an Illinois Corporation dated November 17, 1999 and recorded November 19, 1999 as document number 09091651.
14. Subordination, Non-Disturbance and Attornment Agreement made by and between LaSalle Bank National Association, Kinzie Peabody Sterling, LLC, a Delaware Limited Liability Company and Twelve Oaks Corporate Residences, Inc., D/B/A Twelve Oaks Corporate Housing, an Illinois Corporation dated November 17, 1999 and recorded November 19, 1999 as document number 09091653.
15. Claim for lien recorded November 7, 2001 as document number 0011044478 in favor of Roy Storm Excavating and Grading, Inc. and against Walsh Construction Company of Illinois and Kinzie Peabody Sterling, LLC for the sum of \$344,340.00, plus interest.
16. Claim for lien recorded January 17, 2002 as document number 0020073358 in favor of USA Hoist Co., Inc. and against Walsh Construction Company of Illinois for the sum of \$23,886.50, plus interest.
17. Claim for lien in favor of Larorce Hardware against Walsh Construction Company of Illinois for the sum of \$53,684.00

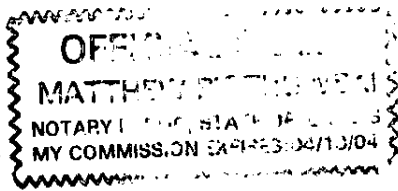
# UNOFFICIAL COPY

## STATEMENT OF GRANTOR/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 title to real estate under the laws of the State of Illinois.

Dated 2002 ~~19~~ Signature: Shirley Wrightzell, ITS AGENT  
Grantor or Agent

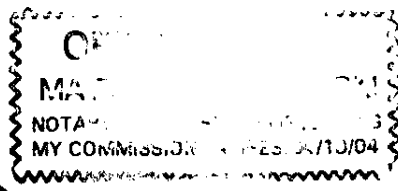
Subscribed and sworn to before me by the said \_\_\_\_\_ this 25 day of JANUARY ~~19 2002~~  
Notary Public [Signature]



The grantee 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 title to real estate under the laws of the State of Illinois.

Dated 2002 ~~19~~ Signature: Shirley Wrightzell, ITS AGENT  
Grantee or Agent

Subscribed and sworn to before me by the said \_\_\_\_\_ this 25 day of JANUARY ~~19 2002~~  
Notary Public [Signature]



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 AB) to be recorded in Cook County, Illinois, if exempt under provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.