



Doc#: 0419127180  
 Eugene "Gene" Moore Fee: \$54.50  
 Cook County Recorder of Deeds  
 Date: 07/09/2004 04:36 PM Pg: 1 of 4

04-07043  
172

**SPECIAL WARRANTY DEED**

**THIS INDENTURE**, made this 21<sup>st</sup> day of May A.D. 2004 between Pizza Hut of America, Inc., a Delaware corporation, created and existing under and by virtue of the laws of the State of Delaware and duly authorized to transact business in the State of Illinois, Grantor, and Vincent J. Tolve, an unmarried individual, Grantee, **WITNESSETH**, that the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid by the Grantee, the receipt whereof is hereby acknowledged, and pursuant to authority of the Board of Directors, of said corporation has, and by these presents does REMISE, RELEASE, ALIEN AND CONVEY unto the Grantee, their heirs and assigns, FOREVER, all the following described lot(s), piece or parcel(s), of land, situate in the City of Westchester, State of Illinois known and described to wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

Reservations from and Exceptions to Conveyance and Warranty:

Grantee, its successors and assigns, hereby agree that, for a period of twenty (20) years from recordation of the Deed, no portion of the Property shall be operated as a food outlet selling Mexican food, chicken, pizza, seafood and hamburgers. Notwithstanding the above, this restriction shall not apply to a sit-down full service non drive-thru [non fast food] restaurant. This non-competition clause shall be placed as a restriction in the Deed, and shall inure to the benefit and obligation of the successors and assigns of Grantor and Grantee, respectively.

Together with all and singular the hereditament 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, of the said Grantor, either in law or equity, of, in and to the above described premises, with the hereditament and appurtenances: **TO HAVE AND TO HOLD** the said premises as above described, with the appurtenances, unto the said Grantee, their heirs and assigns forever, and the said Grantor, for itself, and its successors, does covenant, promise and agree, to and with the said Grantee, their 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 incumbered or charged, except as herein recited; and that the said premises, against all persons lawfully claiming, or to claim the same, by through or under it, it **WILL WARRANT AND FOREVER DEFEND**.

# UNOFFICIAL COPY

PH Unit No. 405152  
Westchester, IL

In Witness Whereof, said Grantor has caused its corporate seal to be hereto affixed and has caused its name to be signed to these presents by its R. Bryce Shirley, President, and attested by its Secretary, this 21 day of May A.D. 2004.

ATTEST

*Amy Hu*  
Amy Hu

BY

IT'S

Pizza Hut of America, Inc.,  
a Delaware corporation

*R. Bryce Shirley*  
R. BRYCE SHIRLEY  
Attorney in Fact

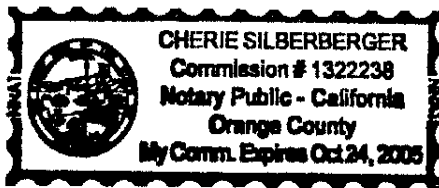
STATE OF CALIFORNIA )

)ss.

COUNTY OF ORANGE )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, **DO HEREBY CERTIFY** that R. Bryce Shirley personally known to me to be the ~~President~~ of the aforesaid corporation, and Amy Hu personally known to me to be the ~~Secretary~~ of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such ~~President and Secretary~~, they signed and delivered the said instrument as ~~President and Secretary~~ of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Directors, of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and seal this 21 day of May A.D. 2004.



*Cherie Silberberger*  
NOTARY PUBLIC

Return to: Jos. Cacciatore & Co.  
527 South Wells, 7<sup>th</sup> Floor  
Chicago, IL 60607  
Attn: Pat Turner

Prepared By: Pizza Hut of America, Inc.  
Kerry Couch  
17901 Von Karman, MD-708  
Irvine, CA 92614

Tax bills to: Jos. Cacciatore & Co.  
527 South Wells, 7<sup>th</sup> Floor  
Chicago, IL 60607  
Attn: Pat Turner

Property Address: 11201 West Cermak Road  
Westchester, IL

REVIEWED BY: *K. Couch*  
5/21/04

# UNOFFICIAL COPY

## EXHIBIT "A"

The North 231 Feet of the East 225 Feet of the East half of the Northeast Quarter of the Northeast Quarter of Section 30, Township 39 North, Range 12, East of the Third Principal Meridian in Cook County, Illinois (except that part taken for roads and highways).

Also described as:

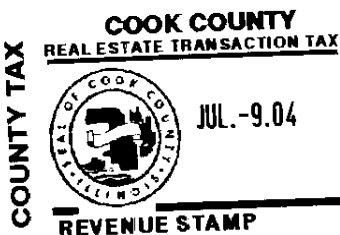
That part of the East half of the Northeast Quarter of the Northeast Quarter of Section 30, Township 39 North, Range 12 East of the Third Principal Meridian in Cook County, Illinois, described as follows:

Commencing at a Brass Plug found at the Northeast corner of said Northeast Quarter of Section 30; Thence South 0° 00' 00" along the East line of said Section 30; for a distance of 231.05 Feet, (Record 231.00 Feet), to a point on the (Record South line of the North 231 Feet of said Northeast Quarter of Section 30); Thence North 89° 38' 00" West along said (Record South line of the North 231 Feet of the Northeast Quarter of Section 30) for a distance of (Record 50.00 Feet) to the point of beginning, said point of beginning being on the West Right-of-Way line of Wolf Road; thence continuing North 89° 38' 00" West along said (Record South line of the North 231 Feet of the Northeast Quarter of Section 30) for a distance of (175.00 Feet) to a point on the (Record West line of the East 225 Feet of the Northeast Quarter of Section 30); thence North 0° 00' 00" along said (Record West line of the East 225 Feet of the Northeast Quarter of Section 30) for a distance of (174.51 Feet) to a point on the South Right-of-Way of Cermak Road (22nd Street); thence South 89° 32' 44" East along said South Right-of-Way line of Cermak Road (22nd Street) for a distance of (105.55 Feet) to a point on a Curve; thence Southeasterly along said Southerly Right-of-Way line of Cermak Road (22nd Street) and said Westerly Right-of-Way line of Wolf Road, being a Curve, concave Southwesterly having a chord bearing of South 44° 46' 37" East, having a Radius of (70.00 Feet), for an Arc distance of (109.40 Feet); thence South 0° 00' 00" along said West Right-of-Way line of Wolf Road for a distance of (104.80 Feet) to said point of beginning.

Said Parcel of land herein described contains 29,483 Square Feet, More or Less, which equals 0.677 Acres, more or less.

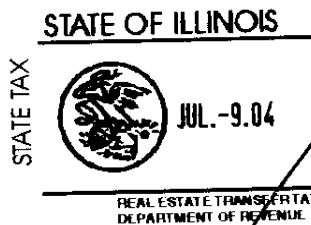
Said Parcel of Land described hereon is located within the Corporate Limits of the Village of Westchester.

15-30-200-032  
11201 West Cermak Road  
Westchester, IL



# 0000134162

REAL ESTATE TRANSFER TAX
00750.00
FP326670



# 0000067190

REAL ESTATE TRANSFER TAX
01500.00
FP326669

# UNOFFICIAL COPY

PH Unit No. 405152  
Westchester, IL

In Witness Whereof, said Grantor has caused its corporate seal to be hereto affixed and has caused its name to be signed to these presents by its R. Bryce Shirley President, and attested by its Secretary, this 21 day of May A.D. 2004. Amy Hu

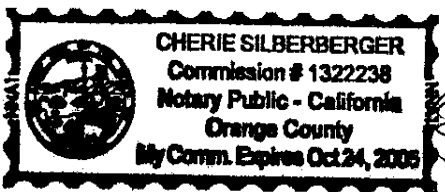
ATTEST *Amy Hu*  
Amy Hu

Pizza Hut of America, Inc.,  
a Delaware corporation  
BY *[Signature]*  
IT'S R. BRYCE SHIRLEY  
Attorney in Fact

STATE OF CALIFORNIA )  
                                  ) ss. **TRANSFER STAMP**  
COUNTY OF ORANGE ) **CERTIFICATION OF COMPLIANCE**  
                                  ) Village of Westchester  
                                  ) C.D. Nulman 6/21/04

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, **DO HEREBY CERTIFY** that R. Bryce Shirley personally known to me ~~to be the~~ President of the aforesaid corporation, and Amy Hu personally known to me ~~to be the~~ Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such ~~President and Secretary~~ they signed and delivered the said instrument as ~~President and Secretary~~ of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Directors, of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and seal this 21 day of May A.D. 2004.



*Cherie Silberberger*  
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REVIEWED BY: *K. Couch*  
5/21/04