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Doc#: 0435033150
Eugene "Gene" Moore Fee: \$28.00
Cook County Recorder of Deeds
Date: 12/15/2004 12:59 PM Pg: 1 of 3

SPECIAL WARRANTY DEED

THIS INDENTURE WITNESSETH,

That the Grantor, Franchise Realty Investment Trust - IL, of Columbia, Maryland, and duly authorized to transact business in the State of Illinois, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, does REMISE, RELEASE, ALIEN AND CONVEY UNTO:

[RECORDER'S STAMP]

53rd Street Development, LLC, a limited liability company (Grantee)

the following described real estate, situated in the County of Cook and State of Illinois known and described as follows, to-wit:

Lots 8 and 9 in C.M. Cady's Subdivision of Block 24 in Kimbark, Addition to Hyde Park in Section 11, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

Permanent Real Estate Index Number(s): 20-11-408-032-0000 and 20-11-408-033-0000

Common Address: 1344-48 E. 53rd Street, Chicago, Illinois

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining and remainders, and the revision and reversions, remainder, rents, issues and profits thereof, and all the estate, right, title, interest, claim or hereditaments and appurtenances: TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the Grantee forever.

REF. # 1434502/HNG

And the Grantor, for itself, and its successors, does covenant, promise and agree, to and with the Grantee, 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 herein recited; and that the

S:\HO\Dept\Legal\USLEGAL\Central Division\Chicago\012-9603 (53rd street excess)\Special Warranty Deed.doc

J. HARGES SA 008187940 0702

Handwritten signature

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said premises, against all persons lawfully claiming, or to claim the same, by, through or under it, it **WILL WARRANT AND DEFEND**, subject to: matters generally excepted by title insurance companies in their title policies issued in Illinois, special taxes or special assessments, installments not due as of December 26, 2003 of any special tax or special assessment for improvements previously completed, general real taxes for the year 2004, covenants, conditions, agreements, reservations and restrictions of record; zoning and building laws or ordinances; private, public and utility easements and roads and highways, whether or not of record; all matters on survey; the terms, reservations and conditions of this sale; and a reservation to Seller of the right and privilege of Seller, its lessees, franchisees, successors and assigns to continue, protect, maintain, operate and use all existing private utility easements and roads of any kind whatsoever on the Premises, whether or not of record, including their repair, reconstruction, replacement and removal.

By accepting this Deed, Grantee agrees to a restriction prohibiting the Premises from being used for restaurant purposes for a period of 20 years from the date of this Deed. This restriction shall be a covenant running with the land and be binding upon Grantee, it heirs, administrators, successors and assigns.

IN WITNESS WHEREOF, this Deed was executed by the undersigned on this 8th day of December, 2004.

Franchise Realty Investment Trust - IL

By: 
Catherine A. Griffin, Trustee

Prepared by:
Mahrukh Hussain
After recording,
return to:

53rd Street Development, LLC
C/o Mr. William Phillips
644 E. 87th Street
Chicago, IL 60619

Mail Tax bills to:
53rd Street, LLC
c/o Mr. William Phillips
644 E. 87th Street
Chicago, Illinois 60610

mail to Kevin P. Burke
11 EAST ADAMS #1400
Chicago IL 60602

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State of Illinois

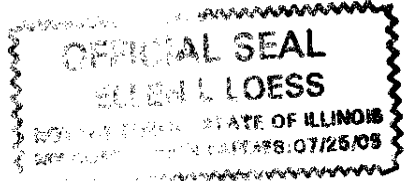
County of DuPage

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, certify that **Catherine A. Griffin, Trustee of Franchise Realty Investment Trust - IL**, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, as such **Trustee**, appeared before me this day in person, and acknowledged that she signed said instrument as her free and voluntary act as such **Trustee**, and as the free and voluntary act of said corporation of the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal, this 8th day of Dec., 2004.

Ellen L. Loess
Notary Public

My commission expires on 2/25/05.



STATE OF ILLINOIS

STATE TAX

DEC.-9.04

0000001817

REAL ESTATE TRANSFER TAX
0 0635.00
FP 103024

REAL ESTATE TRANSFER TAX
DEPARTMENT OF REVENUE

COOK COUNTY

REAL ESTATE TRANSACTION TAX

COUNTY TAX

DEC.-9.04

0000001848

REAL ESTATE TRANSFER TAX
00317.50
FP 103022

REVENUE STAMP

CITY OF CHICAGO

CITY TAX

DEC.-9.04

0000001127

REAL ESTATE TRANSFER TAX
04762.50
FP 103023

REAL ESTATE TRANSACTION TAX
DEPARTMENT OF REVENUE