

Doc#: 0435739089
Eugene "Gene" Moore Fee: \$28.50
Cook County Recorder of Deeds
Date: 12/22/2004 03:01 PM Pg: 1 of 3

SPECIAL WARRANTY DEED

10521195
1071

THIS INDENTURE, made this ^{effective} 16th day of December A.D. 2004 between Taco Bell Corp., a California corporation, created and existing under and by virtue of the laws of the State of California and duly authorized to transact business in the State of Illinois, Grantor, and Andrew Jin-Chan Cherng & Peggy Tsiang Cherng, co-trustees, Cherng Family Trust dated October 30, 1987, 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 Calumet City, 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 no portion of the Property shall be operated as a food outlet selling Mexican food or pizza. In addition, GRANTEE, its successors and assigns, hereby agree that no portion of the Property shall be operated as a food outlet selling chicken, seafood, or hamburgers, where the sale of chicken, seafood, or hamburgers individually exceeds 25% of gross sales on the Property. Further, GRANTEE, its successors and assigns, hereby agree that no portion of the Property shall be operated as a Popeye's, Church's, Chick Fil A, Mrs. Winner's, Bojangles, Boston Market, El Pollo Loco, Lee's Famous Recipe, Zaxby's, Pizza Inn, Domino's, Papa Johns, Donatos, Little Caesar's, Fazolis, Godfather's, CiCi's Pizza, Del Taco, Taco Time, Taco Bueno, Green Burrito, Taco John's, La Salsa, Rubios, Qdoba, Baja Fresh, McDonald's, Wendy's, Burger King, Carl's Jr., Arby's, Checker's, Rally's, Hardee's, Jack-in-the-Box, Krystal, Steak 'n Shake, Whataburger, White Castle, IN-N-OUT Burger, Captain D's, Arthur Treacher's, H & H Salt, or any other national or regional chain where the main menu item is Mexican food, chicken, pizza, seafood, or hamburgers. This non-competition clause shall be placed as a restriction on the Deed, as defined herein, for a period of twenty (20) years from the recordation of the Deed and shall inure to the benefit and obligation of the successors and assigns of GRANTOR and GRANTEE, respectively. This clause shall in no way be deemed to prohibit the use of the Property as a restaurant whose main menu item is Asian food.

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

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TB Unit No. 2251
Calumet City, IL

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.**

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 10 day of November A.D. 2004.

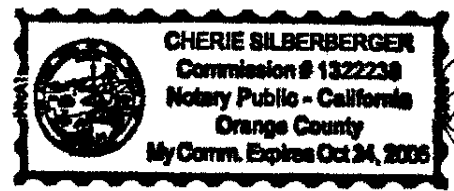
ATTEST *Laurence Gerich*
Laurence Gerich
Attorney in Fact

Taco Bell Corp.,
a California corporation
By: *R. Bryce Shirley*
It's: 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 Laurence Gerich 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 R. Bryce Shirley ~~President~~ and Laurence Gerich ~~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 10 day of November, A.D. 2004.



Cherie Silberberger
NOTARY PUBLIC

AFTER RECORDATION MAIL TO:
Cherng Family Trust
c/o Panda Express, Inc.
1683 Walnut Grove Avenue
Rosemead, CA 91770

This Instrument Prepared by:
Kerry Couch
Taco Bell Corp.
17901 Von Karman, MD #708
Irvine, CA 92614

Tax bills to: Panda Express
1683 Walnut Grove Avenue, Rosemead, CA 91770

Property Address: 1300 Torrance Avenue, Calumet City, IL


PREPARED BY: *K. Couch*
DATE: 10/22/04

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EXHIBIT "A"

PARCEL 1:
 THE NORTH 147 FEET OF LOT 3 IN VENTURE URBAN SUBDIVISION, BEING A
 RESUBDIVISION OF LOT 3 (EXCEPTING THEREFROM THAT PART TAKEN FOR
 ADDITIONAL RIGHT OF WAY FOR 159TH STREET IN CASE NO. 80L10516 IN THE
 CIRCUIT COURT OF COOK COUNTY, ILLINOIS) AND ALSO LOT 4 OF THE
 RESUBDIVISION OF LOT 2 IN RIVER OAKS WEST UNIT NO. 2 IN PART OF THE
 NORTH EAST 1/4 OF SECTION 24, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE
 THIRD PRINCIPAL MERIDIAN, AS RECORDED JULY 22, 1981 AS DOCUMENT
 25944971, IN COOK COUNTY, ILLINOIS.


PARCEL 2:
 NON-EXCLUSIVE EASEMENT APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1
 FOR ACCESS, INGRESS AND EGRESS AS CREATED BY DECLARATION OF EASEMENT
 RECORDED DECEMBER 15, 1982 AS DOCUMENT NUMBER 26440536 MADE BY LA
 SALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER
 10, 1974 AND KNOWN AS TRUST NUMBER 48200 TO TACO BELL, A CALIFORNIA
 CORPORATION, OVER AND ACROSS THE LAND DESCRIBED ON EXHIBIT "C" TO SAID
 DECLARATION OF EASEMENT, IN COOK COUNTY, ILLINOIS.

REAL ESTATE TRANSFER TAX
Plan No. 028273 Belleu

 Calumet City • City of Homes \$18600
12-14-04


REAL ESTATE TRANSFER TAX
Plan No. 028274 Duff

 Calumet City • City of Homes \$18600
12-14-04

PIN # 29-24-200-050

COUNTY TAX
COOK COUNTY
 REAL ESTATE TRANSACTION TAX

 DEC.22.04
 REVENUE STAMP

0000148332
REAL ESTATE TRANSFER TAX
 0023250
 FP326670

STATE TAX
STATE OF ILLINOIS

 DEC.22.04
 REAL ESTATE TRANSFER TAX
 DEPARTMENT OF REVENUE

0000074340
REAL ESTATE TRANSFER TAX
 0046500
 FP326669