



Doc#: 0516002154  
Eugene "Gene" Moore Fee: \$38.00  
Cook County Recorder of Deeds  
Date: 06/09/2005 01:22 PM Pg: 1 of 8

This Instrument Prepared by:  
Stacey L. Robinson  
Seyfarth Shaw LLP  
55 E. Monroe Street, Suite 4200  
Chicago, IL 60603

Upon Recording, Return to:  
Stephanie B. McDonald  
King & Spalding LLP  
191 Peachtree Street  
Atlanta, Georgia 30303-1763

Property Address:  
95 West Algonquin Road, Arlington Heights, Cook County, Illinois

P.I.N. 08-16-200-103-0000

SPECIAL WARRANTY DEED

Deed made as of this 31<sup>st</sup> day of May, 2005 by **95 ALGONQUIN L.L.C.**, an Illinois limited liability company, (the "Grantor"), having an address at 300 Park Boulevard, Itasca, Illinois 60143 to **SB ARLINGTON FUNDING COMPANY, INC.**, a Delaware corporation (the "Grantee").

Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, specially conveys and warrants to Grantee that certain real property situated in the County of Cook, State of Illinois described on **Exhibit A** attached hereto (the "Property"), together with the hereditaments and appurtenances pertaining to such Property, TO HAVE AND TO HOLD the Property, together with the foregoing appurtenances, forever.

Grantor, for itself, and its successors, hereby covenants and agrees that, except for the Permitted Exceptions described on **Exhibit B** attached hereto, it has not done or suffered to be done anything whereby the Property hereby granted is, or may be, in any manner encumbered. Grantor further covenants and agrees, to the foregoing extent, to defend title to the Property against all persons lawfully claiming, by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed and delivered as of the day and year first above written.

**95 ALGONQUIN L.L.C.**, an Illinois limited liability company

By: **H.P. 95 ALGONQUIN L.L.C.**, an Illinois limited liability company, its Manager

By: [Signature]  
Name: Ronald [Signature]  
Its: Managing Member

Box 400-CTCC

8278525, 22, 03 1053

1053

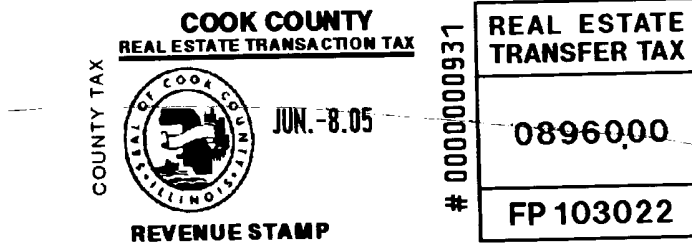
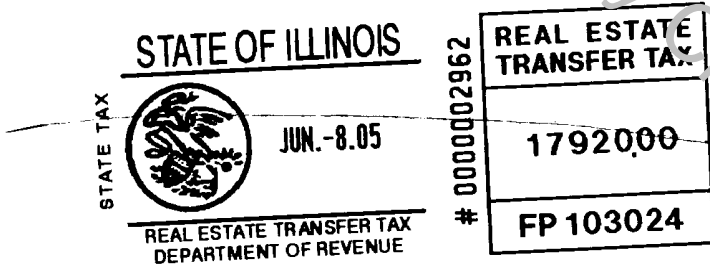
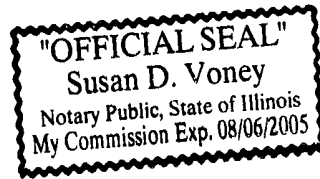
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STATE OF ILLINOIS                    )  
   ) SS.  
 COUNTY OF DUPAGE                    )

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Emilio Chent, a managing member of H.P. 95 Algonquin L.L.C., an Illinois limited liability company, the sole manager of 95 Algonquin L.L.C., an Illinois limited liability company, personally known to me, whose name is subscribed to the foregoing Special Warranty Deed, appeared before me this day in person and acknowledged that he signed and delivered said Deed as his free and voluntary act and as the free and voluntary act of said companies for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 31<sup>st</sup> day of May, 2005.

Susan D. Voney  
 Notary Public



**UNOFFICIAL COPY****EXHIBIT A****LEGAL DESCRIPTION**

PARCEL 1:

LOT 3

(EXCEPTING THEREFROM THAT PART OF LOT 3 DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTHEASTERLY ALONG A 2541.29 FOOT RADIUS CURVE, BEING ALSO THE NORTHERLY LINE OF SAID LOT 3, THE CENTER OF CIRCLE OF SAID CURVE BEARS ON AN ASSUMED BEARING OF NORTH 47 DEGREES 58 MINUTES 18 SECONDS EAST FROM SAID POINT, CENTRAL ANGLE 2 DEGREES 12 MINUTES 20 SECONDS, 97.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG SAID CURVE CONCAVE TO THE NORTHEAST RADIUS 2541.29 FEET, CENTRAL ANGLE 11 DEGREES 26 MINUTES 54 SECONDS, 507.78 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG A 30.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST, CENTRAL ANGLE 55 DEGREES 04 MINUTES 09 SECONDS, 28.83 FEET TO A POINT ON A 2551.07 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS NORTH 35 DEGREES 00 MINUTE 05 SECONDS EAST FROM SAID POINT; THENCE NORTHWESTERLY ALONG SAID CURVE, RADIUS 2551.07 FEET, CENTRAL ANGLE 8 DEGREES 26 MINUTES 03 SECONDS, 375.52 FEET TO A POINT ON A 2546.12 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS NORTH 42 DEGREES 14 MINUTES 05 SECONDS EAST FROM SAID POINT; THENCE NORTHWESTERLY ALONG SAID CURVE, RADIUS 2546.12 FEET, CENTRAL ANGLE 2 DEGREES 18 MINUTES 00 SECOND, 102.21 FEET; THENCE NORTH 40 DEGREES 00 MINUTE 33 SECONDS WEST 56.36 FEET TO THE POINT OF BEGINNING),

IN ARLINGTON PLACE SUBDIVISION, BEING A SUBDIVISION IN SECTION 16, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN URBS-SCHMITT AND KEPPEL INCORPORATED, AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 3, 1979 AND KNOWN AS TRUST NUMBER 47058 AND OTHERS, DATED AUGUST 2, 1979 AND RECORDED OCTOBER 1, 1979 AS DOCUMENT 25171074 AND FILED OCTOBER 1, 1979 AS DOCUMENT LR. 3121973 AND AS AMENDED BY INSTRUMENT RECORDED JUNE 4, 1981 AS DOCUMENT 25893428 AND FILED AS DOCUMENT LR. 3218008 FOR INGRESS AND EGRESS IN PART OF ARLINGTON PLACE SUBDIVISION AND TEULACH'S SUBDIVISION AS DELINEATED IN SAID AGREEMENT, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY AMENDED AND RESTATED EASEMENT AND OPERATING AGREEMENT AND GRANT OF EASEMENTS BY AND AMONG AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT NUMBER 45170, AND AS TRUSTEE UNDER TRUST AGREEMENT NUMBER 52304, SAID AGREEMENT BEING DATED FEBRUARY 1, 1983 AND RECORDED MARCH 7, 1983 AS DOCUMENT 26527048 AND FILED MARCH 7, 1983 AS DOCUMENT LR. 3296792, OVER, UPON AND ACROSS LOT 1 FOR THE PURPOSE OF USING AND GAINING ACCESS TO A SURFACE WATER DETENTION/RETENTION POND LOCATED IMMEDIATELY EAST OF THE WESTERNMOST LINE OF LOT 1 IN ARLINGTON PLACE SUBDIVISION

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AFORESAID, AS SHOWN ON DRAWING ATTACHED AS EXHIBIT "A" TO EASEMENT AND OPERATING AGREEMENT DATED DECEMBER 1, 1979 AND RECORDED JANUARY 4, 1980 AS DOCUMENT 25306989 AND FILED JANUARY 4, 1980 AS DOCUMENT LR. 3139276 AND ALSO OVER, UPON AND ACROSS LOT 2 IN ARLINGTON PLACE SUBDIVISION AFORESAID FOR THE PURPOSE OF GAINING ACCESS TO SAID POND LOCATED ON SAID LOT 1 AS SHOWN ON DRAWING ATTACHED AS EXHIBIT "A" TO THE AFORESAID AMENDED AND RESTATED EASEMENT AND OPERATING AGREEMENT AND GRANT OF EASEMENTS IDENTIFIED ABOVE, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY GRANT OF EASEMENT DATED FEBRUARY 1, 1983 AND RECORDED MARCH 7, 1983 AS DOCUMENT 26527049 AND FILED MARCH 7, 1983 AS DOCUMENT LR. 3296793 BY AND BETWEEN AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT NUMBER 47058, AND AS TRUSTEE UNDER TRUST AGREEMENT NUMBER 52304, OVER, UPON AND ACROSS THAT PART OF LOT 2 IN ARLINGTON PLACE SUBDIVISION AFORESAID AS DEPICTED ON EXHIBIT "A", FOR CONSTRUCTING, RUNNING, MAINTAINING AND REPAIRING SANITARY SEWER LINES AND PIPES, IN COOK COUNTY, ILLINOIS.

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## EXHIBIT B

### PERMITTED EXCEPTIONS

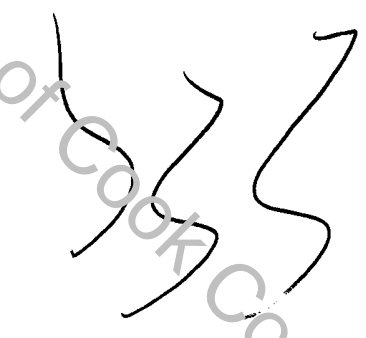
1. Taxes for the second installment of 2004, and subsequent years.
2. Terms and conditions contained in the Agreement recorded May 18, 1998 as Document Number 98407365 made by and between H.P. 95 W. Algonquin, L.L.C., and the Village of Arlington Heights relating to the proposed traffic signal installation.
3. Permanent easement dated June 29, 1998 and recorded October 20, 1998 as Document Number 98038737 made by and between 95 Algonquin, L.L.C., and the State of Illinois through the Secretary of the Department of Transportation granting the right, easement and privilege to enter upon the tract of land shown on Exhibit "A" to easement to install and maintain detector loops, paint striping and traffic signal appurtenances, and the terms and conditions contained therein.
4. Covenants, conditions and restrictions contained in the Agreement filed October 1, 1979 as Document Number LR 3121973 and recorded October 1, 1979 as Document Number 25171074 between American National Bank and Trust Company of Chicago as Trustee under Trust Agreement dated November 6, 1978 and known as Trust Number 45170, American National Bank and Trust Company of Chicago as Trustee under Trust Agreement dated July 3, 1979 and known as Trust Number 47058, Urba-Schmitt and Keppen, Inc., a corporation of Illinois and Chicago Title and Trust Company as Trustee under Trust Agreement dated February 11, 1971 and known as Trust Number 1069244 regarding construction, use, location and maintenance of a party driveway adjoining land and amended by instrument recorded as Document Number 25893428 and filed as Document Number LR 3218008.
5. Rights of the adjoining owners to the concurrent use of the easements described as Parcels 2, 3 and 4.
6. Covenants, conditions and restrictions contained in deed from Anna Goebbert as Trustee to Carl G. Klehm recorded September 30, 1955 as Document Number 16378612 relating to permissible uses of the land.
7. Covenants and restrictions contained in Amended and Restated Easement and Operations Agreement dated February 1, 1983 and recorded March 7, 1983 as Document Number 26527048 and filed March 7, 1983 as Document Number LR 3296792, for construction, maintenance and use of a surface water detention/retention pond as previously described in Agreement dated December 1, 1979 and recorded January 4, 1980 as Document Number 25306989 and filed January 4, 1980 as Document Number LR 3139276.
8. Encroachment of the concrete curb located mainly on the property southeasterly and adjoining onto the land by 10.50 feet, as shown on plat of Survey Number 2005-0556 prepared by Edward J. Molloy & Associates, Ltd. dated May 26, 2005.

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## EXHIBIT B

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A handwritten signature in black ink is written over the diagonal watermark text. The signature consists of several loops and a final upward-pointing arrow-like stroke.

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9. Terms, provisions and conditions relating to the easement described as Parcel No. 2 contained in the instrument creating such easement.
10. Terms, provisions and conditions relating to the easements described as Parcels 3 and 4 contained in the instruments creating such easements.
11. Sidewalk easement on the northeasterly 10 feet of land as shown on the plat of subdivision filed as Document Number LR 3133810 and recorded November 29, 1979 as Document Number 25261219.
12. Easement for public utilities and drainage on the westerly 10 feet of land as shown on the plat filed as Document LR 3133810 and recorded November 29, 1979 as Document Number 25261219.
13. Easement over the westerly 10 feet of the land for the purpose of installing and maintaining all equipment necessary to serve the subdivision and other property with telephone and electrical service, together with the right to overhand aerial service wires and the right of access to such wires created by grant to the Illinois Bell Telephone Company and the Commonwealth Edison Company and their respective successors and assigns and as shown on the plat of subdivision filed November 29, 1979 as Document Number LR 3133810 and recorded November 29, 1979 as Document Number 25261219.
14. Easements in favor of Northern Illinois Gas Company, the Commonwealth Edison Company and the Illinois Bell Telephone Company to install, maintain, renew, relocate and remove gas mains, electric facilities and telephone lines as set forth in the plat of Arlington Place Subdivision recorded November 29, 1979 as Document Number 25261219 and filed as Document Number LR 3133810.
15. Easement in favor of the Commonwealth Edison Company and the Illinois Bell Telephone Company to install, maintain, renew, relocate and remove electric facilities and telephone lines as set forth in the Grant recorded March 20, 1980 as Document Number 25398104 and filed March 20, 1980 as Document Number LR 3151623.
16. Easement in, upon, under over and along the land to install and maintain all equipment for the purpose of serving the land and other property with electric service, together with right of access to said equipment, as created by Grant to the Commonwealth Edison Company filed August 17, 1982 as Document Number LR 3270779.
17. Easement in favor of Commonwealth Edison Company, and its/their respective successors and assigns, to install, operate and maintain all equipment necessary for the purpose of serving the land and other property, together with the right of access to said equipment, and the provisions relating thereto contained in the Grant recorded/filed as Document Number 97480820 recorded July 2, 1997 affecting the property as set forth in the attached Exhibit "A" to the easement.
18. Rights of tenants under leases listed in the schedule of leases attached hereto as Exhibit C.

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## EXHIBIT C

### Leases

1. Lease Agreement between 95 Algonquin L.L.C., an Illinois limited liability company as landlord, and SBC Services, Inc., successor to Ameritech Custom Business Services, as tenant, dated as of May 24, 1996, and amended by that certain Lease Amendment No. 1, dated as of July 29, 1996, as further amended by that certain Second Lease Amendment dated as of October 18, 1996, that certain Third Lease Amendment dated as of January 21, 1997, that certain Fourth Lease Amendment dated as of April 28, 1997, that certain Fifth Lease Amendment dated as of January 15, 1998, and that certain Sixth Amendment to Office Lease Agreement dated as of November 5, 2001.

2. Office Lease Agreement between 95 Algonquin L.L.C., an Illinois limited liability company, as landlord, and Quaid Darugar, successor by assignment to The Gourmet Café & Deli Ltd., as tenant, dated as of November 26, 1996, and amended by that certain Lease Extension dated as of November 26, 2001.

Approved by Cook County Clerk's Office