

# UNOFFICIAL COPY



0519641181D

## SPECIAL WARRANTY DEED

Doc#: 0519641181  
Eugene "Gene" Moore Fee: \$32.00  
Cook County Recorder of Deeds  
Date: 07/15/2005 03:42 PM Pg: 1 of 5

1 of 1 Sec

20060923334

THIS INDENTURE, made this 15<sup>th</sup> day of July, 2005, between **THE WOODS OF SOUTH BARRINGTON II, L.L.C.**, an Illinois limited liability company, party of the first part, and **ARBORETUM OF SOUTH BARRINGTON, 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/100ths DOLLARS (\$10.00)** and good and other valuable consideration in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and pursuant to authority of the Manager of the first party, by these presents does **REMISE, RELEASE, ALIEN AND CONVEY** unto the party of the second part, and to its heirs and assigns, **FOREVER**, all the following described real estate, situated in Cook County, State of Illinois, described as follows:

See Exhibit A attached hereto

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise 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 party of the first part, either in law or equity, of, in and to the below described premises, with the hereditaments and appurtenances: **TO HAVE AND TO HOLD** the said premises as described below, with the appurtenances, 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 incumbered or charged, except as herein recited; and that it **WILL WARRANT AND DEFEND**, the permitted exceptions set forth on Exhibit B attached hereto and by this reference made a part hereof.

IN WITNESS WHEREOF, said party of the first part has caused its name to be signed to these presents by its Member, the day and year first above written.

**THE WOODS OF SOUTH BARRINGTON II, L.L.C.**, an Illinois limited liability company

By: Mesirow Stein Real Estate, Inc., an Illinois corporation, its Manager

By: Michael Szkatulski  
Name: Michael Szkatulski  
Its: Senior Managing Director

Near North National Title  
222 N. LaSalle  
Chicago, IL 60601

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STATE OF ILLINOIS )  
 )ss.  
COUNTY OF LAKE )

I, the undersigned, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY Michael Szentek is personally known to me to be the Senior Managing Director of Mesirow Stein Real Estate, Inc., an Illinois corporation, which is the Manager of The Woods of South Barrington II, L.L.C., an Illinois limited liability company, and is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act and deed of said company, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 14<sup>th</sup> day of July, 2005.

This instrument was prepared by:

Stephen S. Herseth, Esq.  
Schwartz, Cooper, Greenberger & Krauss, Chtd.  
180 North LaSalle Street, Suite 2700  
Chicago, Illinois 60601

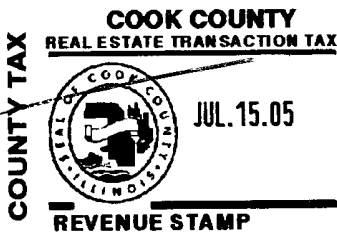
Frances M. Beard  
Notary Public  
**OFFICIAL SEAL**  
**FRANCES M BEARD**  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 04/01/09

MAIL TO:

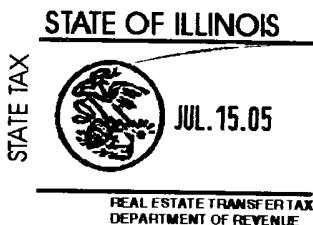
John F. Young, c/o Bryan Cave LLP  
(Name)  
211 N. Broadway, Suite 3600  
(Address)  
St. Louis, Missouri 63102  
(City, State and Zip)

SEND SUBSEQUENT TAX BILLS TO:

Michael J. Dunigan  
(Name)  
REEF AMERICA LLC  
875 N. MICHIGAN AVE #4100  
(Address)  
Chicago, IL 60611  
(City, State and Zip)



# 0000166283	REAL ESTATE TRANSFER TAX
	0637500
	FP326670



# 000022758	REAL ESTATE TRANSFER TAX
	1275000
	FP326660

**UNOFFICIAL COPY****EXHIBIT A****LEGAL DESCRIPTION****PARCEL 1**

THOSE PORTIONS OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE NORTH 89° 58' 22" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 508.00 FEET TO A LINE 508.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00° 02' 15" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 428.90 FEET TO A LINE 428.90 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89° 58' 22" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 508.00 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00° 02' 15" WEST ALONG SAID EAST LINE, A DISTANCE OF 351.59 FEET TO THE NORTH LINE OF ILLINOIS ROUTE 72 AS MONUMENTED AND OCCUPIED; THENCE NORTH 69° 18' 19" WEST ALONG SAID NORTH LINE, A DISTANCE OF 2766.41 FEET TO A POINT ON THE EAST LINE OF ILLINOIS ROUTE 59 ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 11194096; THENCE NORTH 00° 11' 17" WEST ALONG THE EAST LINE OF SAID ILLINOIS ROUTE 59, A DISTANCE OF 1096.63 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 50.00 FEET WITH AN ARC LENGTH OF 80.49 FEET AND A CHORD BEARING OF SOUTH 46° 18' 23" EAST TO A POINT OF COMPOUND CURVATURE; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 467.00 FEET AND AN ARC LENGTH OF 68.92 FEET TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 798.00 FEET AND AN ARC LENGTH OF 365.16 FEET TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 552.00 FEET AND AN ARC LENGTH OF 125.61 FEET TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY ALONG A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 198.00 FEET AND AN ARC LENGTH OF 66.38 FEET TO A POINT OF REVERSE CURVATURE; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 30.00 FEET AND AN ARC LENGTH OF 35.16 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 196.00 FEET AND AN ARC LENGTH OF 39.98 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 232.00 FEET AND AN ARC LENGTH OF 125.75 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 754.00 FEET WITH AN ARC LENGTH OF 60.64 FEET AND A CHORD BEARING OF NORTH 22° 40' 42" EAST TO A POINT OF NON-TANGENCY; THENCE SOUTH 51° 22' 16" EAST, A DISTANCE OF 822.83 FEET; THENCE SOUTH 65° 47' 33" EAST, A DISTANCE OF 381.45 FEET; THENCE SOUTH 00° 02' 39" EAST, A DISTANCE OF 557.45 FEET TO A LINE 160.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89° 58' 22" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 762.78 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE SOUTH 00° 04' 45" EAST ALONG SAID EAST LINE, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING, CONTAINING 62.179 ACRES OF LAND MORE OR LESS, ALL IN COOK COUNTY, ILLINOIS.

**PARCEL 2**

EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS CREATED BY DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT DATED APRIL 22, 2004 BY AND BETWEEN ACACIA CREDIT FUND 9 - A L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, THE WOODS OF SOUTH BARRINGTON, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY AND THE WOODS OF SOUTH BARRINGTON II, L.L.C.

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RECORDED APRIL 28, 2004 AS DOCUMENT NUMBER 0411932014, AND LAST MODIFIED BY THE SECOND AMENDMENT RECORDED DATED MARCH 31, 2005 AND RECORDED APRIL 1, 2005 AS DOCUMENT NUMBER 0503127110.

Tax numbers            01-33-200-012  
                              01-33-200-013  
                              01-33-200-015  
                              01-33-200-017

STREET ADDRESS:

VACANT LAND on North East Corner of ROUTES 72 and 59, SOUTH BARRINGTON, IL.

Property of Cook County Clerk's Office

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## EXHIBIT B

### PERMITTED EXCEPTIONS

1. General real estate taxes for the years 2004 and 2005, none now due and payable.  
 Tax numbers           01-33-200-012,  
                               01-33-200-013,  
                               01-33-200-015, and  
                               01-33-200-017.
2. Dedication of part of the land for public highway as per Plat of Dedication by Howard V. Kennington and Gertrude M. Kennington his wife recorded October 30, 1934 as document 11490646.
3. Rights of the public, State of Illinois and the Municipality, in and to that part of the land falling in Bartlett Road.
4. Rights of way for drainage titles, ditches, feeders laterals and underground pipes, if any.
5. Easement in favor of Northern Illinois Gas 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 no. 95304146, affecting the part of the Property falling in that part of the West 1/2 of Bartlett Road in the Southeast 1/4 of Section 33 of the land.
6. Terms and provisions of the Annexation and Development Agreement recorded January 19, 2001 as document number 0010049341.
7. Terms and provisions contained in the Consent Decree entered in the proceedings initiated by The Woods of South Barrington et al. v. The Village of South Barrington Case No. 01CH14950 which pertains, among other things, to certain Annexation Agreements, Zoning Approval Ordinance, and which prohibits the construction of the 150 unit assisted living structure for further particulars see the recorded document. All the foregoing as disclosed by the affidavit of Stephen S. Herseth recorded January 16, 2004 as document number 0401631118.
8. Development, Operation and Reciprocal Easement Agreement dated April 22, 2004 by and between Acacia Credit Fund 9 - A L.L.C., a Delaware limited liability company, The Woods of South Barrington, L.L.C., a Delaware limited liability company and The Woods of South Barrington II, L.L.C. recorded April 28, 2004 as document number 0411932014.  
  
 First Amendment to Development, Operation and Reciprocal Easement Agreement dated June 17, 2004 and recorded June 17, 2004 as document number 0416941084.  
  
 Second Amendment to Development, Operation and Reciprocal Easement Agreement dated March 31, 2005 and recorded April 1, 2005 as document number 0509127110.
9. Declaration of Waiver of Assisted Living Facility made by The Woods of South Barrington, LLC in favor of The Village of South Barrington dated April 22, 2004, recorded April 28, 2004 as document number 0411932008.
10. Memorandum of Certain Contract Provisions made as of the 21st Day of April, 2004, by The Woods of South Barrington, LLC recorded April 28, 2004 as document number 0411932009.