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THIS DOCUMENT WAS)
PREPARED BY:)
Katten Muchin Rosenman LLP)
525 West Monroe Street)
Chicago, Illinois 60661)
Attn: Rachel S. Brown Esq.)

Doc#: 0608010130 Fee: \$42.50
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 03/21/2006 03:12 PM Pg: 1 of 10

AFTER RECORDING RETURN TO:)
DLA Piper Rudnick Gray Cary US LLP)
550 South Hope Streett, Suite 2300)
Los Angeles, California 90071-2631)
Attn: Steven A. Fein, Esq.)

[This space reserved for recording data.]

SPECIAL WARRANTY DEED

8323987, 0504 P1
0

THAT, TDC Niles L.L.C., an Illinois limited liability company ("Grantor"), for and in consideration of the sum of Ten and no/00 dollars (\$10.00) and other good and valuable consideration in hand paid to the undersigned by TDC Ocean Pointe, LLC, a Delaware limited liability company ("Grantee"), whose mailing address is 799 Central Avenue, Suite 300, Highland Park, Illinois 60035, the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, BARGAINED, SOLD, AND CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL, ALIEN, CONVEY and CONFIRM unto Grantee that certain real property being more particularly described in Schedule 1 attached hereto and made a part hereof for all purposes, together with all improvements and fixtures situated thereon (collectively, the "Property"); subject, however, to those matters described in Schedule 2 attached hereto and made a part hereof for all purposes.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its successors, and Grantor hereby agrees to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through or under Grantor but not otherwise.

[EXECUTION PAGE FOLLOWS]

VILLAGE OF NILES
REAL ESTATE TRANSFER TAX
3-21-06
5600-5768 Touhy
15047 \$ 130.500.00

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EXECUTED this 20th day of March, 2006.

GRANTOR:

TDC NILES L.L.C., an Illinois limited liability company

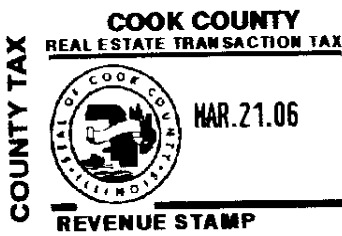
By: Tucker Development Corporation
 By: [Signature]
 Name: _____
 Its: Richard H. Tucker
President

STATE OF Illinois
 COUNTY OF Wake SS

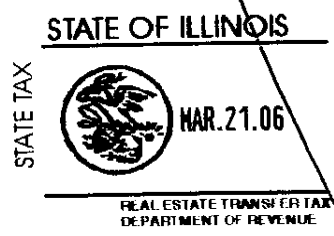
On this 14th day of March, 2006, before me personally appeared Richard H. Tucker who acknowledged himself to be the President of Tucker Development Corporation and that he, being authorized so to do, executed the foregoing instrument for the purposes therein contained as his free act and deed and the free act and deed of Tucker Development Corporation on behalf of TDC Niles L.L.C.

[Signature]
 Notary Public

My commission expires: 4/12/08



# 0000185574	REAL ESTATE TRANSFER TAX
	2175000
	FP326670



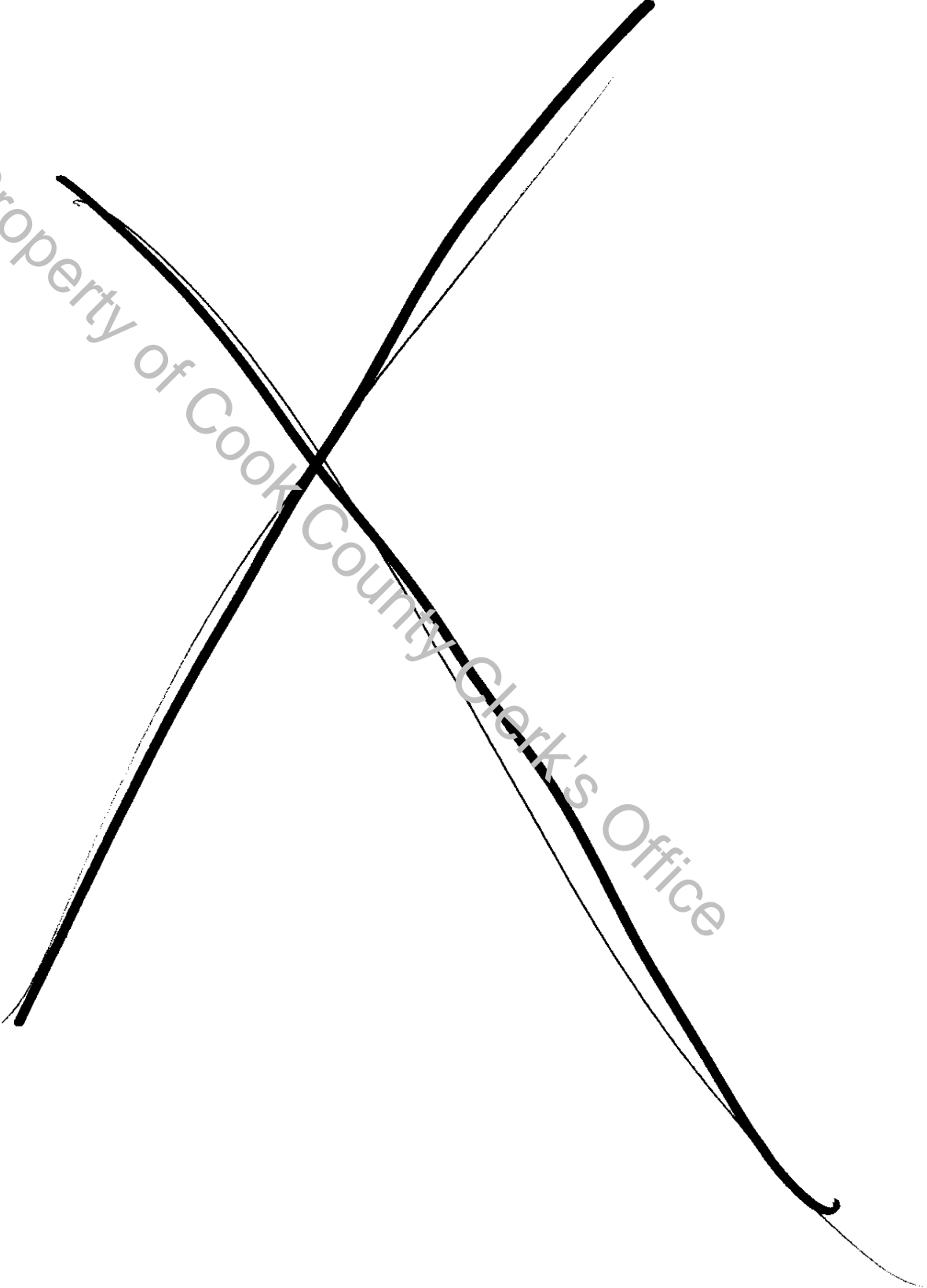
# 0000033738	REAL ESTATE TRANSFER TAX
	4350000
	FP326660

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Schedule 1

Legal Description

Property of Cook County Clerk's Office



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Legal Description

LOTS 2, 3, 4, 5, 6, 7, 9 and 10 IN POINTE PLAZA SUBDIVISION, BEING A SUBDIVISION OF LOT 2 IN ANNIE MULLEN SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 22, 1999 AS DOCUMENT NUMBER 09188471, IN COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office

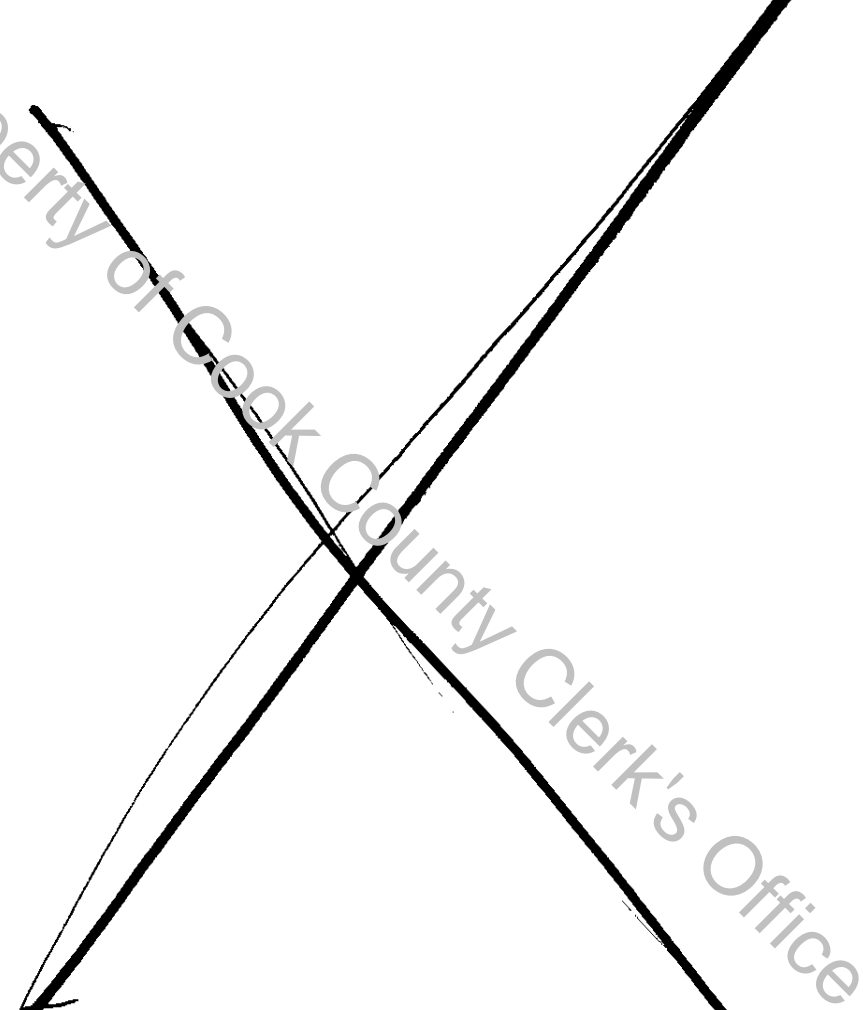
Lot #: 10 29-403 - 025-0000
026-0000
027-0000
028-0000
029-0000
030-0000
032-0000
033-0000

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Schedule 2

Permitted Exceptions

Property of Cook County Clerk's Office



A 6.

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1. TAXES FOR THE YEAR(S) 2005 AND 2006
2006 TAXES ARE NOT YET DUE OR PAYABLE.

1A. NOTE: 2005 FINAL INSTALLMENT NOT YET DUE OR PAYABLE

PERM TAX#	PCL	YEAR	1ST INST	STAT
10-29-403-025-0000	1 OF 8	2005	\$11,910.96	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION. LOT 2				
10-29-403-026-0000	2 OF 8	2005	\$71,106.31	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION. LOT 3				
10-29-403-027-0000	3 OF 8	2005	\$178,417.38	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION. LOT 4				
10-29-403-028-0000	4 OF 8	2005	\$236,614.68	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION. LOT 5				
10-29-403-029-0000	5 OF 8	2005	\$27,688.52	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION. LOT 6				
10-29-403-030-0000	6 OF 8	2005	\$35,176.75	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION. LOT 7				
10-29-403-032-0000	7 OF 8	2005	\$40,203.16	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION. LOT 9				
10-29-403-033-0000	8 OF 8	2005	\$52.26	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION. LOT 10				

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03/20/06

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PROPERTY OF Cook County Clerk's Office

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CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY (1992)

SCHEDULE B

EXCEPTIONS FROM COVERAGE (CONTINUED)

**

D 7. EASEMENT IN FAVOR OF THE 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 PLAT RECORDED/FILED AS DOCUMENT NO. 92907082, AS LOCATED AND SHOWN ON SURVEY MADE BY COWHEY GUDMUNDSON LEDER, LTD., JOB NO. 2195.04, DATED FEBRUARY 10, 2006 AND LAST REVISED ON MARCH 15, 2006 (THE "SURVEY").

(AFFECTS THE EASTERLY PORTION OF PARCEL 1 LOT 9, AND THE SOUTHERLY PORTION OF PARCEL 1 LOT 10)

E 8. EASEMENT IN FAVOR OF THE 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 NO. 90275739, AFFECTING THE SOUTHERLY PORTION OF PARCEL 1 LOT 10 OF THE LAND. AS LOCATED AND SHOWN ON SURVEY.

F 9. EASEMENT IN FAVOR OF THE 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 NO. 90074176, AFFECTING THE EAST 5 FEET OF PARCEL 1 LOT 10 OF THE LAND. AS LOCATED AND SHOWN ON SURVEY.

G 10. EASEMENT WITH COVENANTS AND RESTRICTIONS AFFECTING THE LAND DATED DECEMBER 30, 1998, BY AND BETWEEN WAL-MART REAL ESTATE BUSINESS TRUST AND TDC NILES, LLC FOR THE PURPOSE OF THE USE, DESIGN, CONSTRUCTION AND THE LOCATION OF THE BUILDINGS IN THE SHOPPING CENTER, RECORDED/FILED MARCH 18, 1999 AS DOCUMENT NO. 99265776 AFFECTING THE LAND, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

FIRST AMENDMENT TO EASEMENT WITH COVENANTS AND RESTRICTIONS AFFECTING LAND RECORDED APRIL 7, 1999 AS DOCUMENT 99334830.

I 11. EASEMENT IN FAVOR OF ILLINOIS BELL TELEPHONE COMPANY (AMERITECH) , AND

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CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY (1992)

SCHEDULE B

**EXCEPTIONS FROM COVERAGE
(CONTINUED)**

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 PLAT RECORDED/FILED AS DOCUMENT NO. 99923902, AFFECTING A PORTION OF PARCEL 1, LOT 4 AS LOCATED AND SHOWN ON SURVEY.

- J 12. BUILDING LINE(S) AS SHOWN ON THE PLAT OF SUBDIVISION RECORDED DECEMBER 22, 1999 AS DOCUMENT NO. 09188471, AFFECTING THE EASTERLY 20 FEET, THE WESTERLY 20 FEET, SOUTHERLY 20 FEET, AND THE NORTHERLY 5 FEET OF THE LAND.

PERMANENT TRAFFIC SIGNAL EASEMENT, AS SHOWN ON PLAT OF SUBDIVISION RECORDED DECEMBER 2, 1999 AS DOCUMENT NUMBER 09188471.

(AFFECTS THE SOUTHEAST CORNER PORTION OF THE LAND)

PUBLIC SIDEWALK EASEMENT ALONG THE SOUTH 11 FEET OF THE LAND, AS SHOWN ON PLAT OF SUBDIVISION RECORDED DECEMBER 22, 1999 AS DOCUMENT NUMBER 09188471.

ALL AS LOCATED AND SHOWN ON SURVEY.

- K 13. VILLAGE UTILITY EASEMENT, 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 PLAT RECORDED/FILED AS DOCUMENT NO. 09188470, AFFECTING THE EAST 45.75 FEET AND SOUTH 10 FEET AND WEST 10 FEET AND NORTH 5 FEET OF THE LAND.

AS LOCATED AND SHOWN ON SURVEY.

- N 14. OUTLOT DEVELOPMENT AGREEMENT DATED DECEMBER 23, 1999 AND RECORDED JANUARY 7, 2000 AS DOCUMENT NUMBER 00018595 MADE BY AND BETWEEN TDC NILES, L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY AND WORLD SAVINGS BANK, FSB.

- U 15. LEASE MADE BY TDC NILES, LLC TO SUPERVALU HOLDINGS, INC. DATED FEBRUARY 11, 1999, A MEMORANDUM OF WHICH WAS RECORDED MARCH 24, 1999 AS DOCUMENT NO. 99283216, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING ON THE EXECUTION DATE, SUBJECT TO CERTAIN PROVISIONS OF THE LEASE WHICH PROVIDE FOR EARLIER TERMINATION, THE INITIAL TERM OF THE LEASE WILL EXPIRE AT THE END OF THE 20TH FULL CALENDAR YEAR FOLLOWING THE RENT COMMENCEMENT DATE DESCRIBED IN THE LEASE, AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE OR SUFFERED THEREUNDER BY, SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH, OR UNDER

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CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY (1992)**SCHEDULE B****EXCEPTIONS FROM COVERAGE
(CONTINUED)**

SAID LESSEE.

TENANT HAS THE RIGHT AND PRIVILEGE TO EXTEND THE LEASE FOR 4 SUCCESSIVE EXTENSION TERMS OF FIVE YEARS EACH.

GRANT OF EASEMENT FROM TDC NILES, LLC (LANDLORD) TO SUPERVALU HOLDINGS, INC. (TENANT), ITS EMPLOYEES, LICENSEES, CUSTOMERS, INVITEES, SUBTENANTS AND ASSIGNS, THE RIGHT TO USE THE SHOPPING CENTER COMMON AREAS WITHOUT CHARGE IN COMMON WITH LANDLORD AND OTHER TENANTS AND OCCUPANTS OF SPACE WITHIN THE SHOPPING CENTER AND THEIR RESPECTIVE EMPLOYEES, LICENSEES, CUSTOMERS, INVITEES, SUBTENANTS AND ASSIGNS, CONTAINED IN MEMORANDUM OF LEASE RECORDED MARCH 24, 1999 AS DOCUMENT 99283216, AND ALL TERMS AND PROVISIONS CONTAINED THEREIN.

- V 16. LEASE MADE BY TDC NILES, L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY TO BOND DRUG COMPANY PF ILLINOIS, AN ILLINOIS CORPORATION DATED JUNE 10, 1999, A MEMORANDUM OF WHICH WAS RECORDED OCTOBER 28, 1999 AS DOCUMENT NO. 09016819, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING JANUARY 1, 2000 AND ENDING DECEMBER 31, 2060, AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE OR SUFFERED THEREUNDER BY, SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH, OR UNDER SAID LESSEE.
- W 17. LEASE MADE BY TDC NILES, L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY TO OFFICE DEPOT, INC., A DELAWARE CORPORATION DATED AUGUST 2, 1999, A MEMORANDUM OF WHICH WAS RECORDED SEPTEMBER 21, 1999 AS DOCUMENT NO. 99890579, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING AUGUST 2, 1999 AND ENDING AFTER 15 YEARS SUBJECT TO EXTENSION AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE OR SUFFERED THEREUNDER BY, SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH, OR UNDER SAID LESSEE.
- X 18. LEASE MADE BY TDC NILES LLC TO BABY SUPERSTORE INC. DATED JULY 27, 1999 AND RECORDED AUGUST 6, 1999 AS DOCUMENT NO. 99751907 AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE OR SUFFERED THEREUNDER BY, SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH, OR UNDER SAID LESSEE.

COMMENCEMENT AGREEMENT RECORDED SEPTEMBER 11, 2000 AS DOCUMENT 00703281.

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CHICAGO TITLE INSURANCE COMPANY
OWNER'S POLICY (1992)
SCHEDULE B

EXCEPTIONS FROM COVERAGE
(CONTINUED)

- AE 19. LEASE MADE BY TDC NILES, L.L.C. TO STEAK AND ALE OF ILLINOIS, INC. DATED JULY 13, 1999, A MEMORANDUM OF WHICH WAS RECORDED MARCH 8, 2001 AS DOCUMENT NO. 0010181982, AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE OR SUFFERED THEREUNDER BY, SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH, OR UNDER SAID LESSEE.
- AO 20. RIGHTS OF PARTIES IN POSSESSION, AS TENANTS ONLY, WITHOUT ANY RIGHTS OF FIRST REFUSAL OR OPTIONS TO PURCHASE ALL OR ANY PORTION OF THE PROPERTY, AS DISCLOSED BY RENT ROLL DATED AS OF AND AS ATTACHED HERETO AND MADE A PART HEREOF.
- AQ 21. TERMS AND PROVISIONS OF A NO FURTHER REMEDIATION LETTER RECORDED OCTOBER 6, 2000 AS DOCUMENT 00786894.