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After Recording Made To:

DLA Piper Rudnick Gray  
Cary US LLP  
203 North LaSalle Street, Suite 1900  
Chicago, Illinois 60601-1293  
Attn: Sandra Y. Kellman, Esq.



Doc#: 0609545098 Fee: \$38.50  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 04/05/2006 01:06 PM Pg: 1 of 8

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For Recorder's Use Only

8

**SPECIAL WARRANTY DEED**

This Indenture, made as of the 4<sup>th</sup> day of April, 2006 between FITZPATRICK CHICAGO HOTEL, L.P. an Illinois limited partnership with an address at Fitzpatrick Hotel Group, 687 Lexington Avenue, New York, New York 10022, party of the first part, and 166 E. SUPERIOR, LLC, a Delaware limited liability Company with an address at d/b/a Affinia Chicago, c/o Denihan Hospitality Group, 500 West 37<sup>th</sup> Street, New York, New York 10018, party of the second part, WITNESSETH, that the party of the first part, for and in consideration of Ten and 00/100 Dollars and (\$10.00) and other good and valuable consideration in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, by these presents does REMISE, RELEASE, ALIENATE and CONVEY unto the party of the second part, FOREVER, all the real estate described on Exhibit A attached hereto and made a part hereof, situated in the County of Cook and State of Illinois known.

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


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8231094  
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above described premises, with the hereditaments and appurtenances: TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the party of the second part, 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 and its successors, 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 it WILL WARRANT AND DEFEND, said premises against all persons lawfully claiming, or to claim the same, by, through or under it, subject only to those matters described on Exhibit B attached hereto and made a part hereof.

[Signature page to follow.]


**COUNTY TAX**  
**COOK COUNTY**  
**REAL ESTATE TRANSACTION TAX**  
  
APR. -5.06  
**REVENUE STAMP**

0000788125 #  
**REAL ESTATE TRANSFER TAX**  
15600.00  
FP326670

**STATE TAX**  
  
APR. -5.06  
**STATE OF ILLINOIS**  
**REAL ESTATE TRANSACTION TAX**  
DEPARTMENT OF REVENUE

City of Chicago  
Dept. of Revenue  
427558  
04/05/2006 12:43 Batch 10227 34  
  
Real Estate Transfer Stamp  
\$91,500.00

# 0000034599  
**REAL ESTATE TRANSFER TAX**  
31200.00  
FP326640

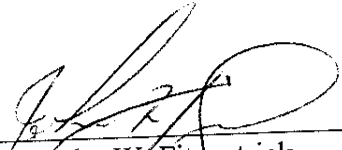
City of Chicago  
Dept. of Revenue  
427557  
04/05/2006 12:43 Batch 10227 34  
  
Real Estate Transfer Stamp  
\$142,500.00

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In Witness Whereof, said party of the first part has caused its name to be signed to these presents by its General Partner.

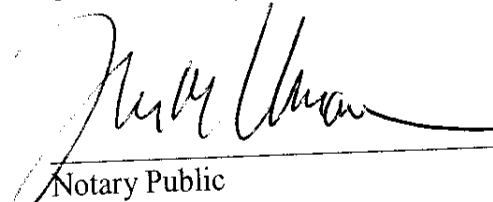
FITZPATRICK CHICAGO HOTEL, L.P.,  
an Illinois limited partnership  
By: FITZPATRICK CHICAGO HOLDINGS INC.,  
an Illinois corporation, its general partner

State of New York  
County of New York

By:   
Name: John W. Fitzpatrick  
Title: President

I Frederic M. Umare, a Notary Public in and for said County and State, do hereby certify that John W. Fitzpatrick, President of Fitzpatrick Chicago Holdings Inc., the general partner of Fitzpatrick Chicago Hotel, L.P., personally known to me to be the same person whose name subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as free and voluntary act of the partnership and corporation for the purposes and therein set forth.

Given under my hand and official seal, this 2 day of April, 2006.

  
Notary Public

My commission expires:

Frederic M. Umare  
Notary Public, State of New York  
No. 31-4726089  
Qualified in New York County  
Commission Expires February 28, 2007

480929.04/10058-007/JNZ

THIS INSTRUMENT PREPARED BY:  
KATHRYN K. ARNOLD, ESQ.  
SHEFSKY & FROELICH LTD.  
111 EAST WACKER DRIVE  
SUITE 2800  
CHICAGO, IL 60601

SEND SUBSEQUENT TAX BILLS TO:  
Fitzpatrick Chicago Hotel, L.P.  
(Name)  
687 Lexington Avenue  
(Address)  
New York, New York 10022  
(City, State and Zip)  
Attn: John Holzhauser

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## EXHIBIT A

### LEGAL DESCRIPTION

Parcel 1:

Lots 4, 5 and 6 in Henry Wischemeyer's subdivision of block 54 in Kinzie's addition to Chicago in Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, being a resubdivision of the East 15 feet of Lot 11 and all of Lot 12 in Legg's subdivision of said Block 54, together with Lots 1, 2 and 3 in Ogden and Lombard's subdivision of the accretions lying East of and adjoining said Lot 12, in Cook County, Illinois.

Parcel 2:

Lots D,E,F,G,H, and I in Lill's Chicago Brewing Company's subdivision in Block 54 in Kinzie's addition to Chicago in Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Property Address: 166 East Superior Street  
Chicago, Illinois

Permanent Index Nos.: 17-10-200-020-0000  
17-10-200-021-0000  
17-10-200-063-0000

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## EXHIBIT B

### PERMITTED EXCEPTIONS AND ACCEPTED EXCEPTIONS

REAL ESTATE TAXES NOT YET DUE AND PAYABLE.

UNRECORDED LEASES TO TENANTS SET FORTH IN RENT ROLL PROVIDED TO GRANTEE, FOR WHICH NO SUCH TENANT OR PERSON CLAIMING BY, THROUGH, OR UNDER SUCH LEASES HAS AN OPTION TO PURCHASE SAID PREMISES.

THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT 91075841, AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.

DECLARATION OF EASEMENT DATED JUNE 17, 1981 AND RECORDED JULY 27, 1981 AS DOCUMENT 25950376 MADE BY LASALLE NATIONAL BANK AS TRUSTEE UNDER TRUST NUMBER 41465 AND THE COSMOPOLITAN NATIONAL BANK OF CHICAGO AS TRUSTEE UNDER TRUST NUMBER 25606.

(AFFECTS LAND AND OTHER PROPEITY)

DECLARATION OF PARKING RIGHTS DATED JUNE 17, 1981 AND RECORDED JULY 27, 1981 AS DOCUMENT 25950379 MADE BY LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST NOS. 41465 AND 101565.

SINGLE MASONRY WALL FORMERLY USED IN COMMON WITH ADJOINING PROPERTY AND LOCATED ALONG THE EAST LINE OF THE LAND, AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30, 1994 BY NATIONAL SURVEY SERVICE, INC., NUMBER N-118831 AND REVISED BY N-123870 DATED MARCH 22, 2001.

(AFFECTS LOT 6 PARCEL 1)

EASEMENT OVER PARCEL 2 FOR USE AS A TRUCK AND OTHER VEHICLE TURN-AROUND AREA AND TEMPORARY WAITING SPACE AND OVER THE WEST 48 FEET OF PARCEL 2 FOR PARKING AREA IN FAVOR OF AMERICAN DENTAL SSOIATION, AN ILLINOIS NOT-FOR-PROFIT CORPORATION, AS RESERVED IN ITS DEED TO ADA S. POLLOCK, DATED JUNE 9, 1965 AND RECORDED JULY 13, 1965 AS DOCUMENT 19525122 AND TERMS AND CONDITIONS THEREIN CONTAINED, AMONG WHICH IS THE CONDITION THAT NO IMPROVEMENTS ARE TO BE MADE ON PARCEL 2 EXCEPT AS THEREIN DESCRIBED.

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NOTE: AMENDED BY INSTRUMENT RECORDED NOVEMBER 26 1980 AS DOCUMENT 25683755.

EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS AS SET FORTH IN THE EASEMENT AGREEMENT EXECUTED BY AND BETWEEN THE COSMOPOLITAN NATIONAL BANK OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 10, 1980 KNOWN AS TRUST NUMBER 25605; SUPERIOR STREET, L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY AND FITZPATRICK CHICAGO HOTEL L.P., AND ILLINOIS LIMITED PARTNERSHIP, RECORDED DECEMBER 24, 2002 AS DOCUMENT 0021435569.

ENROACHMENT OF WEST FACE OF GUARD RAIL LOCATED MAINLY ON PROPERTY EAST AND ADJOINING OVER AND ONTO THE LAND BY 0.34 FEET WEST, AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30, 1994 MADE BY NATIONAL SURVEY SERVICE, INC. AS NUMBER N-118831 AS REVISED BY N-126553 DATED FEBRUARY 20, 2006.

ENROACHMENT OF BUILDING LOCATED ON THE LAND BY ABOUT 9 FEET OVER AND ONTO THAT PART OF THE LAND DEDICATED FOR PRIVATE ALLEY BY PLAT OF SUBDIVISION RECORDED MARCH 10, 1887 AS DOCUMENT 805575, AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30 1994 MADE BY NATIONAL SURVEY SERVICE, INC. AS NUMBER N-118831 AS REVISED BY N-123870 DATED MARCH 22, 2001, AS REVISED BY N-126061 DATED MARCH 21, 2005 AS REVISED BY N-126553 DATED FEBRUARY 20, 2006.

ENROACHMENT OF BRICK BUILDING LOCATED ON PARCEL 1 OVER THE EAST LINE OF THE LAND AS FOLLOWS:

NORTHEAST CORNER IS 0.05 FEET EAST;  
 EAST FACE OF BRICK AT GRADE IS 0.03 FEET EAST;  
 EAST FACE OF BRICK AT THE ROOF IS 0.07 TO 0.08 FEET EAST;  
 THE MARBLE FACE OF THE BUILDING IS 0.01 FEET EAST.

AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30, 1994 BY NATIONAL SURVEY SERVICE, INC., NUMBER N-118831 AS REVISED BY N-126553 DATED FEBRUARY 20, 2006.

(AFFECTS PARCEL 1)

ENROACHMENT OF BRICK BUILDING LOCATED ON PARCEL 1 OVER THE SOUTH LINE OF THE LAND AS FOLLOWS:

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MARBLE FACE OF THE BUILDING AT THE SOUTHEAST CORNER IS 0.16 FEET SOUTH;  
AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30, 1994 BY NATIONAL SURVEY SERVICE, INC., NUMBER N-118831 AS REVISED BY N-126553 DATED FEBRUARY 20, 2006.

(AFFECTS PARCEL 1)

ENROACHMENT OF BRICK BUILDING LOCATED ON PARCEL 1 OVER THE WEST LINE OF THE LAND AS FOLLOWS:

CORNER OF MARBLE FACE AT SOUTHWEST CORNER IS 0.20 FEET WEST;  
BUILDING AT SOUTHWEST CORNER IS 0.03 FEET WEST;  
AND WEST FACE OF BUILDING IS 0.01 FEET WEST.

AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30, 1994 BY NATIONAL SURVEY SERVICE, INC., NUMBER N-118831 AS REVISED BY N-126553 DATED FEBRUARY 20, 2006

(AFFECTS PARCEL 1)

ENCROACHMENT OF THE SIGN AT THE ROOF LOCATED MAINLY ON THE LAND ONTO THE PROPERTY WEST AND ADJOINING BY APPROXIMATELY 0.78 TO 0.82 FEET, AS SHOWN ON PLAT OF SURVEY NUMBER N-118831 PREPARED BY NATIONAL SURVEY SERVICE, INC. DATED AUGUST 30, 1994 AND REVISED BY N-126553 DATED FEBRUARY 20, 2006.

ENROACHMENT OF THE BUILDING LOCATED MAINLY ON THE PROPERTY WEST AND ADJOINING ONTO THE LAND BY APPROXIMATELY 0.02 TO 0.08 FEET TO THE EAST, AS SHOWN ON PLAT OF SURVEY NUMBER N-118831 PREPARED BY NATIONAL SURVEY SERVICE, INC. DATED AUGUST 30, 1994 AND REVISED BY N-126553 DATED FEBRUARY 20, 2006.

ENROACHMENT OF THE NORTHWEST CORNER OF THE 3 STORY CONCRETE BLOCK BUILDING LOCATED MAINLY ON THE PROPERTY SOUTH AND ADJOINING ONTO THE LAND BY APPROXIMATELY 0.17 FEET NORTH, AS SHOWN ON PLAT SURVEY NUMBER N-118831 PREPARED BY NATIONAL SURVEY SERVICE, INC. DATED AUGUST 30, 1994 AND REVISED BY N-126553 DATED FEBRUARY 20, 2006.

ENROACHMENT OF THE CONCRETE LOCATED MAINLY ON THE PROPERTY NORTH AND ADJOINING ONTO THE LAND BY APPROXIMATELY 0.95 TO 1.12 FEET, AS SHOWN ON PLAT OF SURVEY NUMBER N-118831 PREPARED



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BY NATIONAL SURVEY SERVICE, INC. DATED AUGUST 30, 1994 AND REVISED BY N-126553 DATED FEBRUARY 20, 2006.

ENROACHMENT OF THE CANOPY AND MARBLE COLUMNS ATTACHED TO SEVEN STORY SECTION OF THE BRICK BUILDING LOCATED MAINLY ON THE LAND ONTO THE PROPERTY SOUTH AND ADJOINING BY APPROXIMATELY 4.65 TO 10.91 FEET, AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30, 1994 MADE BY NATIONAL SURVEY SERVICE, INC. AS NUMBER N-118831 AS REVISED BY N-126553 DATED FEBRUARY 20, 2006.

ENROACHMENT OF THE DOWNSPOUTS, GUTTERS, WALL LIGHTS, CAMERA, CIRCULAR VENTS AT ROOF AND DUCTS LOCATED MAINLY ON THE PROPERTY SOUTH AND ADJOINING ONTO THE LAND BY AN UNDISCLOSED AMOUNT, AS SHOWN ON PLAT OF SURVEY NUMBER N-18831 PREPARED BY NATIONAL SURVEY SERVICE, INC. DATED AUGUST 30, 1994 AS REVISED BY N-126553 DATED FEBRUARY 20, 2006.

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