



Doc#: 0610141175 Fee: \$30.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 04/11/2006 12:40 PM Pg: 1 of 4

This Instrument Was Prepared By:

Heileen S. Bell
Burger King Corporation
P.O. Box 020783 GMF
Miami, Florida 33102-0783

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made the 28th day of March, 2006, by **BURGER KING CORPORATION**, a Florida corporation, having an address at 5505 Blue Lagoon Drive, Miami, Florida 33126 (the "Grantor"), to **ST. JOHN DEVELOPMENT, LLC**, an Indiana limited liability company, and **LISTON EQUITIES, LLC**, an Illinois limited liability company, having an address at 13204 Pawnee, Leawood, KS 66209 (collectively, the "Grantee"). *each as to an undivided fifty (50%) percent interest*

(Wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successor and assigns of corporations.)

WITNESSETH:

That the Grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration paid to Grantor by Grantee, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, that certain property situated in the City of Oak Forest, State of Illinois, as more particularly described on Exhibit "A", attached hereto and made a part hereof (the "Property").

This conveyance is made subject to: Taxes and assessments for the current calendar year and all subsequent years; zoning ordinances, restrictions, prohibitions and other requirements imposed by governmental authority; all restrictions, conditions, reservations, limitations and easements of record and in place, if any, but this reference shall not operate to reimpose same; and any condition which a physical inspection of the premises and an accurate and complete survey would disclose.

This conveyance is made subject to the following restrictions:

The Property shall not be used for a quick service restaurant which derives greater than fifty (50%) percent or more of its revenues from the sale of hamburgers, or for the advertising thereof, for a period of ten (10) years from the date first written above. All such restrictions shall be enforceable by the Grantor, its successors or assigns, by any available remedy at law and in equity. Grantor also has the preemptive right for a period of twenty (20) years from the date first written above to purchase the Property on the same terms and conditions as those of any bona fide offer received by and acceptable to Grantee. Before making any sale or any agreement to sell, Grantee shall notify Grantor in writing of the terms and conditions of such offer. Grantor, within thirty (30) days after receipt of such notice, may exercise this preemptive right by written notice to Grantee. Failure of Grantor to exercise this preemptive right on one or more occasions shall not affect Grantor's right to exercise it on any subsequent occasion. This pre-emptive right shall not apply to an

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encumbering of the Property by a deed of trust or by a mortgage or a sale under the default provisions of such deed of trust or mortgage; however, Grantor shall be provided with at least thirty (30) days prior written notice of such sale by the lender or mortgagee. The only exceptions to this pre-emptive right shall be (i) any transaction involving any entity which is controlled by Grantee; or (ii) any transfer to an immediate family member of Grantee for estate planning purposes.

TOGETHER with all the tenements, hereditament and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.


GRANTOR HEREBY specially warrants the title to the Property subject to the foregoing matters and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, the Grantor has caused this Special Warranty Deed to be executed in its name, and its corporate seal to be affixed hereto, by its property officers thereunto duly authorized, on the day and year first above written.

Signed, sealed and delivered in the presence of:

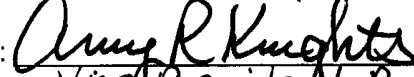
WITNESS TO ALL:

GRANTOR:


Print Name: JoAnne Carlini


Print Name: Heleen S Beep

BURGER KING CORPORATION

By: 
Name: Vice President - Real Estate
Title: AMY R KNIGHTS

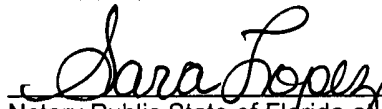
(CORPORATE SEAL)

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

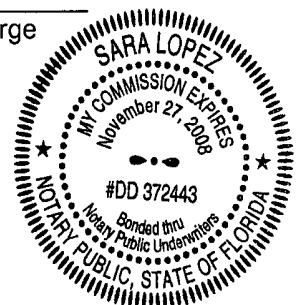
I, the undersigned, a Notary Public in and for said State and County, hereby certify that Amy R. Knights, whose name as Vice President/Real Estate of Burger King Corporation, a Florida corporation, has signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation, acting in their capacity as aforesaid.

Given under my hand and official seal this 28th day of March, 2006.

My Commission Expires: 11-27-08


Notary Public State of Florida at Large
Print Name: SARA LOPEZ

(SEAL)



UNOFFICIAL COPY**CHICAGO TITLE INSURANCE COMPANY***EXHIBIT "A"*

ORDER NUMBER: 1401 SA6270129 F1
 STREET ADDRESS: 5520 W. 159TH STREET
 CITY: OAK FOREST COUNTY: COOK
 TAX NUMBER: 28-16-302-009-0000

LEGAL DESCRIPTION:

PARCEL 1:


THE EAST 245.0 FEET OF THE WEST 763.0 FEET OF THE SOUTH 210.0 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16 (EXCEPT THE SOUTH 50.0 FEET TAKEN FOR HIGHWAY PURPOSES), ALL IN TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.


PARCEL 2:

PERPETUAL NON-EXCLUSIVE EASEMENT APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS AND FOR THE PASSAGE AND PARKING OF VEHICLES AND THE PASSAGE AND ACCOMODATION OF PEDESTRIANS IN, TO, OVER AND ACROSS THE "COMMON AREA" AS DEFINED AND AS CREATED BY DECLARATION OF RECIPROCAL EASEMENTS DATED JANUARY 2, 1980 AND RECORDED FEBRUARY 27, 1980 AS DOCUMENT 25375404, IN COOK COUNTY, ILLINOIS.

*MAIL TAX BILL TO:
 AND AFTER RECORDING
 RETURN TO:*

*DEAN J. ZAPADAKIS
 KAPLAN ZAPADAKIS & GOURNIS P.C.
 180 N. LASALLE ST. SUITE 2108
 CHICAGO, IL 60601*

STATE OF ILLINOIS		REAL ESTATE TRANSFER TAX	
STATE TAX 	APR. 10. 06	# 0000005014	00400.00
	REAL ESTATE TRANSFER TAX DEPARTMENT OF REVENUE		FP 103024

COOK COUNTY REAL ESTATE TRANSACTION TAX		REAL ESTATE TRANSFER TAX	
COUNTY TAX 	APR. 10. 06	# 0000003010	00200.00
	REVENUE STAMP		FP 103022

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PLAT ACT AFFIDAVIT

STATE OF ILLINOIS }
COUNTY OF COOK } SS.

Heileen S. Bell, as Assistant General Counsel for Burger King Corporation, being duly sworn on oath, states that
_____ resides at 5505 Blue Lagoon Drive, Miami, FL 33126. That the
attached deed is not in violation of 765 ILCS 205/1 for one of the following reasons:

1. Said Act is not applicable as the grantors own no adjoining property to the premises described in said deed;

- OR -

the conveyance falls in one of the following exemptions as shown by Amended Act which became effective July 17, 1959.

2. The division or subdivision of the land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
3. The divisions of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
4. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
5. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easement of access.
6. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
7. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
8. Conveyances made to correct descriptions in prior conveyances.
9. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than two parts and not involving any new streets or easements of access.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

Affiant further states that she makes this affidavit for the purpose of inducing the Recorder of Deeds of Cook County, Illinois, to accept the attached deed for recording.

Burger King Corporation
Heileen S. Bell
Heileen S. Bell
Assistant General Counsel

SUBSCRIBED and SWORN to before me

this 30th day of March, 2006

Jennifer Corbo
Notary Public

