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**THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:**

Christine S. Bricker
Schain, Burney, Ross & Citron, Ltd.
222 North LaSalle Street, Suite 1910
Chicago, Illinois 60601



Doc#: 0716933023 Fee: \$40.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/18/2007 07:34 AM Pg: 1 of 9

MAIL SUBSEQUENT TAX BILLS TO:

Wheeling Hotel Owner, LLC
1110 Jorie Boulevard, Suite 350
Oak Brook, Illinois 60523

8371363 P2 DG 2 of 8

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made the 6th day of ^{JUNE} ~~May~~, 2007 by HARP MIDCO WHEELING, LLC, an Illinois limited liability company, having an address of 1110 Jorie Boulevard, Suite 350, Oak Brook, Illinois 60523 ("Grantor"), for and in consideration of Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration in hand paid, by these presents does REMISE, RELEASE, ALIEN AND CONVEY to WHEELING HOTEL OWNER, LLC, a Delaware limited liability company, having an address of 1110 Jorie Boulevard, Suite 350, Oak Brook, Illinois 60523 ("Grantee"), forever, the following described real estate situated in the County of Cook, in the State of Illinois, to wit:

See Exhibit A attached hereto and made a part hereof.

Together with all and singular hereditaments and appurtenances belonging thereto, or in any way appertaining, and the reversion or reversions, remainder or remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of Grantor, either at law or in equity of, in and to the above-described premises, with the hereditaments and appurtenances: TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the Grantee, its heirs and assigns forever.

And the Grantor, for itself and its successors, does covenant, promise and agree to and with Grantee 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 that it is lawfully seized of said real estate in fee simple; and that it has good right and lawful authority to sell and convey said real estate; and that it WILL WARRANT AND DEFEND, said premises against all persons lawfully claiming, or to claim the same, by, through or under Grantor, subject only to those matters listed on Exhibit B (the "Permitted Encumbrances") attached hereto and made a part hereof.

EXEMPT UNDER THE REAL ESTATE TRANSFER TAX LAW

35 ILCS 200/3-45(e) and Cook County Ord. 95104 Par. E

Sign: [Signature] Date: 6/1/07

Box 400-CTCC

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B
J

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IN WITNESS WHEREOF, this Special Warranty Deed has been executed by Grantor on and as of the date first above written.

HARP MIDCO WHEELING, LLC,
an Illinois limited liability company

By: Michael D. Firsel
Name: MICHAEL D. FIRSEL
Its: Authorized Manager

STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT MICHAEL D. FIRSEL, as Manager of Harp Midco Wheeling, LLC, an Illinois limited liability company, 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, sealed and delivered the instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 23rd day of May, 2007.

Diane C. Cunningham
Notary Public

My commission expires on 10/31/08



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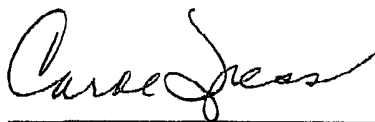
255 W. Dundee Road
 Wheeling, Illinois 60090
 (847) 459-2600 • Fax (847) 459-9692

VILLAGE OF WHEELING TRANSFER CERTIFICATE

The undersigned, pursuant to the authority granted under Title 15, Chapter 15.38 of the Wheeling Municipal Code hereby certifies that the owner of the property commonly known as 601 N MILWAUKEE AVE has paid in full all water, sewer, garbage fees, local ordinance fines, citations and penalties related to this parcel as of the most recent billing and final meter reading.

THIS CERTIFICATE SHALL BE VALID FOR A PERIOD OF THIRTY (30) DAYS FROM THE DATE OF ITS ISSUANCE.

ANY WATER, SEWER, GARBAGE FEE OR PENALTY THAT ACCRUES AFTER THE ISSUANCE OF A TRANSFER CERTIFICATE AND PRIOR TO CLOSING WILL AUTOMATICALLY BE TRANSFERRED TO THE BUYER IF NOT PAID BY THE SELLER AT CLOSING.

By: 

Name: Carol Tress

Title: Utility Billing and Revenue Collection Coordinator

Date: 5/18/2007

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EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LOT 7 AND OUTLOT A IN PRAIRIE CROSSING SUBDIVISION, BEING A RESUBDIVISION OF PART OF LOT 3 IN G. HECHINGER'S FARM, BEING A SUBDIVISION IN SECTION 1, 2 AND 3, TOWNSHIP 42 NORTH, RANGE 11 EAST, AND PART OF LOT 2 IN THE SUBDIVISION OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 11 AND PARTS OF SECTIONS 11 AND 13, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON AUGUST 17, 2005 AS DOCUMENT NO. 0522939034, IN COOK COUNTY, ILLINOIS.

EXCEPT THE FOLLOWING:

THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF SAID SECTION 2, SAID POINT BEING 1,296.60 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 2; THENCE SOUTHERLY, 116.25 FEET TO A POINT ON THE SOUTH LINE OF LAKE COOK ROAD PER TAKING NUMBER 0006 PER DOCUMENT NUMBER 1419452 AND SHOWN ON THE PLAT OF HIGHWAYS DOCUMENT NUMBER 3556168; THENCE SOUTH 89 DEGREES 18 MINUTES 17 SECONDS WEST, A DISTANCE OF 36.24 FEET ALONG SAID TAKING NUMBER 0006 TO A POINT ON A CURVE; THENCE WESTERLY ALONG A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 1,549.87 FEET, AN ARC DISTANCE OF 581.36 FEET AND CHORD BEARING SOUTH 78 DEGREES 33 MINUTES 32 SECONDS WEST, ALONG SAID TAKING NUMBER 0006; THENCE SOUTH 04 DEGREES 25 MINUTES 28 SECONDS WEST, A DISTANCE OF 79.64 FEET ALONG SAID TAKING NUMBER 0006; THENCE SOUTH 21 DEGREES 38 MINUTES 51 SECONDS EAST, A DISTANCE OF 214.10 FEET ALONG SAID TAKING NUMBER 0006 TO THE POINT OF BEGINNING; THENCE SOUTH 20 DEGREES 05 MINUTES 26 SECONDS EAST, A DISTANCE OF 523.07 FEET; THENCE SOUTH 65 DEGREES 50 MINUTES 21 SECONDS EAST, A DISTANCE OF 20.91 FEET; THENCE SOUTH 20 DEGREES 57 MINUTES 53 SECONDS EAST, A DISTANCE OF 129.01 FEET; THENCE SOUTH 68 DEGREES 21 MINUTES 09 SECONDS WEST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 20 DEGREES 57 MINUTES 53 SECONDS EAST, A DISTANCE OF 105.16 FEET; THENCE SOUTH 17 DEGREES 16 MINUTES 10 SECONDS EAST, A DISTANCE OF 182.59 FEET; THENCE SOUTH 21 DEGREES 37 MINUTES 26 SECONDS EAST, A DISTANCE OF 220.79 FEET TO THE SOUTH LINE OF LOT 3 IN G. HECHINGER'S FARM SUBDIVISION' THENCE SOUTH 87 DEGREES 53 MINUTES 20

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SECONDS WEST, A DISTANCE OF 13.79 FEET TO THE EAST LINE OF MILWAUKEE AVENUE PER DOCUMENT NUMBER 2009840; THENCE NORTH 21 DEGREES 37 MINUTES 26 SECONDS WEST, A DISTANCE OF 256.03 FEET ALONG SAID EAST LINE OF DOCUMENT NUMBER 2009840; THENCE NORTH 11 DEGREES 53 MINUTES 15 SECONDS WEST, A DISTANCE OF 90.53 FEET ALONG THE EAST LINE OF MILWAUKEE AVENUE PER TAKING NUMBER 0026 SHOWN ON DOCUMENT NUMBER 3556168; THENCE NORTH 21 DEGREES 38 MINUTES 51 SECONDS WEST, A DISTANCE OF 342.96 FEET ALONG SAID EAST LINE OF TAKING NUMBER 0026; THENCE NORTH 17 DEGREES 53 MINUTES 44 SECONDS WEST, A DISTANCE OF 122.26 FEET ALONG SAID EAST LINE OF TAKING NUMBER 0026 AND SAID TAKING NUMBER 0006; THENCE NORTH 20 DEGREES 20 MINUTES 17 SECONDS WEST, A DISTANCE OF 175.05 FEET ALONG SAID TAKING NUMBER 0006; THENCE NORTH 16 DEGREES 25 MINUTES 54 SECONDS WEST, A DISTANCE OF 185.82 FEET ALONG SAID TAKING NUMBER 0006, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS DATED AS OF AUGUST 26, 2005 AND RECORDED AUGUST 30, 2005 AS DOCUMENT 0524239046 FOR THE PURPOSE OF ROAD IMPROVEMENTS, PARKING, ACCESS, STORM WATER DISCHARGE AND DETENTION POND, UTILITIES, GENERAL CONSTRUCTION AND DEVELOPMENT AS SET FORTH IN SAID DOCUMENT.

Common Street Address: 601 N. Milwaukee Avenue, Wheeling, Illinois

Property Index Numbers: 03-02-200-108-0000 and 03-01-200-110-0000

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EXHIBIT "B" PERMITTED EXCEPTIONS

- 1.) General real estate taxes not yet due and payable.
- 2.) Mechanics Lien claim in favor of Groundwork Ltd., an Illinois corporation against Devon Bank, as Trustee under trust agreement dated August 19, 1997 and known as Trust Number 6361 recorded May 21, 2003 as document number 0314145090 in the amount of \$81,480.78.
- 3.) Proceeding pending in Circuit Court of Cook County, Illinois case no. 03CH10286 filed June 18, 2003 by Groundwork Ltd. against Wolf-Milwaukee, LLC, and others to foreclose Mechanics Lien claim recorded as document 0314145090.
 - a. A completion of said proceeding has not been made.
 - b. Judgment of foreclosure entered June 1, 2004.
 - c. Notice of Appeal filed on September 20, 2004 to Appellate Court.
 - d. Amended complaint filed December 14, 2006.
- 4.) Terms, provisions, and conditions relating to the easement described as parcel 2 contained in the instrument creating said easement.
 - a. Rights of the adjoining Owner or Owners to the concurrent use of said easement.
- 5.) Covenants, Conditions, and Restrictions contained in Plat of Subdivision recorded August 17, 2005 as document no. 0522939034, relating to the items listed below which do not contain a reversionary or forfeiture clause.
 - a. Storm Water Management Area, Outlot A, shall be maintained pursuant to declaration recorded as a separate document.
 - b. All common areas shall be maintained pursuant to declaration recorded as a separate document.
 - c. For assignment of maintenance responsibility for common area, water mains, sewers and detention basin, see declaration covenants and restrictions to be recorded under separate document.
 - d. Entrance signs shall be located on private property and should be in accordance with title 21 sign code. Signs are to be maintained pursuant to declaration recorded as a separate document.
 - e. Notice and acknowledgment of airport operation to be recorded under separate document.
 - f. There shall be no direct access to Lake-Cook Road.
 - g. Parking shall be privately owned and maintained.
- 6.) An easement for serving the subdivision and other property in favor of Comcast Cable Communications, Inc., Commonwealth Edison and SBC Illinois, 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 as document no. 0522939034, affecting the surface of the property labeled "Blanket Easement", the property designated in the declaration of condominium and/or on the plat of subdivision as "Common Elements", and the property designated on the plat of subdivision as "Common Area or Areas" and the property designated on the plat for streets and alleys, whether

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public or private, as all contained in the plat of Prairie Crossing Subdivision recorded August 17, 2005 as document no. 0522939034.

- 7.) A perpetual blanket easement for overhead, underground and surface public utilities and drainage in favor of Village of Wheeling, Commonwealth Edison Company, Comcast Cable Communications, Inc., Nicor Gas and SBC Illinois, 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 of Prairie Crossing Subdivision recorded August 17, 2005 as document no. 0522939034, affecting all of lots except where building structures will lie in non-easement areas, 1, 2, 3, 4, 5, 6, 7, and 8; in all platted easement areas, streets and other public ways and places shown on the Prairie Crossings plat of Subdivision.
- 8.) Easement in favor of Nicor Gas Company of Illinois, 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 of Prairie Crossing Subdivision recorded August 17, 2005 as document no. 0522939034, affecting all platted "Easement" areas, street, alleys, other public ways and places as shown on the plat.
- 9.) Non-exclusive blanket easement for the purpose of providing ingress and egress to the Owners of Lots 1 through 8, for the benefit of the Village of Wheeling and the entire property as set forth on the Prairie Crossing plat of Subdivision recorded August 17, 2005 as document no. 0522939034, and the terms and provisions contained therein.
- 10.) Easements for road improvements, parking, access, storm water discharge, utilities, general construction and development, entrance drives and entrance features together with the right of access to said equipment, and the provisions contained in the declaration of easements, covenants and restrictions document by Harp Midco Wheeling, LLC, and Illinois limited liability company and Midco Wheeling, LLC, an Illinois limited liability company recorded August 30, 2005 as document no. 0524239046.
- 11.) Covenants and restrictions (but omitting any such covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (A) is exempt under Chapter 42, Section 3607 of the United States Code, or (B) relates to handicap but does not discriminate against handicap persons), relating to use restrictions contained in declaration of easements, covenants and restrictions document recorded August 30, 2005 as document no. 0524239046 which does not contain a reversionary or forfeiture clause.
- 12.) Easement reserved for and granted to the Illinois Department of Transportation, its successors and assigns, in platted "I.D.O.T. Maintenance Agreement" area shown on the Prairie Crossing plat of Subdivision recorded August 17, 2005 as document no. 0522939034, said easement to be for the installation, maintenance, relocations, renewal and removal of a traffic signal control system for the purpose of serving the intersection area as shown on said plat of subdivision. No structures shall be constructed which will interfere with the easement reserved and granted hereby.

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- 13.) Terms and conditions as set forth in the Village of Wheeling resolution no. 05-84, attached to and recorded with the Prairie Crossing plat of Subdivision recorded August 17, 2005 as document 0522939034.
- 14.) Easement for storm water management area as shown on the plat of subdivision recorded as document 0522939034.
- 15.) The plat of subdivision recorded as document 0522939034 includes a certification by the surveyor that the land falls in Zone X (unshaded), Zone X (shaded) and Zone AE, as shown on community-pael number 17031C0068 F dated November 6, 2000 as published by the Federal Management Agency, revised December 27, 2002.
- 16.) Agreement concerning land for a permanent easement recorded November 10, 1992 as document 92839359 by and between Chicago Title and Trust Company, as Trustee under Trust Agreement dated September 23, 1959 and known as Trust number 41511 and the State of Illinois Department of Transportation granting the right, easement and privilege to use the land for the purpose of wetland mitigation.
 - a. (affects Outlet X of Prairie Crossing Subdivision)

Property of Cook County Clerk's Office

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STATEMENT BY GRANTOR AND GRANTEE

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated June 6, 2007 Signature: Dawn Hollenst
Grantor or Agent

Subscribed and sworn to before me by the
said agent for Grantor
this 6th day of June



2007.
Michelle E. Crockett
Notary Public

The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated June 6, 2007 Signature: Dawn Hollenst
Grantee or Agent

Subscribed and sworn to before me by the
said agent for Grantee
this 6th day of June



2007.
Michelle E. Crockett
Notary Public

NOTE: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

[Attach to deed or ABI to be recorded in Cook County, Illinois, if exempt under provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.]