

Doc#: 0726709018 Fee: \$38.00 Eugene "Gene" Moore RHSP Fee: \$10.00 Cook County Recorder of Deeds Date: 09/24/2007 12:49 PM Pg: 1 of 8

ASSIGNMENT AND ASSUMPTION OF LEASES

This Assignment and Assumption of Leases ("Assignment") is made as of September 14, 2007 by HD-TB, L.L.C., an Illinois limited liability company ("Assigner"), and COLE MT BROADVIEW IL, LLC, a Delaware limited liability company ("Assignee), in accordance with that certain Agreement of Purchase and Sale for Broadview Vil'age Square, Broadview, Illinois (as amended and assigned, the "Contract") dated August 8, 2007, between Assignor, and other parties, as seller, and Assignee, as successor-in-interest to Series D, LLC, an Arizona limited liability company, as buyer. Under the Contract, Assignee has agreed to purchase the real estate legally described on Exhibit A attached hereto and made a part hereof. All capitalized terms in this Assignment not otherwise defined in this Assignment have the same meaning as in the Contract and for such purpose the Contract is incorporated into this Assignment by this reference.

For Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt, adequacy, and sufficiency of which Assignor acknowledges, Assignor sells, assigns, transfers, and sets over unto Assignee, all of the right, title, and interest of Assignor in to and under the Leases, to have and to hold the same unto Assignee, its legal representatives, successor, and assigns, forever. Assignor agrees to indemnify and defend Assignee against all claims, demands, liabilities, costs, or expenses including, without limitation, reasonable attorneys' fees, disbursements, and amounts paid in settlement of claims, arising out of the duties and obligations of the landlord accruing prior to the date of this Assignment under the Leases.

Assignee accepts the foregoing assignment and (a) assumes the obligations of Assignor under the Leases first accruing on or after the date of this Assignment and (b) agrees to indemnif, and defend Assignor against all claims, demands, liabilities, costs, or expenses including, without limitation, reasonable attorneys' fees, disbursements, and amounts paid in settlement of claims, arising out of the duties and obligations of the landlord accruing from and after the date of this Assignment under the Leases.

This Assignment may be executed in several counterparts and all counterparts so executed shall constitute one Assignment, binding on all the parties hereto and thereto, notwithstanding that all the parties are not signatories to the same counterpart.

[The signature page follows]

0726709018 Page: 2 of 8

UNOFFICIAL COPY

Si	gn	ed:

ASSIGNOR:

HD-TB, L.L.C., an Illinois limited liability company

TB-Broadview, Inc., By:

a Delaware corporation

Its: Manager_

> By: Name: E. Thomas Collins, Jr.

Secretary

Richard E. Hulina Name:

President

Name: John E. Shaffer

Vice President

ASSIGNEE:

``OLE MT I COLF MT BROADVIEW IL, LLC, a Delaware limited liability company

> Cole F.E1 T Advisors II, LLC, By:

a Delawar e limited liability company,

its Manager

By: _ John M. Pons

Executive Vice President

Mail to:

Kutak Rock LLP Mitchell S. Padover 8601 North Scottsdale Road, Suite 300 Scottsdale, Arizona 85253-2742

This instrument was prepared by:

Becker & Gurian Robert E. Blacher 513 Central Avenue Highland Park, Illinois 60035

0726709018 Page: 3 of 8

UNOFFICIAL COPY

Si	gned	:
\sim 1	<u> </u>	۰

ASSIGNOR:

HD-TB, L.L.C., an Illinois limited liability company

TB-Broadview, Inc., By:

a Delaware corporation

Manager Its:

By:_

Name: E. Thomas Collins, Jr.

Its: Secretary

By:

Name: Richard E. Hulina

President Its:

By: Name: John E. Shaff

Its: Vice President

Stopology Ox Cook A SSIGNEE:

> COLE W7 BROADVIEW IL, LLC, a Delaware 'irrited liability company

Cole REIT Advisors II, LLC, By:

a Delaware limited liability company,

its Manager

By:

John M. Pons

Executive Vice President

Mail to:

Kutak Rock LLP Mitchell S. Padover 8601 North Scottsdale Road, Suite 300 Scottsdale, Arizona 85253-2742

This instrument was prepared by:

Becker & Gurian Robert E. Blacher 513 Central Avenue Highland Park, Illinois 60035

0726709018 Page: 4 of 8

UNOFFICIAL COPY

Signed	•

ASSIGNOR:

HD-TB, L.L.C.,

an Illinois limited liability company

By: TB-Broadview, Inc.,

a Delaware corporation

Its: Manager

By:_____

Name: E. Thomas Collins, Jr.

Its: Secretary

By:

Name: Richard E. Hulina Its: President

By:_____

Name: John E. Shaffer Its: Vice President

Its:
ASSIGNEE:

By:

COLE MF BROADVIEW IL, LLC,

a Delaware finited liability company

Cole RE^T A dvisors II, LLC, a Delaware Finited liability company,

its Manager

By:

John M. Pons

Executive Vice Fresident

Mail to:

Kutak Rock LLP Mitchell S. Padover 8601 North Scottsdale Road, Suite 300 Scottsdale, Arizona 85253-2742 This instrument was prepared by:

Becker & Gurian Robert E. Blacher 513 Central Avenue Highland Park, Illinois 60035

0726709018 Page: 5 of 8

UNOFFICIAL COPY

STATE OF ILLINOIS)) SS.			
COUNTY OF COOK)			
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that the above named E. Thomas Collins, Jr., the Secretary of TB-Broadview, Inc., 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 own free and voluntary act and as the free and voluntary act of said Corporation for the uses and purposes the circum set forth. Given under my hand and Notary Seal, this day of September, 2007.			
JOHN E. COLLINS OFFICIAL SEAL Notary Public, State of Illinois My Commission Expires July 15, 2011			
STATE OF ILLINOIS			
COUNTY OF COCK			
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that the above named Lichard E. Hulina, the President of TB-Broadview, Inc., 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 own free and voluntary act and as the free and voluntary act of said Corporation for the uses and purposes therein set forth. Given under my hand and Notary Seal, this day of September, 2007.			
STATE OF ILLINOIS) SS. COUNTY OF)			
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that the above named John E. Shaffer, the Vice President of TB-Broadview, Inc., 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 own free and voluntary act and as the free and voluntary act of said Corporation for the uses and purposes therein set forth.			
Given under my hand and Notary Seal, this day of September, 2007.			
Notary Public			

0726709018 Page: 6 of 8

UNOFFICIAL COPY

STATE OF ILLINOIS)) SS.	
COUNTY OF)	
HEREBY CERTIFY, that the above personally known to me to be the appeared before me this day in personal his own fice and voluntary act a purposes therein set forth.	e named E. Thomas Collins, is same person whose name is on and acknowledged that he and as the free and voluntary	or the County and State aforesaid, DO Jr., the Secretary of TB-Broadview, Inc., a subscribed to the foregoing instrument, e signed and delivered the said instrument act of said Corporation for the uses and
Given under ray hand and N	Notary Seal, this day o	of September, 2007.
9	Notary Public	
STATE OF ILLINOIS COUNTY OF	SS.	
HEREBY CERTIFY, that the abo personally known to me to be the appeared before me this day in pers as his own free and voluntary act a purposes therein set forth.	ve named Richard E. Hulin same person whose name is son and acknowledged that hand as the free and voluntary	for the County and State aforesaid, DO a, the President of TB-Broadview, Inc., s subscribed to the foregoing instrument, e signed and delivered the said instrument y act of said Corporation for the uses and
Given under my hand and l	Notary Seal, this day	of September, 2007.
	Notary Public	T
STATE OF ILLINOIS COUNTY OFCOOK)) SS.)	
HEREBY CERTIFY, that the above personally known to me to be the appeared before me this day in per	ve named John E. Shaffer, to e same person whose name is son and acknowledged that he	for the County and State aforesaid, DO the Vice President of TB-Broadview, Inc., is subscribed to the foregoing instrument, ne signed and delivered the said instrument by act of said Corporation for the uses and
Given under my hand and	Notary Seal, this 12th day	of September, 2007.
	Notary Public	OFFICIAL SEAL GRACE FILL NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:07/28/09

3

{00037515.DOC / v. 2}

726709018 Page: 7 of 8

UNOFFICIAL COPY

STATE OF_	ARIZONA)
COUNTY O	MARICOPK) SS.)

MARY D. BATES Notary Public - Arizona Pinal County

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that the above named John M. Pons, the Executive Vice President of Cole REIT Advisors II, LLC, a Delaware limited liability company, which is the manager of Cole MT Broadview IL, LLC, a Delaware limited liability company, 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 own free and voluntary act and as the free and voluntary act of said company for the uses and purposes therein set forth.

Given under my hand and Notary Seal, this 11th day of September, 2007.

Notary Public

FOOT COUNTY CLOPA'S OFFICE

My Comm. Expires Sep 3, 2008

0726709018 Page: 8 of 8

UNOFFICIAL COPY

EXHIBIT A

LEGAL DESCRIPTION

LOT 10 IN BROADVIEW VILLAGE SQUARE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 8, 1994 AS DOCUMENT NUMBER 94212972, IN COOK COUNTY, ILLINOIS.

Permanent Real Estate Index Number(s): 15-22-411-011-0000; 15-22-411-015-0000

state: 700.

ORCOOK COUNTY CIENTS OFFICE Address of real estate: 700 Broadview Village Square, Broadview, IL 60155