



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 ("Assignor"), and COLE MT BROADVIEW IL, LLC, a Delaware limited liability company ("Assignee), in accordance with that certain Agreement of Purchase and Sale for Broadview Village 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. B

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, successors, 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 indemnify 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]

UNOFFICIAL COPY

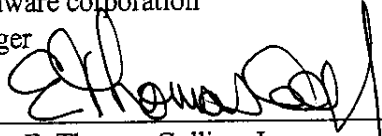
Signed:

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

ASSIGNEE:

COLE MT BROADVIEW IL, LLC,
a Delaware limited liability company

By: Cole PEIT Advisors II, LLC,
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

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Signed:

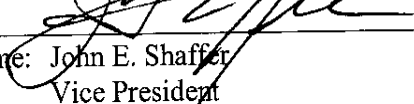
ASSIGNOR:

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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

ASSIGNEE:

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By: Cole REIT Advisors II, LLC,
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By: _____
John M. Pons
Executive Vice President

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Scottsdale, Arizona 85253-2742

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Its: Manager

By: _____
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Its: Secretary

By: _____
Name: Richard E. Hulina
Its: President

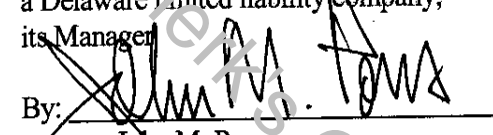
By: _____
Name: John E. Shaffer
Its: Vice President

Property of Cook County Clerk's Office

ASSIGNEE:

COLE MT BROADVIEW IL, LLC,
a Delaware limited liability company

By: Cole REIT Advisors II, LLC,
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:

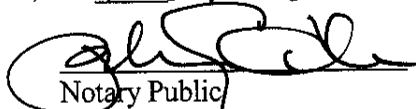
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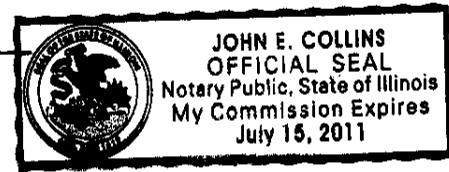
UNOFFICIAL COPY

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 therein set forth.

Given under my hand and Notary Seal, this 10th day of September, 2007.



Notary Public

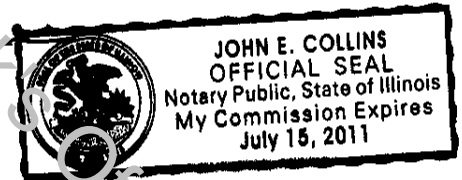


STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that the above named Richard 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 10th day of September, 2007.


Notary Public



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

UNOFFICIAL COPY

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 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 therein set forth.

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

Notary Public

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 Richard 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.

Notary Public

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 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 12th day of September, 2007.

Grace Fill
Notary Public



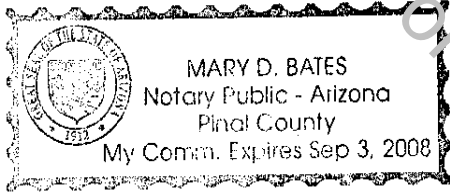
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STATE OF ARIZONA)
) SS.
COUNTY OF Maricopa)

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.

Mary D. Bates
Notary Public



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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

Address of real estate: 700 Broadview Village Square, Broadview, IL 60155

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