

# UNOFFICIAL COPY

RECORDED AT THE REQUEST OF  
AND WHEN RECORDED MAIL TO:

Vickie Bresnahan  
Meltzer, Purtil & Stelle, LLC  
300 South Wacker Dr., Suite 3500  
Chicago, IL 60606-6704

MAIL TAX BILL TO:

American Chartered Bank  
1199 E. Higgins Road  
Schaumburg, Illinois 60173

THIS DOCUMENT PREPARED BY:

John J. Lipic  
Bryan Cave LLP  
161 N. Clark St., Suite 4300  
Chicago, IL 60601

PERMANENT PARCEL NUMBERS:

See attached Exhibit A



Doc#: 0802403026 Fee: \$36.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 01/24/2008 03:26 PM Pg: 1 of 7

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

## SPECIAL WARRANTY DEED

THIS DEED, made and entered into as of this 23<sup>rd</sup> day of January, 2008, by and between ARBORETUM OF SOUTH BARRINGTON, LLC, a Delaware limited liability company having a mailing address at 400 Skokie Blvd., Suite 405, Northbrook, Illinois 60062 ("Grantor"), and AMERICAN CHARTERED BANK, an Illinois state bank having a mailing address at 1199 E. Higgins Road, Schaumburg, Illinois 60173 ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, do by these presents GRANT, BARGAIN AND SELL unto the Grantee the following described real estate, situated in the County of Cook and the State of Illinois, (the "Property") more particularly described as follows:

See Exhibit A attached hereto and hereby made a part hereof.

Subject, however, to the exceptions set forth on Exhibit B attached hereto and made a part hereof (the "Exceptions").

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the Grantee, and to its successors and assigns forever. The Grantor hereby covenanting that it and its successors and assigns shall WARRANT AND DEFEND the title to the Property unto the Grantee and to Grantee's successors and assigns forever, against the lawful claims of all persons claiming by, through or under Grantor but none other, subject to the Exceptions.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

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"GRANTOR"

ARBORETUM OF SOUTH BARRINGTON, LLC,  
a Delaware limited liability company

By: RREEF America, L.L.C.,  
a Delaware limited liability company, its Manager

By: [Signature]  
Name: Domenic Lanni  
Title: Vice President

STATE OF ILLINOIS )  
                                  ) SS.  
COUNTY OF COOK )

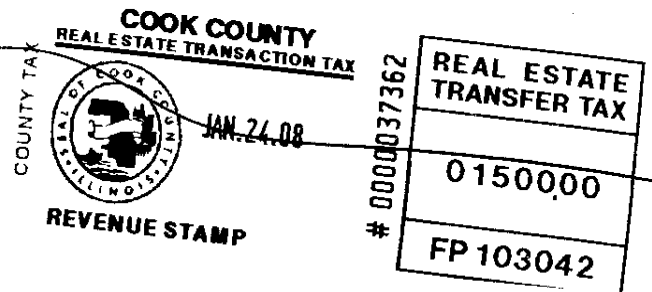
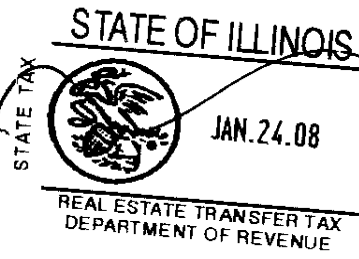
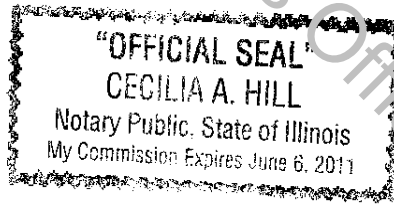
I, The undersigned, a Notary Public for said County and state, do hereby certify that Domenic Lanni, personally known to me to be the Vice President of RREEF America, L.L.C., a Delaware limited liability company, the Manager of Arboretum of South Barrington, LLC, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Vice President, he signed and delivered the said instrument pursuant to authority given by the members of said company as the free and voluntary act and deed of said company, for the uses and purposes therein set forth.

WITNESS my hand and notarial seal or stamp, this 18<sup>th</sup> day of January, 2008.

Cecilia A. Hill  
Notary Public

My commission expires:

6-6-2011



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## EXHIBIT A

### LEGAL DESCRIPTION FOR THE PROPERTY

PARCEL 1:

LOT 5 IN ARBORETUM OF SOUTH BARRINGTON FIRST RESUBDIVISION, BEING A RESUBDIVISION OF LOT 5 IN ARBORETUM OF SOUTH BARRINGTON, A SUBDIVISION OF PARTS OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 17, 2007 AS DOCUMENT NO. 0735103072, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL 1 AS CREATED AND DEFINED IN SECTION 4.A. OF THE ARBORETUM OF SOUTH BARRINGTON DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED JULY 30, 2007 AS DOCUMENT NUMBER 0721115096 OVER AND ACROSS COMMON AREAS AS DEFINED THEREIN.

PIN: Part of 01-33-200-012-0000

Address: Northeast of the intersection of Route 72 and Route 59, South Barrington, Illinois

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## EXHIBIT B

### EXCEPTIONS

1. TAXES FOR 2007 AND SUBSEQUENT YEARS, NONE NOW DUE AND PAYABLE.
2. THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA NO. 3 AS DISCLOSED BY ORDINANCE 2007-812 RECORDED AS DOCUMENT NUMBER 0717839089, SPECIAL SERVICE AREA NO. 6 AS DISCLOSED BY ORDINANCE 2007-823 RECORDED AS DOCUMENT NUMBER 0718031122, AND SPECIAL SERVICE AREA NO. 7 AS DISCLOSED BY ORDINANCE 2007-824, RECORDED AS DOCUMENT 0718031123, AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCES AND SUBSEQUENT RELATED ORDINANCES, NONE NOW DUE AND PAYABLE.
3. ORDINANCE NO. 2006-771 ANNEXING THE PROPERTY LOCATED NORTHWEST OF THE BARTLETT ROAD AND ILLINOIS ROUTE 72 INTERSECTION IN COOK COUNTY, ILLINOIS (THE ARBORETUM), TO THE VILLAGE OF SOUTH BARRINGTON DATED MAY 31, 2006 AND RECORDED AUGUST 9, 2006 AS DOCUMENT 0622134107 (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION).
4. PLAT OF ANNEXATION RECORDED SEPTEMBER 18, 2000 AS DOCUMENT 00723012 FOR THE VILLAGE OF SOUTH BARRINGTON (AFFECTS LAND AND OTHER PROPERTY).
5. DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT MADE BY AND BETWEEN ACACIA CREDIT FUND 9-A, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, THE WOODS OF SOUTH BARRINGTON, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND THE WOODS OF SOUTH BARRINGTON, II, L. L. C., RECORDED APRIL 28, 2004 AS DOCUMENTS 0411932014.  
 FIRST AMENDMENT TO DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED JUNE 17, 2004 AS DOCUMENT 0416941084  
 SECOND AMENDMENT TO DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED APRIL 1, 2005 AS DOCUMENT 0509127110  
 THIRD AMENDMENT TO DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED JULY 26, 2005 AS DOCUMENT 0520718086  
 FOURTH AMENDMENT TO DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED DECEMBER 22, 2005 AS DOCUMENT 0535632075  
 FIFTH AMENDMENT TO DEVELOPMENT, OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED JANUARY 16, 2007 AS DOCUMENT NUMBER 0701642031.  
 (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION)

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6. DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR WOODS OF SOUTH BARRINGTON COMMUNITY DETENTION AREA, DATED JULY 28, 2005 AND RECORDED JULY 29, 2005 AS DOCUMENT 0521027049, MADE BY ARBORETUM OF SOUTH BARRINGTON L.L.C., A DELAWARE LIMITED LIABILITY COMPANY.  
  
AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS RECORDED JULY 30, 2007 AS DOCUMENT NUMBER 0721115097. (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION)
7. TERMS AND PROVISIONS CONTAINED IN THE CONSENT DECREE ENTERED IN THE PROCEEDINGS INITIATED BY THE WOODS OF SOUTH BARRINGTON ET AL V. THE VILLAGE OF SOUTH BARRINGTON, CASE NO. 01CH114950 WHICH PERTAINS, AMONG OTHER THINGS, TO CERTAIN ANNEXATION AGREEMENTS, ZONING APPROVAL ORDINANCE, AND WHICH PROHIBITS THE CONSTRUCTION OF THE 150 UNIT ASSISTED LIVING STRUCTURE. FOR FURTHER PARTICULARS, SEE THE RECORDED DOCUMENT. ALL THE FOREGOING AS DISCLOSED BY THE AFFIDAVIT OF STEPHEN S. HERSETH RECORDED JANUARY 16, 2004 AS DOCUMENT 0401631118. OPTIONS TO PURCHASE TO THE VILLAGE NOTED IN SECTION J HAVE EXPIRED (AFFECTS LAND AND OTHER PROPERTY NOT NOW IN QUESTION).
8. EASEMENT IN FAVOR OF AT&T AND COMED, 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 RECORDED/FILED AS DOCUMENT 0627822039. (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION)
9. PRIVATE ROADWAY EASEMENT PROVISIONS FOR THE BENEFIT OF THE VILLAGE OF SOUTH BARRINGTON AND THE ENTIRE PROPERTY GRANTING RIGHT OF ACCESS TO AND OF INGRESS AND EGRESS ON, OVER, ACROSS, IN, UPON AND TO THOSE PARTS OF ALL LOTS SHOWN ON PLAT OF EASEMENT RECORDED MARCH 9, 2007 AS DOCUMENT 0706815087, KNOWN AS ARBORETUM BOULEVARD/LOT 3. (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION)
10. STORM SEWER EASEMENT PROVISIONS RESERVED FOR AND GRANTED TO ACACIA CREDIT FUND 9-A, L. L. C., ARBORETUM OF SOUTH BARRINGTON L. L. C., SOUTH BARRINGTON PARK DISTRICT, TOLL IL WSB, L. P., VILLAGE OF SOUTH BARRINGTON AND ANY ENTITY GRANTED A SEWER AND WATER FRANCHISE BY THE VILLAGE, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, FOR THE PURPOSE OF INSTALLING, LAYING, OPERATING, MAINTAINING, INSPECTING, REMOVING, REPAIRING, REPLACING, RELAYING, AND ADDING PIPE OR PIPES FOR THE TRANSMISSION AND DISTRIBUTION OF STORM WATER, AS INDICATED ON PLAT OF EASEMENT RECORDED MARCH 9, 2007 AS DOCUMENT 0706815087. (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION)
11. WATER AND SEWER EASEMENT PROVISIONS RESERVED FOR AND GRANTED TO THE VILLAGE OF SOUTH BARRINGTON AND ANY ENTITY GRANTED A SEWER AND WATER FRANCHISE BY THE VILLAGE, ITS SUCCESSOR AND ASSIGNS, FOR THE PURPOSE OF INSTALLING, LAYING, OPERATING, MAINTAINING, INSPECTING,

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- REMOVING, REPAIRING, REPLACING, RELAYING AND ADDING PIPE OR PIPES FOR THE TRANSMISSION AND DISTRIBUTION OF WATER, STORM SEWER AND SANITARY SEWERS, AS INDICATED ON PLAT OF EASEMENTS RECORDED MARCH 9, 2007 AS DOCUMENT 0706815087. (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION)
12. TERMS, CONDITIONS AND OBLIGATIONS OF MAINTAINING STORMWATER MANAGEMENT EASEMENT AS DESCRIBED ON PLAT OF EASEMENT RECORDED MARCH 9, 2007 AS DOCUMENT 0706815087. (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION)
  13. FORCE MAIN/SANITARY SEWER EASEMENT PROVISIONS GRANTED TO THE VILLAGE OF SOUTH BARRINGTON, AND ANY ENTITY GRANTED A SEWER AND WATER FRANCHISE BY THE VILLAGE, ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSE OF INSTALLING, LAYING, OPERATING, MAINTAINING, INSPECTING, REMOVING, REPAIRING, REPLACING, RELAYING AND ADDING TO PIPE OR PIPES, FOR THE TRANSMISSION AND DISTRIBUTION OF SANITARY SEWERS, AS INDICATED ON THE PLAT OF EASEMENT AND PLAT OF EASEMENT VACATION RECORDED MARCH 9, 2007 AS DOCUMENT 0706815089. (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION)
  14. NOTICE OF REQUIREMENTS FOR STORM WATER DETENTION RECORDED FEBRUARY 7, 2007 AS DOCUMENT NO. 0703815139.
  15. EASEMENTS, 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 HANDICAPPED PERSONS), RELATING TO ARCHITECTURAL REQUIREMENTS, SIGNAGE, MAINTENANCE AND REPAIR AND MAINTENANCE OF COMMON AREAS, CONTAINED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS DOCUMENT RECORDED JULY 30, 2007 AS DOCUMENT NO. 0721115096 WHICH DOES NOT CONTAIN A REVERSIONARY OR FORFEITURE CLAUSE.
  16. EASEMENT IN FAVOR OF NORTHERN ILLINOIS GAS COMPANY, AND ITS 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 95304148, AFFECTING THE WEST ½ OF THE PUBLIC HIGHWAY KNOWN AS BARTLETT ROAD WHICH EXTENDS ALONG THE EAST SIDE OF THE LAND. (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION)
  17. EASEMENT IN FAVOR OF NORTHERN ILLINOIS GAS COMPANY, AND ITS/THEIR 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/FILED AS DOCUMENT 95304146, AFFECTING THE PART OF PARCEL 5

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FALLING IN THAT PART OF THE WEST ½ OF BARTLETT ROAD IN THE SOUTHEAST ¼ OF SECTION 33 OF THE LAND. (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION)

18. TERMS AND PROVISIONS OF THE ANNEXATION AND DEVELOPMENT AGREEMENT AMONG THE VILLAGE OF SOUTH BARRINGTON AND THE WOODS OF SOUTH BARRINGTON, L. L. C., A DELAWARE LIMITED LIABILITY COMPANY, ET AL, RECORDED JANUARY 19, 2001 AS DOCUMENT 0010049341.

MEMORANDUM OF UNDERSTANDING AND CLARIFICATION RECORDED DECEMBER 12, 2001 AS DOCUMENT 0011177490.

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT FOR THE WOODS OF SOUTH BARRINGTON RECORDED MAY 11, 2007 AS DOCUMENT NUMBER 0713126225.

FIRST AMENDMENT TO THE ANNEXATION AND DEVELOPMENT AGREEMENT FOR THE WOODS OF SOUTH BARRINGTON RECORDED MAY 11, 2007 AS DOCUMENT NUMBER 0713126226. (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION)

19. STORM WATER MANAGEMENT EASEMENT IN FAVOR OF THE VILLAGE OF SOUTH BARRINGTON, 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 RECORDED JULY 30, 2007 AS DOCUMENT NO. 0721115094 (AFFECTS PARCEL 2 AND OTHER PROPERTY NOT NOW IN QUESTION).

20. ASSIGNMENT OF SALES TAX REBATES DATED JANUARY \_\_, 2008, BY AND BETWEEN AMERICAN CHARTERED BANK, AN ILLINOIS STATE BANK AS ASSIGNOR, IN FAVOR OF ARBORETUM OF SOUTH BARRINGTON, LLC, ASSIGNEE, RECORDED JANUARY \_\_, 2008 AS DOCUMENT NUMBER \_\_\_\_.

21. MEMORANDUM OF OUTPARCEL AGREEMENT DATED JANUARY \_\_, 2008 MADE BY AND BETWEEN AMERICAN CHARTERED BANK, AN ILLINOIS STATE BANK (OUTLOT OWNER), AND ARBORETUM OF SOUTH BARRINGTON, LLC (DEVELOPER), RECORDED JANUARY \_\_, 2008 AS DOCUMENT NUMBER \_\_\_\_.

22. THE LAND INSURED HEREIN IS PART OF A SHOPPING CENTER. PORTIONS OF THE SHOPPING CENTER (EXCLUDING PARCEL 1 OF THE LAND INSURED HEREIN) ARE SUBJECT TO VARIOUS LEASES AND OUTPARCEL AGREEMENTS (RECORDED AND UNRECORDED) AS DISCLOSED ON ALTA STATEMENT FROM SELLER DATED JANUARY 23, 2008. RELATIVE THERETO WE NOTE:

EXCLUSIVITY COVENANTS RELATING TO THE LAND INSURED HEREIN, AND THE REMAINDER OF THE SHOPPING CENTER, AS CONTAINED IN SAID LEASES AND OUTPARCEL AGREEMENTS.