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Doc#: 0802841117 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 01/28/2008 04:02 PM Pg: 1 of 11

PREPARED BY AND AFTER
RECORDING RETURN TO:

Marlene D. Nations, Esq.
Sonnenschein Nath & Rosenthal LLP
8000 Sears Tower
Chicago, Illinois 60606

(ABOVE SPACE FOR RECORDER'S USE ONLY)

SPECIAL WARRANTY DEED

1630 CHICAGO EVANSTON LLC, an Illinois limited liability company ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid in hand to Grantor by the parties listed on Schedule 1 attached hereto and made a part hereof, (collectively, "Grantee"), the receipt and sufficiency of which is hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee, as tenants in common, that portion of Grantor's right, title and interest in an undivided percentage interest as set forth on said Schedule 1 in and to (i) that certain parcel of land located in Cook County, Illinois and legally described in Exhibit A attached hereto and incorporated herein by this reference, (ii) the buildings, improvements and fixtures located thereon and owned by Grantor as of the date hereof, and (iii) all right, title and interest, if any, that Grantor may have in and to all rights, privileges and appurtenances pertaining thereto including all of Grantor's right, title and interest, if any, in and to all rights-of-way, open or proposed streets, alleys, easements, strips or gores of land adjacent thereto (herein collectively called the "Real Property").

This conveyance is made by Grantor and accepted by Grantee subject to those matters set forth on Exhibit B attached hereto and incorporated herein (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Real Property together with all improvements located thereon all and singular the rights and appurtenances thereto in anywise belonging, subject to the Permitted Exceptions, unto Grantee, its legal representatives, successors and assigns forever.

And Grantor, WILL WARRANT AND DEFEND the said Real property, against all persons lawfully claiming, or to claim the same, by, through or under it, subject to the Permitted Exceptions.

This Deed may be executed in counterparts, each of which shall be an original and all of which counterparts taken together shall constitute one and the same agreement.

[Remainder of page intentionally blank]

CITY OF EVANSTON
EXEMPTION
May 11 2008
CITY CLERK


Box 215

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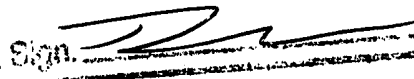
IN WITNESS WHEREOF, this Deed has been executed by Grantor as of January 15, 2008 to be effective as of January 25, 2008.

GRANTOR:

1630 CHICAGO EVANSTON LLC,
an Illinois limited liability company

By: 
Name: John Q. O'Donnell
Title: Manager

Property of Cook County Clerk's Office

Comptroller under Real Estate Transfer Tax Law 95 ILCS 200.1-40
to effect e and Cook County Ord. 03-0-07 par. _____
Date 1/08/08 Sign. 

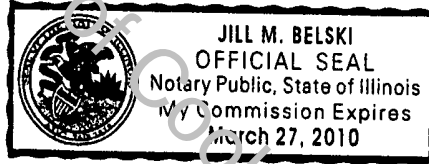
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STATE OF ILLINOIS §
 §
COUNTY OF COOK §

On January 17, 2008, before me, the undersigned, a notary public in and for said State, personally appeared John Q. O'Donnell, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that, by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Jill M. Belski Notary Public

My Commission Expires:
3/27/10



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SCHEDULE 1

NAMES AND PERCENTAGE OF UNDIVIDED INTEREST OF TENANT IN COMMON GRANTEES

<u>Name</u>	<u>Percentage Interests</u>
Buck Family, L.L.C.	30.750%
Robert Chodos	0.500%
Merdinger Family, L.P.	8.000%
Moody Family, L.L.C.	7.033%
O'Donnell Family, L.L.C.	13.343%
Kent Swanson	1.250%
Phil Domenico	0.500%
Jenkins Family LLC	4.500%
Michael Moravek	0.500%
Matthew Means	0.500%
Patrick Buck	0.500%
Jerry Burin	1.874%
John Burns	2.000%
James Geimer	2.500%
John Iberle	14.376%
William Krug	4.248%
Stephen Mulligan	0.500%
Daniel Murphy	0.500%
Scott Ogilvie	0.500%
Robert Schoder	1.000%
Yuri Shargo	0.500%
Philip Utigard	0.500%
Charles Wagener	0.500%
JBC Evanston Company	0.999%
The John Buck Company, L.L.C.	2.126%
1630 Chicago Evanston LLC	0.501%
	100.00%

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EXHIBIT A

LEGAL DESCRIPTION

Parcel 1:

Washington National Consolidation of all of Lots 12, 13, 14, 15, 16 and 1 in Block 19 in the Original Village (now city) of Evanston, in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, recorded March 9, 1995 as document number 95161213, in Cook County, Illinois.

Parcel 2:

Exclusive easement appurtenant for the benefit of Parcel 1 as contained in the Ninety-Nine Year Easement Agreement recorded March 1, 1996 as document number 96162450 and amended by Ordinances recorded as document number 97969444 and 97969446 in Cook County, Illinois.

Parcel 3:

Exclusive easement appurtenant for the benefit of Parcel 1 as contained in the Ninety-Nine Year Easement Agreement recorded March 1, 1996 as document number 96162451 and amended by Ordinance recorded as document number 97969443 in Cook County, Illinois.

PIN's: 11-18-306-037-0000
 11-18-306-038-0000
 11-18-306-039-0000

Address: 1630 Chicago Avenue, Evanston, IL

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EXHIBIT B

PERMITTED EXCEPTIONS

(see attached)

Property of Cook County Clerk's Office



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TAXES FOR THE YEAR(S) 2007 AND 2008

BH

1. 1.

2007 & 2008 TAXES ARE NOT YET DUE OR PAYABLE.

PERM TAX#	PCL	YEAR	1ST INST	STAT
11-18-306-037-0000	1 OF 3	2006	\$121,226.75	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION.				
11-18-306-038-0000	2 OF 3	2006	\$495,602.01	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION.				
11-18-306-039-0000	3 OF 3	2006	\$14,564.45	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION.				

PERM TAX#	PCL	YEAR	2ND INST	STAT
11-18-306-037-0000	1 OF 3	2006	\$125,224.85	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION.				
11-18-306-038-0000	2 OF 3	2006	\$434,443.55	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION.				
11-18-306-039-0000	3 OF 3	2006	\$15,044.81	PAID
THIS TAX NUMBER AFFECTS PART OF PARCEL IN QUESTION.				

PERM TAX# 11-18-306-037-0000 PCL 1 OF 3 VOLUME 057

2A NOTE: THIS LAND THAT LIES WITHIN THE BOUNDARIES OF THE VILLAGE OF EVANSTON SPECIAL SERVICE ARE NUMBER 4 ORDINANCE NUMBER 52-0-97, RECORDED AS 0434404070 AND IS SUBJECT TO ADDITIONAL TAXES.

PERM TAX# 11-18-306-038-0000 PCL 2 OF 3 VOLUME 057

2B NOTE: THIS LAND THAT LIES WITHIN THE BOUNDARIES OF THE VILLAGE OF EVANSTON SPECIAL SERVICE AREA NUMBER 4 ORDINANCE NUMBER 52-0-97, RECORDED AS 0434404070 AND IS SUBJECT TO ADDITIONAL TAXES.

PERM TAX# 11-18-306-039-0000 PCL 3 OF 3 VOLUME 057

2C NOTE: THIS LAND THAT LIES WITHIN THE BOUNDARIES OF THE VILLAGE OF EVANSTON SPECIAL SERVICE ARE NUMBER 4 ORDINANCE NUMBER 52-0-97, RECORDED AS 0434404070 AND IS SUBJECT TO ADDITIONAL TAXES.

H 2. THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT 95439436, AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.

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- D 3. TERMS, PROVISIONS AND CONDITIONS OF THE SUBORDINATION, NON-DISTURBANCE AND ATTORNMEN AGREEMENT EXECUTED BY AND BETWEEN GMAC COMMERCIAL MORTGAGE BANK AND WHOLE FOODS MARKET GROUP, INC., A DELAWARE CORPORATION, SUCCESSOR IN INTEREST TO WHOLE FOODS MARKET MIDWEST, INC., A DELAWARE CORPORATION, RECORDED DECEMBER 30, 2003 AS DOCUMENT 0336427212.
- AL 4. RIGHTS OF TENANTS, AS TENANTS ONLY, WITHOUT AN OPTION TO PURCHASE OR RIGHT OF FIRST REFUSAL.
- BG 5. UNRECORDED LEASE EXECUTED BY 1630 CHICAGO EVANSTON LLC IN FAVOR OF PLS EVANSTON LLC, AND ALL RIGHTS THEREUNDER OF THE LESSEE AND OF ANY PERSON OR PARTY CLAIMING BY, THROUGH OR UNDER THE LESSEE.
- AC 6. PROVISIONS CONTAINED IN THE AMENDMENTS RECORDED AS DOCUMENTS 97969443, 97969444, 97969445 AND 97969446, AS FOLLOWS:

(A) EASEMENTS ARE FOR A TERM OF 99 YEARS. UPON APPLICATION BY GRANTEE TO THE CITY AND APPROVAL BY THE CITY AUTHORIZED BY ITS CITY COUNCIL THE GRANTEE SHALL HAVE A ONE-TIME RIGHT TO EXTEND THE TERM OF THE EASEMENT FOR AN ADDITIONAL PERIOD OF 50 YEARS. HOWEVER, THE TERM OF SUCH EXTENSION OF THIS EASEMENT SHALL CEASE WHENEVER AND IF THE GRANTEE ABANDONS THE PROPERTY OR ABANDONS THE USE OF THIS EASEMENT. AFTER THE TERMINATION OF THIS EASEMENT (AT THE END OF THE ORIGINAL TERM OF 99 YEARS OR AFTER THE TERMINATION OF AN EXTENSION, AS SET FORTH ABOVE), AND AT ANY SUCH TIME AS THE CITY REQUIRES THE ACTUAL USE OR OCCUPANCY OF THE PUBLIC SPACE OCCUPIED BY THE EXTENSIONS OF GRANTEE'S

IMPROVEMENTS PURSUANT TO THIS EASEMENT, GRANTEE OR ITS SUCCESSORS AND ASSIGNS SHALL THEN REMOVE SUCH EXTENSIONS AT ITS OWN EXPENSE AND SHALL RESTORE THE EASEMENT PROPERTY AND SURFACE.

(B) THIS EASEMENT IS APPURTENANT TO GRANTEE'S PROPERTY, SHALL BE A COVENANT RUNNING WITH THE PROPERTY OF THE GRANTEE AND SHALL BE ASSIGNABLE BY THE GRANTEE, PROVIDED THAT IT IS ASSIGNED SIMULTANEOUSLY AND TOGETHER WITH A CONVEYANCE OF THE IMPROVEMENTS LOCATED ON THE PROPERTY OF THE GRANTEE WHICH THE EASEMENTS BENEFITS, OTHERWISE IT SHALL NOT BE ASSIGNED.

(AFFECTS PARCELS 2 AND 3)

- Q 7. LEASE MADE BY CHURCH & CHICAGO LIMITED PARTNERSHIP TO WHOLE FOODS MARKET MIDWEST, INC., A DELAWARE CORPORATION DATED DECEMBER 8, 1995, A MEMORANDUM OF WHICH WAS RECORDED DECEMBER 13, 1995 AS DOCUMENT NO. 95866016, DEMISING A PORTION OF THE LAND FOR A TERM OF YEARS BEGINNING COMMENCEMENT DATE AS DEFINED IN THE LEASE AND ENDING ON THE DATE THAT IS 20 YEARS FOLLOWING THE FIRST DAY OF THE MONTH IN WHICH THE COMMENCEMENT DATE OCCURS, AND ALL RIGHTS THEREUNDER OF, AND ALL ACTS DONE OR SUFFERED THEREUNDER BY, SAID LESSEE OR BY ANY PARTY CLAIMING BY, THROUGH, OR UNDER SAID LESSEE.

TENANT MAY EXTEND THE TERM FOR 2 CONSECUTIVE PERIODS OF 5 YEARS EACH.

(AFFECTS THAT PORTION OF THE LAND LYING NORTH OF A LINE DRAWN PERPENDICULARLY TO THE EASTERLY LINE AND 173.00 FEET SOUTHERLY (AS MEASURED ALONG SAID EASTERLY LINE) OF THE NORTHEAST CORNER THEREOF)

SAID LEASE WAS SUBORDINATED TO THE LIEN OF THE MORTGAGE RECORDED AS DOCUMENT 0336427210 BY THE TERMS OF THE SUBORDINATION AGREEMENT RECORDED AS DOCUMENT 0336427212.

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- S . 8. MEMORANDUM OF RESTRICTIONS EXECUTED BY AND BETWEEN CHURCH & CHICAGO LIMITED PARTNERSHIP, AN ILLINOIS LIMITED PARTNERSHIP AND WHOLE FOODS MARKET MIDWEST, INC., A DELAWARE CORPORATION, RECORDED DECEMBER 13, 1995 AS DOCUMENT 95866017.
- AA 9. (A) TERMS, PROVISIONS, AND CONDITIONS RELATING TO THE EASEMENT DESCRIBED AS PARCEL 2 AND 3 CONTAINED IN THE INSTRUMENT CREATING SAID EASEMENT.
- (B) RIGHTS OF THE ADJOINING OWNER OR OWNERS TO THE CONCURRENT USE OF SAID EASEMENT.
- AI 10. THE FOLLOWING RESTRICTION CONTAINED IN CERTAIN DEED (RECORDED COPIES OF SUCH DEEDS ARE EITHER ILLEGIBLE OR CANNOT BE RECOVERED) AND RESTATED BY THAT CERTAIN RELEASE OF DEED RESTRICTIONS DATED OCTOBER 4, 1995, EXECUTED BY NORTHWESTERN UNIVERSITY TO AND FOR THE BENEFIT OF CHURCH AND CHICAGO LIMITED PARTNERSHIP RECORDED NOVEMBER 8, 1995 AS DOCUMENT NUMBER 95769807: THE PREMISES MAY NOT BE USED FOR ANY HOUSE OR OTHER PLACE OF LEWD OR IMMORAL PRACTICES.
- NOTE: SAID INSTRUMENT CONTAINS NO PROVISION FOR A FORFEITURE OF OR REVERSION OF TITLE IN CASE OF BREACH OF CONDITION
- AH 11. LETTER BY THE STATE OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY RECORDED MAY 31, 1996 AS DOCUMENT NUMBER 96417741.
- U 12. EASEMENT IN FAVOR OF THE COMMONWEALTH EDISON COMPANY, 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/FILED AS DOCUMENT NO. 96841242, AFFECTING A PORTION OF THE LAND AS SHOWN ON EXHIBIT "A" ATTACHED THERETO, AS SHOWN ON THAT CERTAIN SURVEY ENTITLED: "ALTA/AC/M LAND TITLE SURVEY," PREPARED BY JOSEPH A. LIMA, ILLINOIS PROFESSIONAL LAND SURVEYOR (REGISTRATION NO. 3080), OF NATIONAL SURVEY SERVICE, INC., DATED OCTOBER 29, 2007, REVISED TO NOVEMBER 30, 2007, AND IDENTIFIED AS SURVEY NO. N-127505.
- (AFFECTS A PORTION OF UNDERLYING LOT 15)
- Z 13. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE DECLARATION MADE BY LASALLE BANK NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 22, 1997 AND KNOWN AS TRUST NUMBER 123565-07 AND JBC EVANSTON LIMITED PARTNERSHIP, AN ILLINOIS LIMITED PARTNERS AND BENEFICIARY OF THE AFORESAID TRUST, RECORDED OCTOBER 15, 2002 AS DOCUMENT 0021126171.
- (FOR FURTHER PARTICULARS, SEE RECORD.)
- V 14. TERMS, PROVISIONS AND CONDITIONS CONTAINED IN AN ORDINANCE BY THE CITY OF EVANSTON ADOPTING AND APPROVING TAX INCREMENT FINANCING REDEVELOPMENT PLAN AND REDEVELOPMENT PROJECT, A COPY OF WHICH WAS RECORDED DECEMBER 9, 2004 AS DOCUMENT 0434404071.

ORDINANCE DESIGNATING THE TAX INCREMENT REDEVELOPMENT PROJECT AREA, A COPY OF WHICH WAS RECORDED DECEMBER 9, 2004 AS DOCUMENT 0434404072.

ORDINANCE ADOPTING TAX INCREMENT FINANCING, A COPY OF WHICH WAS RECORDED DECEMBER 9, 2004 AS DOCUMENT 0434404073.

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AJ

15. ENCROACHMENTS DISCLOSED BY SURVEY PREPARED BY NATIONAL SURVEY SERVICE, INC., DATED OCTOBER 29, 2007, REVISED TO NOVEMBER 30, 2007, N-127505:

THE SOUTHEAST CORNER OF THE 1 STORY BRICK BUILDING LOCATED AT THE SOUTHEASTERLY CORNER OF THE LAND BY VARIOUS AMOUNTS ON THE LAND SOUTHEAST AND ADJOINING;

THE NORTHEAST CORNER OF THE 1 STORY BRICK BUILDING LOCATED AT THE SOUTHEASTERLY CORNER OF THE LAND BY VARIOUS AMOUNTS ON THE LAND SOUTHEAST AND ADJOINING;

THE SOUTHEAST CORNER OF THE HIGH 1 STORY BRICK BUILDING LOCATED ON THE

NORTHERLY PART OF THE LAND BY VARIOUS AMOUNTS ON THE LAND SOUTHEAST AND ADJOINING;

THE NORTHEAST CORNER OF THE HIGH 1 STORY BRICK BUILDING LOCATED ON THE NORTHERLY PART OF THE LAND BY VARIOUS AMOUNTS ON THE LAND SOUTHEAST AND ADJOINING;

THE NORTHEAST PORTION OF THE HIGH 1 STORY BRICK BUILDING LOCATED ON THE NORTHERLY PART OF THE LAND BY 0.22 ONTO THE LAND NORTHEAST AND ADJOINING; AND

THE NORTHWEST CORNER OF THE HIGH 1 STORY BRICK BUILDING LOCATED ON THE NORTHERLY PART OF THE LAND BY VARIOUS AMOUNTS ON THE LAND SOUTHWEST AND ADJOINING.

16. MULTIFAMILY MORTGAGE, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT DATED DECEMBER 18, 2003 AND RECORDED DECEMBER 30, 2003 AS DOCUMENT 0336427210 MADE BY 1630 CHICAGO EVANSTON LLC, AN ILLINOIS LIMITED LIABILITY COMPANY TO GMAC COMMERCIAL MORTGAGE BANK TO SECURE A NOTE IN THE AMOUNT OF \$45,000,000.00

ASSIGNMENT TO FEDERAL HOME LOAN MORTGAGE CORPORATION, A CORPORATION OF THE UNITED STATES, RECORDED DECEMBER 30, 2003 AS DOCUMENT 0336427211 AND CORRECTIVE ASSIGNMENT RECORDED JANUARY 16, 2004 AS DOCUMENT 0401639064.

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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 title to real estate under the laws of the State of Illinois.

Dated 1-29, 2008

Signature: _____

Subscribed and sworn to before me by the said _____ this 29 day of Jan, 2008
Notary Public _____



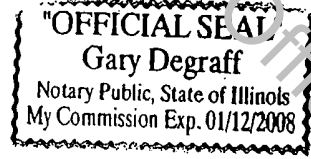
The **Grantee** or his Agent affirms and verifies that the name of the **Grantee** shown on the Deed or Assignment of Beneficial Interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, 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 1-28, 2008

Signature: _____

Grantee or Agent

Subscribed and sworn to before me by the said _____ this 28 day of Jan, 2008
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.

(Attached to Deed or ABI to be recorded in Cook County, Illinois, if exempt under the provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.)

Revised 10/02-cp