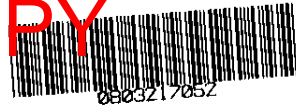


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Doc#: 0803217052 Fee: \$34.50  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 02/01/2008 03:41 PM Pg: 1 of 6

Property of Cook County Clerk's Office

**DISCHARGE AND RELEASE OF MORTGAGE**

by

**U.S. BANK NATIONAL ASSOCIATION,  
as Mortgagee,**

**Dated: as of May   , 2007**

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**Property Street Address:**

**Swissôtel Chicago  
323 East Wacker Drive  
Chicago, Illinois 60601**

**Parcel Tax Identification No.:**

**17-10-318-025-0000**

**County: COOK**

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**RECORD AND RETURN TO:**

**Latham & Watkins LLP  
885 Third Avenue, Suite 1000  
New York, New York 10022-4834  
Attention: James I. Hisiger, Esq.**

*SH  
2/1/08*

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## DISCHARGE AND RELEASE OF MORTGAGE

**WHEREAS**, a certain Mortgage and Security Agreement, encumbering the premises described on EXHIBIT A annexed hereto and by this reference incorporated herein (the "Premises"), was made by **BRE/SWISS L.L.C.**, a Delaware limited liability company having its principal place of business c/o Host Marriott Corporation, 10400 Fernwood Road, Bethesda, Maryland 20817-1109, as mortgagor ("Mortgagor"), to **BANKERS TRUST COMPANY**, a New York banking corporation, having an address at 130 Liberty Street, 25<sup>th</sup> Floor, New York, New York 10006 ("Bankers"), dated as of July 8, 1999 and recorded in the Office of the COOK County Recorder, Illinois (the "County") on July 23, 1999 as Document No. 99706345 (the "Original Mortgage");

**WHEREAS**, a certain Global Assignment of Mortgage Documents, was made by Bankers to **MORGAN STANLEY MORTGAGE CAPITAL, INC.**, a New York corporation, having an address at 1585 Broadway, New York, New York 10036 ("Morgan Stanley") in order to sell, assign, transfer and endorse to Morgan Stanley a fifty percent (50%) undivided interest in all of Bankers' right, title and interest in and to the Original Mortgage, dated as of July 8, 1999 and recorded in the County on July 23, 1999 as Document No. 99706347;

**WHEREAS**, a certain Global Assignment of Mortgage Loan Documents, encumbering the Premises (the "Mortgage"), was made by Bankers and Morgan Stanley to and in favor of **STATE STREET BANK AND TRUST COMPANY**, a Massachusetts trust company, having an address at Two Avenue de Lafayette, 6<sup>th</sup> Floor, Boston, Massachusetts 02111, as Trustee for Host Marriott Pool Trust Commercial Mortgage Pass-Through Certificates, Series 1999-HMT as mortgagee, assignee and secured party, dated as of August 16, 1999 and recorded in the County on October 19, 2000 as Document No. 00818677; and

**WHEREAS**, a certain Transfer and Assumption Agreement for the Acquisition of Corporate Trust Business, dated August 12, 2002 was made by and among State Street Bank and Trust Company, State Street Bank and Trust Company of California, N.A., State Street Bank and Trust Company of Connecticut, N.A., State Street Bank and Trust Company, N.A. and U.S. Bank National Association ("Mortgagee") pursuant to which State Street Bank and Trust Company assigned all of its rights and obligations under the Mortgage to Mortgagee.

**NOW THEREFORE**, for good and valuable consideration in hand paid by Mortgagor to Mortgagee, the receipt and sufficiency of which are hereby acknowledged, Mortgagee hereby acknowledges and agrees that the Mortgage has been secured by substitute collateral; the Mortgage may now be discharged of record; the Premises may now be released from the lien created by the Mortgage; and the Mortgage is hereby canceled, void and of no further force and effect; and

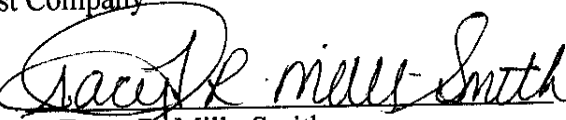
The undersigned, on behalf of Mortgagee, signs and CERTIFIES to this Discharge and Release of Mortgage on May    /   , 2007.

[Signature Page Follows on Next Page]

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**U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR HOST MARRIOTT POOL TRUST,  
COMMERCIAL MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 1999-HMT**

By: Wells Fargo Bank, National Association, as  
Servicer under Trust and Servicing Agreement  
dated August 1, 1999, by and among Morgan  
Stanley Capital I Inc., Wells Fargo Bank,  
National Association and State Street Bank and  
Trust Company

By:   
Name: Tracy R. Mills-Smith  
Title: Assistant Vice President

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STATE OF CALIFORNIA \_\_\_\_\_ )  
 ) ss.  
COUNTY OF CONTRA COSTA \_\_\_\_\_ )

Before me personally came Tracy R. Mills-Smith on the 1 day of May, 2007 and stated to my satisfaction that she was authorized to and did execute this instrument as Asst. Vice President of **U.S. BANK NATIONAL ASSOCIATION**, as Mortgagee, the entity named in this instrument; and that she executed this instrument as the act of such entity named in this instrument.

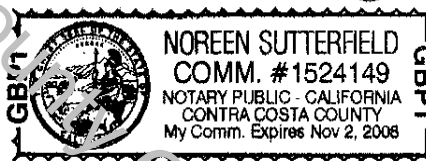
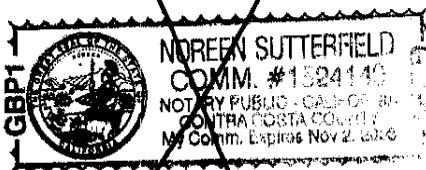
(SEAL)

My commission Expires: Nov. 2, 2008

NOREEN SUTTERFIELD

Print Name of Notary:

Noreen Sutterfield



Clerk's Office

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**Schedule A  
Legal Description**

**Parcel 1:**

A parcel of land, being a part of the lands lying East of and adjoining Fort Dearborn Addition to Chicago, being the whole of the Southwest Fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County Illinois, located and described as follows:

Commencing on the East line of North Columbus Drive, 110 feet wide (as said North Columbus Drive was dedicated and conveyed to the City of Chicago by instrument recorded in the Recorder's Office of Cook County, Illinois, on June 5, 1972 as Document Number 21925615) at a point which is 768.878 feet, measured along said East line, North from the point of intersection of said East line (extended South) with the North line of East Randolph Street (as said East Randolph Street was dedicated and conveyed to the City of Chicago by instrument recorded in said Recorder's Office on December 11, 1979 as Documented Number 25276446) and running thence East along a line perpendicular to said East line of North Columbus Drive (said perpendicular line being also the North line of the Arcade Level Park as said Arcade Level Park is located and defined in the Amendatory Lake Front Ordinance passed by the City Council of the City of Chicago on September 17, 1969) a distance of 381.738 feet, thence North along a line perpendicular to said last described course, a distance of 146.625 feet, to the Point of Beginning for the parcel of land hereinafter described; thence continuing North along said last described perpendicular line, a distance of 141.107 feet to an intersection with the Southerly line of East Wacker Drive as said East Wacker Drive was dedicated and conveyed to the City of Chicago by the aforesaid instrument recorded as Document Number 21925615; thence Westwardly along said Southerly line of East Wacker Drive (said Southerly line being here a straight line deflecting 85 degrees 24 minutes 29 seconds to the left from a Northward extension of the last described course) a distance of 12.571 feet; thence continuing Westwardly along said Southerly line of East Wacker Drive, said Southerly line being here the arc of a circle which is tangent to the last described course, is convex to the South and has a radius of 1840.488 feet, a distance of 162.710 feet; thence continuing Westwardly along said Southerly line of East Wacker Drive, said Southerly line being here a straight line which is tangent to the last described course, a distance of 47.914 feet to an intersection with a line 160.571 feet, measured perpendicularly, East from and parallel with said East line, and Northward extension thereof, of North Columbus Drive; thence South along said parallel line a distance of 170.325 feet to a point which is 146.625 feet North from the aforementioned North line of the Arcade Level Park; thence East along a line perpendicular to said last described course, a distance of 221.167 feet, to the Point of Beginning in Cook County, Illinois.

**Parcel 2:**

Perpetual and non-exclusive easement to install, use, maintain, repair and replace underground storm sewer, sanitary sewer, water, gas and electric lines in the 15 foot wide strip of land (herein called "Utility Easement Area") to serve Parcel 1 from the existing 66 foot utility

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easement, as created by instrument titled "Easements Covenants and Restrictions" recorded June 30, 1966 as Document Number 86267044, over the following described land:

A parcel of land, being a part of the lands lying East of and adjoining Fort Dearborn Addition to Chicago, being the whole of the Southwest Fractional Quarter of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois, which parcel of land is bounded and described as follows:

Commencing on the East line of North Columbus Drive (as said North Columbus Drive was dedicated and conveyed to the City of Chicago by instrument recorded in the Recorder's Office of Cook County, Illinois, on June 5, 1972 as Document Number 21925615) at a point which is 844.72 feet, measured along said East line, North from the point of intersection of said East line, extended South, with the North line, extended East, of East Randolph Street; and running thence East along a line perpendicular to said East line of North Columbus Drive (said perpendicular line being also the North line of a certain strip of land, 66 feet wide, conveyed to the City of Chicago for public utilities by instrument recorded in said Recorder's Office on May 14, 1962 as Document Number 18474522) a distance 170.571 feet to the Point of Beginning at the Southwest corner of the hereinafter described parcel of land; thence North along a line parallel with said East line of North Columbus Drive, a distance of 70.783 feet; thence East along a line perpendicular to the last described line, a distance of 15.00 feet; thence South along a line parallel with said East line of North Columbus Drive, a distance of 70.783 feet to said North line of the strip of land conveyed to the City of Chicago for public utilities; thence West along said line a distance of 15.00 feet to the Point of Beginning, in Cook County, Illinois.