

UNOFFICIAL COPY

8441115 D-1
J Fagan

This document was prepared by:
Meredith Katz, Esq.
DLA Piper US LLP
203 North LaSalle Street
Chicago, Illinois 60601

After recording mail to:
Akin Gump Strauss Hauer & Feld LLP
590 Madison Avenue
New York, New York 10022
Attn: Joseph Ginsberg

Mail tax bill to:
BLDG Acquisition Corp.
417 5th Avenue 4th Floor
New York, NY 10016



Doc#: 0820618068 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 07/24/2008 04:08 PM Pg: 1 of 5

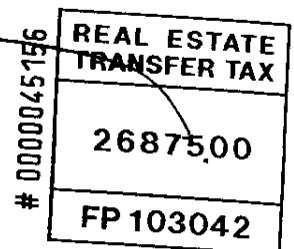
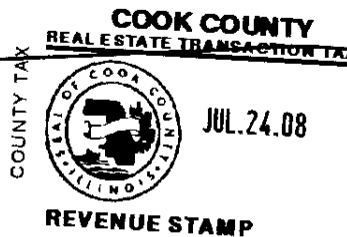
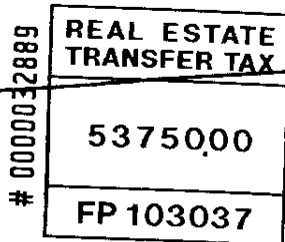
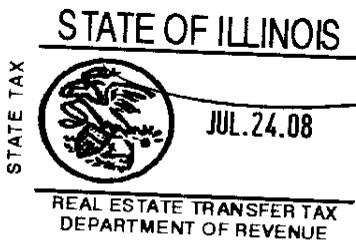
This space reserved for Recorder's use only.

SPECIAL WARRANTY DEED

TISHMAN SPEYER ARCHSTONE-SMITH ONE SUPERIOR PLACE, L.L.C., a Delaware limited liability company, whose address is c/o Archstone, formerly known as Archstone-Smith Operating Trust, 9200 East Panorama Circle, Englewood, Colorado 80112 ("Grantor"), for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to the undersigned by **BLDG DEANS SUPERIOR LLC**, a Delaware limited liability company, as to a 4.43% interest as tenant in common, **ONE SUPERIOR LLC**, a Delaware limited liability company, as to a 71.65% interest as a tenant in common, and **BLDG HH SUPERIOR LLC**, a Delaware limited liability company, as to a 23.92% interest as a tenant in common (collectively, "Grantees" and each, individually, "Grantee"), whose mailing address is 417 5th Avenue, 4th Floor, New York, New York 10016, the receipt and sufficiency of such consideration being hereby acknowledged, Grantor does hereby GRANT, BARGAIN, SELL AND CONVEY with special warranty covenants unto Grantees, and their successors and assigns, FOREVER, all of all of Grantor's right, title, and interest in and to the real property located in the County of Cook and State of Illinois and more particularly described in Exhibit A attached hereto and made a part hereof (the "Property") specifically excluding all of the buildings, structures, and other improvements situated on the Property; subject, however, to those matters described in Exhibit B attached hereto and made a part hereof for all purposes.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantees and their successors and assigns and to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantees, their successors and assigns, against every person whosoever lawfully claiming, or claim the same, or any part thereof, by through, or under Grantor but not otherwise.

City of Chicago Real Estate
Dept. of Revenue Transfer Stamp
558476 \$564,375.00
07/24/2008 15:37 Batch 03138 118




UNOFFICIAL COPY

IN WITNESS WHEREOF, the undersigned has made, executed and delivered this Special Warranty Deed as of this 24 day of July, 2008.

GRANTOR:

TISHMAN SPEYER ARCHSTONE-SMITH ONE SUPERIOR PLACE, L.L.C., a Delaware limited liability company

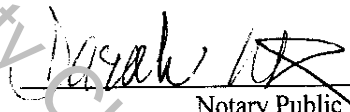
By: 
Name: Mark Peppercorn
Title: Senior Vice President

STATE OF Colorado)
) SS:
COUNTY OF Arapahoe)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Mark Peppercorn, Senior Vice President of Tishman Speyer Archstone-Smith One Superior Place, L.L.C., 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, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 22 day of July, 2008.

**SARAH WICKAM
NOTARY PUBLIC
STATE OF COLORADO
MY COMMISSION EXPIRES 12/31/2011
Place Notarial Seal Here**


Notary Public

UNOFFICIAL COPY

EXHIBIT A LEGAL DESCRIPTION

Lots 1, 2, 3 and 4 in Ernest Hess' Subdivision as per plat of said subdivision recorded as Document 376729 and

Lots 8 to 15, both inclusive, in the subdivision of plat of Block 32 and all of Block 49 in Wolcott's Subdivision as per plat recorded as Document 52658 and

Lots 1, 2, 3 and 4 (except the North 5.0 feet of the West 76.00 feet thereof) and Lots 5 and 6 (except the West 76.00 feet of Lots 5 and 6) and Lot 7, all in the subdivision of part of Block 32 as per plat recorded as Document 26207, also

All of the public alleys, vacated by Ordinance recorded January 12, 1976 as Document 23351728, all in Section 9, Township 33 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Property Address: One West Superior Street, Chicago, Illinois 60610

Permanent Real Estate Index Nos.: 17-09-213-025-0000 Vol. 500
17-09-213-026-0000 Vol. 500
17-09-213-027-0000 Vol. 500
17-09-213-028-0000 Vol. 500
17-09-213-029-0000 Vol. 500
17-09-213-030-0000 Vol. 500
17-09-213-031-0000 Vol. 500
17-09-213-032-0000 Vol. 500
17-09-213-033-0000 Vol. 500
17-09-213-034-0000 Vol. 500
17-09-213-035-0000 Vol. 500

UNOFFICIAL COPY

EXHIBIT B

PERMITTED EXCEPTIONS

ONE WEST SUPERIOR PLACE

1. REAL ESTATE TAXES AND ASSESSMENTS.
2. MATTERS DISCLOSED BY THAT CERTAIN SURVEY MADE BY CHRISTIAN-ROGE & ASSOC., INC., DATED MAY 21, 2007 AND LAST REVISED AUGUST 3, 2007, AND THOSE MATTERS THAT WOULD BE DISCLOSED BY A CURRENT SURVEY.
3. TERMS AND CONDITIONS OF THAT CERTAIN LEASE MADE BY SMITH PROPERTY HOLDINGS SUPERIOR PLACE, L.L.C. TO ONE SUPERIOR OWNER LLC, AS EVIDENCED BY MEMORANDUM OF GROUND LEASE DATED AUGUST 9, 2007, RECORDED AUGUST 21, 2007 AS DOCUMENT NO. 0723303044 AS AFFECTED BY THE ASSIGNMENT AND ASSUMPTION OF SUCH LEASE FROM SMITH PROPERTY HOLDINGS SUPERIOR PLACE, L.L.C. TO TISHMAN SPEYER ARCHSTONE-SMITH ONE SUPERIOR PLACE, L.L.C. RECORDED OCTOBER 15, 2007 AS DOCUMENT NO. 0728834110 (THE "GROUND LEASE").
4. MATTERS ARISING OUT OF THE ACTS OR OMISSIONS OF THE TENANT UNDER THE GROUND LEASE AND PARTIES CLAIMING BY, THROUGH OR UNDER SUCH TENANT.
5. PROPERTY ALTERATION AGREEMENT DATED AS OF AUGUST 8, 2006 BY AND AMONG ARCHSTONE-SMITH TRUST, A MARYLAND REAL ESTATE INVESTMENT TRUST, ARCHSTONE-SMITH OPERATING TRUST, A MARYLAND REAL ESTATE INVESTMENT TRUST, EQUAL RIGHTS CENTER, A NOT-FOR PROFIT CORPORATION, AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES, A NOT-FOR PROFIT CORPORATION, AND UNITED SPINAL ASSOCIATION, AND ACKNOWLEDGED BY GRANTOR AND RECORDED AUGUST 21, 2007 AS DOCUMENT NO. 072330342.
6. TERMS AND CONDITIONS AS CONTAINED IN GRANT OF EASEMENT BY AND BETWEEN SMITH PROPERTY HOLDINGS SUPERIOR LLC AND COMCAST OF CHICAGO, INC. RECORDED JULY 25, 2005 AS DOCUMENT NO. 0520603121.
7. COVENANTS AND RESTRICTIONS CONTAINED IN RESTRICTIVE COVENANT BY AND BETWEEN CATHEDRAL PLACE LLC AND COSMOPOLITAN BANK AND TRUST, AS TRUSTEE UNDER THE PROVISIONS OF A TRUST AGREEMENT DATED SEPTEMBER 3, 1974 AND KNOWN AS TRUST NO. 21292 RECORDED SEPTEMBER 26, 1997 AS DOCUMENT NO. 97717657.
8. A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT 91075841.
9. THREE-FOOT PASSAGE CREATED BY PLAT OF SUBDIVISION RECORDED AS 376729 AND LOCATED ALONG THE WESTERN PORTION OF THE LAND.
10. ACTS OF PURCHASER AND PARTIES BY, THROUGH AND UNDER PURCHASER.
11. LEASE MADE BY CATHEDRAL PLACE, L.L.C. TO WHOLE FOODS MARKET GROUP, INC. DATED MAY 9, 1997, A MEMORANDUM OF WHICH WAS RECORDED MARCH 31, 1998 AS DOCUMENT NO. 98251444, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING MAY 9, 1997 AND ENDING 25 YEARS FROM THE COMMENCEMENT DATE, 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. TOGETHER WITH THE TERMS AND PROVISIONS CONTAINED THEREIN.

UNOFFICIAL COPY

12. PARKING LOT LEASE WITH ALLRIGHT PARKING AS DISCLOSED BY INFORMATION CONTAINED IN THE TITLE COMPANY'S RECORDS AND ALL PARTIES CLAIMING THEREBY AND/OR THEREUNDER.
13. ENCROACHMENT OF THE: PLANTERS ONTO THE PUBLIC LAND NORTH, SOUTH, EAST AND WEST AND ADJOINING,

AND POSSIBLE ENCROACHMENT OF THE BUILDING ONTO THE LAND NORTH AND ADJOINING BY AN UNDISCLOSED AMOUNT,

AS DISCLOSED BY SURVEY MADE BY CHRISTIAN ROGE & RIBANDO DATED JUNE 1, 1998 AND LAST UPDATED AUGUST 31, 2000 AS ORDER NUMBER 98 056.
14. RIGHTS OF THE PUBLIC OR QUASI PUBLIC UTILITIES AS DISCLOSED BY SURVEY MADE BY CHRISTIAN ROGE & RIBANDO DATED DECEMBER 4, 2000 AS ORDER NUMBER 00 092 DEPICTING THE FOLLOWING: MANHOLE.
15. ENCROACHMENT OF THE CONCRETE WALL ONTO THE LAND SOUTH AND ADJOINING BY VARYING DEGREES WITH A RANGE OF .03 FEET TO .11 FEET AS DISCLOSED BY SURVEY MADE BY CHRISTIAN ROGE & RIBANDO DATED DECEMBER 4, 2000 AS ORDER NUMBER 00 092.
16. ENCROACHMENT OF THE 3 STORY BUILDING ONTO THE 3 FOOT PASSAGE WAY CREATED BY PLAT OF SUBDIVISION RECORDED AS 3762729 AND NOTED HEREIN AT LETTER W.
17. THE RIGHTS OF PARTIES IN POSSESSION AS TENANTS ONLY, UNDER UNRECORDED LEASES.
18. RIGHTS OF THE FOLLOWING TENANTS:
 - A. MOON KIM AND SANG H. OH DBA ORIENTAL CLEANERS UNDER AN UNRECORDED LEASE DATED SEPTEMBER 15, 1999.
19. .3 FOOT VIOLATION OF THE 17 FOOT BUILDING SET BACK LINE ALONG NORTH STATE STREET BY THE NORTHEAST CORNER OF THE CONCRETE WALL AS DISCLOSED BY SURVEY MADE BY CHRISTIAN ROGE & RIBANDO DATED DECEMBER 4, 2000 AS ORDER NUMBER 00 092.
20. EXISTING UNRECORDED LEASE IN FAVOR OF BLOCKBUSTER INC., A DELAWARE CORPORATION, AS DISCLOSED BY SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT, RECORDED AUGUST 1, 2001 AS DOCUMENT 0010692468 AND ALL RIGHTS THEREUNDER OF THE LESSEES AND OF ANY PERSON OR PARTY CLAIMING BY, THROUGH OR UNDER THE LESSEES.