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This Document Prepared By:

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1033 Skokie Boulevard, Suite 250
Northbrook, IL 60062



Doc#: 0830905074 Fee: \$56.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 11/04/2008 10:57 AM Pg: 1 of 11

After Recording Return To:

David H. Hight, Esq.
Ice Miller LLP
2300 Cabot Drive Suite 455
Lisle, IL 60532

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that BIRCHWOOD INDUSTRIAL CENTER PG, LLC, an Illinois limited liability company, MOSS PROPERTIES, LLC, a California limited liability company, and RED WATER MANAGEMENT COMPANY, a California limited partnership (collectively, "Grantor"), having its principal place of business at 6250 North River Road, Suite 4050, Rosemont, Illinois 60018, for the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby **GRANTS, BARAINS, SELLS AND CONVEYS** to NORTHERN ILLINOIS GAS COMPANY, an Illinois corporation (the "Grantee"), having an address of 1844 Ferry Road, Naperville, Illinois 60563, Attn: Real Estate Department, and its successors and assigns forever, the land situated in the County of Cook, State of Illinois described as follows (the "Property"):

See Exhibit A attached hereto and made a part hereof


P.I.N.: 09-28-300-021-0000


Common Address: 1665 W. Birchwood, Des Plaines, Illinois

TO HAVE AND TO HOLD the Property, together with all and singular the privileges and appurtenances belonging thereto or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of the Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances, unto the said Grantee, its successors and assigns forever.

Grantor, for itself and its successors, represents and warrants that the Property has not been alienated or encumbered by Grantor in any way whatsoever, **EXCEPT FOR AND SUBJECT TO** those matters described on Exhibit B attached hereto and made a part hereof (the "Permitted Exceptions"); and that Grantor **WILL WARRANT AND DEFEND** the Property against all persons lawfully claiming, or to claim the same, by, through or under Grantor, subject to the Permitted Exceptions.

Box 400-CTCC

| | |
|--|--------------|
| STATE OF ILLINOIS | |
|  | OCT. 31. 08 |
| STATE TAX | # 0000010238 |
| REAL ESTATE TRANSFER TAX | 0520300 |
| REAL ESTATE TRANSFER TAX DEPARTMENT OF REVENUE | FP 103024 |

| | |
|---|--------------|
| COOK COUNTY | |
| REAL ESTATE TRANSACTION TAX | |
|  | OCT 31 08 |
| COUNTY TAX | # 0000008312 |
| REAL ESTATE TRANSFER TAX | 0260150 |
| REVENUE STAMP | FP 103022 |

08309050740
DZ SCSG
TRC

11/8

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IN WITNESS WHEREOF, BIRCHWOOD INDUSTRIAL CENTER PG, LLC, MOSS PROPERTIES, LLC AND RED WATER MANAGEMENT COMPANY have caused this Special Warranty Deed to be executed as of this 30th day of October, 2008.

BIRCHWOOD INDUSTRIAL CENTER PG, LLC, an Illinois limited liability company

By: JP Portfolio, LLC, an Illinois limited liability company, its Manager

By: 
John Pagliari, its Sole Member

MOSS PROPERTIES, LLC, a California limited liability company

By: _____
John T. Benjamin, Manager

RED WATER MANAGEMENT COMPANY, a California Limited Partnership

By: _____
Scott A. Stone, General Partner

By: _____
Kenneth C. Stone, General Partner

By: _____
Suzanne Stone, General Partner

Property of Cook County Clerk's Office

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John Pagliari, its Sole Member

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By: _____
John T. Benjamin, Manager

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BIRCHWOOD INDUSTRIAL CENTER PG, LLC, an Illinois limited liability company

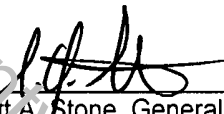
By: JP Portfolio, LLC, an Illinois limited liability company, its Manager


By: _____
John Pagliari, its Sole Member

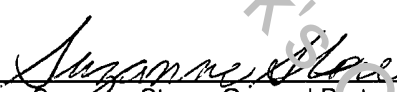
MOSS PROPERTIES, LLC, a California limited liability company

By: _____
John T. Benjamin, Manager

RED WATER MANAGEMENT COMPANY, a California Limited Partnership

By: 
Scott A. Stone, General Partner

By: 
Kenneth C. Stone, General Partner

By: 
Suzanne Stone, General Partner

Property of Cook County Clerk's Office

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STATE OF ILLINOIS)
) SS.
COUNTY OF Cook)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that John Pagliari, the Sole Member of JP Portfolio, LLC, an Illinois limited liability company, the manager of **BIRCHWOOD INDUSTRIAL CENTER PG, LLC**, an Illinois limited liability company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Sole Member, 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 limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 27th day of October, 2008.



Mary Folan
Notary Public

My Commission Expires:
2-7-2010

Property of Cook County Clerk's Office

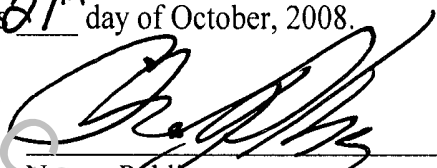
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STATE OF Nevada)
) SS.
COUNTY OF Washoe)

Personally appeared before me, a Notary Public in and for said State and County, John T. Benjamin, who proved to me on the basis of satisfactory evidence, and who upon oath acknowledged himself to be the Manager of **MOSS PROPERTIES, LLC**, a California limited liability company, the within named bargainer, and that he as such manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company by himself as Manager.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and Notarial Seal at office this 07th day of October, 2008.



Notary Public

My Commission Expires: February 17, 2010



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STATE OF Calif)
) SS.
COUNTY OF Yolo)

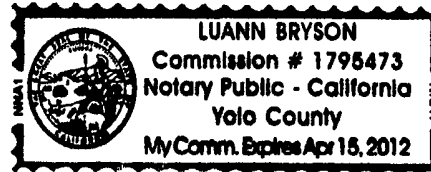
Personally appeared before me, a Notary Public in and for said State and County, Scott A. Stone, who proved to me on the basis of satisfactory evidence, and who upon oath acknowledged himself to be a General Partner of **RED WATER MANAGEMENT COMPANY**, a California Limited Partnership, the within named bargainor, and that as such general partner, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited partnership by himself as a general partner.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and Notarial Seal at office this 27th day of October, 2008.

Luann Bryson
Notary Public

My Commission Expires: 4/15/2012



STATE OF Calif)
) SS.
COUNTY OF Yolo)

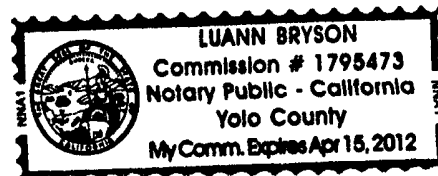
Personally appeared before me, a Notary Public in and for said State and County, Kenneth C. Stone, who proved to me on the basis of satisfactory evidence, and who upon oath acknowledged himself to be a General Partner of **RED WATER MANAGEMENT COMPANY**, a California Limited Partnership, the within named bargainor, and that as such general partner, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited partnership by himself as a general partner.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and Notarial Seal at office this 27th day of October, 2008.

Luann Bryson
Notary Public

My Commission Expires: 4/15/2012



UNOFFICIAL COPY

STATE OF CALIF)
) SS.
COUNTY OF YOLO)

Personally appeared before me, a Notary Public in and for said State and County, Suzanne Stone, who proved to me on the basis of satisfactory evidence, and who upon oath acknowledged herself to be a General Partner of **RED WATER MANAGEMENT COMPANY**, a California Limited Partnership, the within named bargainor, and that as such general partner, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited partnership by herself as a general partner.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and Notarial Seal at office this 27th day of October, 2008.

Luann Bryson
Notary Public

My Commission Expires: 4/15/2012



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Exhibit A

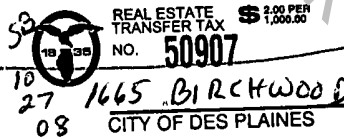
LEGAL DESCRIPTION

THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH EAST CORNER OF SAID WEST 1/2, THENCE SOUTH 1196.048 FEET ALONG THE EAST LINE OF SAID WEST 1/2; THENCE WEST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID WEST 1/2 723.98 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING TRACT OF LAND; THENCE CONTINUING WEST ALONG SAID PARALLEL LINE 450.0 FEET; THENCE NORTH PERPENDICULARLY TO SAID PARALLEL LINE TO A POINT ON A LINE 756.066 FEET SOUTH OF (AS MEASURED ALONG THE EAST LINE OF SAID WEST 1/2) AND PARALLEL WITH THE NORTH LINE OF SAID WEST 1/2; THENCE EAST ALONG THE LAST DESCRIBED PARALLEL LINE 450.0 FEET; THENCE SOUTH TO THE HEREIN DESCRIBED POINT OF BEGINNING. ALL IN COOK COUNTY, ILLINOIS.

P.I.N.(s): 09-28-300-021-0000

Address: 1665 W. Birchwood, Des Plaines, Illinois



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EXHIBIT B

Permitted Exceptions

PERMITTED EXCEPTIONS

1. TAXES FOR THE YEAR 2008; 2008 TAXES ARE NOT YET DUE OR PAYABLE.

PERM TAX# 09-28-300-021-0000

2. EASEMENT IN, UPON, UNDER AND ALONG THE SOUTH 10 FEET OF THE NORTH 1202.048 FEET BOTH AS MEASURED ON THE EAST LINE THEREOF OF THE EAST 874.04 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE EAST 40.0 FEET THEREOF) AS MEASURED PERPENDICULARLY TO THE EAST LINE OF SAID WEST 1/2 OF THE LAND TO INSTALL AND MAINTAIN ALL EQUIPMENT FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY WITH TELEPHONE AND ELECTRIC SERVICE TOGETHER WITH THE RIGHT OF ACCESS THERETO, AS CREATED BY GRANT TO THE COMMONWEALTH EDISON COMPANY AND MIDDLE STATES TELEPHONE COMPANY OF ILLINOIS RECORDED MARCH 27, 1964 AS DOCUMENT 19031126.

3. EASEMENT OVER, UNDER AND UPON THE NORTH 15 FEET AND THE EAST 6 FEET AND THE WEST 6 FEET OF THE LAND, TO ERECT, REPLACE AND MAINTAIN IN ALL WAYS, CONDUITS, MAINS, PIPES, WIRES OR OTHER CONDUCTORS FOR CARRYING OR CONVEYING ELECTRICITY, GAS, WATER AND OTHER UTILITIES AS RESERVED IN DEED FROM J. EMIL ANDERSON AND SON, INC., A CORPORATION OF ILLINOIS TO CHICAGO ALMOND PRODUCTS COMPANY, A CORPORATION OF ILLINOIS RECORDED MARCH 26, 1965 AS DOCUMENT 19417709.

4. EASEMENT OVER, UNDER AND UPON THE SOUTH 20 FEET OF LAND FOR THE INSTALLATION, MAINTENANCE AND USE OF PUBLIC UTILITIES, TOGETHER WITH RIGHT TO GRANT THE AFORESAID RESERVED EASEMENT RIGHTS TO OTHERS AS RESERVED IN DEED FROM J. EMIL ANDERSON AND SON, INC., A CORPORATION OF ILLINOIS TO CHICAGO ALMOND PRODUCTS COMPANY, A CORPORATION OF ILLINOIS RECORDED MARCH 26, 1965 AS DOCUMENT 19417709.

5. COVENANTS, CONDITIONS AND RESTRICTIONS (BUT OMITTING ANY SUCH COVENANTS OR RESTRICTIONS 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) CONTAINED IN DEED FROM J. EMIL ANDERSON AND SON, INC., A CORPORATION OF ILLINOIS TO CHICAGO ALMOND PRODUCTS COMPANY, A CORPORATION OF ILLINOIS RECORDED MARCH 26, 1965 AS DOCUMENT 19417709 RELATING TO THE USE, PARKING AREA ON LAND, CONSTRUCTION, MATERIALS AND LOCATION OF BUILDINGS TO BE ERECTED ON LAND.

6. RIGHTS OF THE PUBLIC OR QUASI PUBLIC UTILITIES AS DISCLOSED BY SURVEY MADE BY SPACECO INC. DATED SEPTEMBER 23, 2008 AS JOB NUMBER 5560 DEPICTING THE FOLLOWING: OVERHEAD WIRES.

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PLAT ACT AFFIDAVIT

STATE OF ILLINOIS

*Birchwood Industrial Center PG, LLC

COUNTY OF COOK } SS.

John Pagliari, the sole member of JP Portfolio, LLC, the manager of*, being duly sworn on oath, states that his office is located at 6250 N. River Road, Suite 4050, Rosemont, IL 60018. That the attached deed is not in violation of 765 ILCS 205/1 for one of the following reasons:

- 1. Said Act is not applicable as the grantors own no adjoining property to the premises described in said deed;

- OR -

the conveyance falls in one of the following exemptions as shown by Amended Act which became effective July 17, 1959.

- 2. The division or subdivision of the land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
- 3. The divisions of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
- 4. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- 5. The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities, which does not involve any new streets or easement of access.
- 6. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
- 7. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- 8. Conveyances made to correct descriptions in prior conveyances.
- 9. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than two parts and not involving any new streets or easements of access.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

Affiant further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of Cook County, Illinois, to accept the attached deed for recording.

Birchwood Industrial Center PG, LLC, an Illinois limited liability company

SUBSCRIBED and SWORN to before me

this 27th day of October, 2008

Mary Folan
Notary Public

By: JP Portfolio, LLC, an Illinois limited liability company, its Manager

By: John Pagliari, its Sole Member

