



09061498

This instrument is exempt from all transfer and recordation tax, stamp tax, sales and use tax and similar taxes by operation of 11 U.S.C. §1146(c) and in accordance with that certain Order dated August 18, 1999 confirming Debtors' Amended Joint Plan of Reorganization, as entered in the case styled In re: Long John Silver's Restaurants, Inc., et al. (case nos. 98-1164 to 98-1169 (MFW)) in the United States Bankruptcy Court for the District of Delaware.

**SPECIAL WARRANTY DEED
(Estate for Years and Improvements and Option)**

THIS INDENTURE, is made this 1ST day of September, 1999 LONG JOHN SILVER'S, INC., a Delaware corporation, whose address is P.O. Box 11988, Lexington, Kentucky 40579-1988 ("Grantor"), in consideration of \$10 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, as of this 1ST day of September, 1999, has GRANTED, BARGAINED, WARRANTED, SOLD, REMISED, RELEASED, ALIENATED, CONVEYED AND CONFIRMED and by these presents does hereby GRANT, BARGAIN, WARRANT, SELL, REMISE, RELEASE, ALIENATE CONVEY AND CONFIRM and by these presents, against all persons lawfully claiming, or to claim the same by, through or under it, it WILL WARRANT AND DEFEND to LOJON PROPERTY LLC, a Delaware limited liability company ("Grantee"), whose address is c/o U.S. Realty Advisors, LLC, 1370 Avenue of the Americas, 29th Floor, New York, New York 10019, Attention: David M. Ledy, (i) an estate for years (the "Estate for Years") commencing on the date hereof through and including midnight on September 30, 2019, in all that certain parcel or parcels of land more particularly described in Exhibit A attached hereto and made a part hereof, for all purposes together with all of Grantor's right, title and interest, if any, in and to all streets and roads abutting the said parcel or parcels ("Premises") and (ii) that option to purchase the remainder interest (the "Remainder Purchase Option") of LJ Remainder LLC, a Delaware limited liability company ("LJ"), which Remainder Purchase Option may be exercised, upon and subject to the same terms and conditions as the terms and conditions set forth in that certain Option and Subordination Agreement, dated as of the date hereof, by and between LJ, as Optionor, and Grantee, as Optionee, which Remainder Purchase Option is, and is intended to be, the same as the purchase option reserved in the deed from Grantor to LJ, of even date herewith.

Cook County Clerk's Office

TOGETHER WITH all buildings and improvements now located on the Premises, whether below or above grade level, as well

01-210099.01
FFCA No. 8000-3303
Contract No. 3082
Unit No. 3202
Hanover Park, IL

99-04409, 177

788

as all the fixtures and systems located therein and thereon (all such buildings, improvements, fixtures and systems being collectively referred to as the "Improvements"), which are intended to be and remain real property and to be and remain the sole and exclusive property of Grantee and its successors and assigns. The foregoing conveyance shall include any possibility of reverter to Grantor during the term of the Estate for Years and is subject to the Permitted Exceptions set forth in Exhibit B attached hereto and made a part hereof for all purposes.

Grantor hereby binds itself and its successors to warrant and forever defend the right and title to the Estate for Years, the Improvements and the Remainder Purchase Option unto Grantee, its successors and assigns, against the claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

TO HAVE AND TO HOLD said Estate for Years, and all privileges and appurtenances, including, without limitation, all easements thereto belonging, unto Grantee and its successors and assigns, through and including midnight on September 30, 2019, and to have and to hold the Improvements and the Remainder Purchase Option unto Grantee and its successors and assigns forever.

IT BEING THE INTENT of Grantor and Grantee to convey to Grantee the Estate for Years in the Premises and the fee title in the Improvements and the Remainder Purchase Option, all as reserved in the deed from Grantor to LJ, of even date and recorded contemporaneously herewith.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

Permanent Real Estate Index Number(s): 0709-300-003
Address(es) of real estate: 800 IRVING PARK ROAD, HANOVER PARK, IL 60103

IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its Senior Vice President, the day and year first above written.

LONG JOHN SILVER'S, INC., a Delaware corporation

By Mark J. Plummer
Mark J. Plummer
Senior Vice President

This instrument was prepared by Mark R. Nethers, Esq., Kutak Rock, Sixteenth Floor,
3300 North Central Avenue, Phoenix, AZ 85012-2516

Mark R. Nethers, Esq.
Kutak Rock
MAIL TO: Sixteenth Floor
3300 North Central Avenue
Phoenix, AZ 85012-2516
OR RECORDER'S OFFICE BOX NO. _____

SEND SUBSEQUENT TAX BILLS TO:
FFCA Acquisition Corporation
(Name)
17207 North Perimeter Drive
(Address)
Scottsdale, AZ 85255
(City, State and Zip)

AFTER RECORDING RETURN TO.

Benjamin S. Cohen (99-000718)
LandAmerica National Commercial Services
888 West Sixth Street, 4th Floor
Los Angeles, CA 90017



I hereby declare that the attached deed represents a transaction exempt under provisions of Paragraph (i) Section 4 of the Real Estate Transfer Tax Act.

Dated this 1st day of September 1999.

M. McCall Rep
Buyer-Seller or Representative

UNOFFICIAL COPY

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

09061498

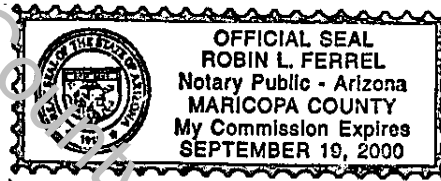
I, Robin L. Ferrel, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Mark J. Plummer, personally known to me to be the Senior Vice President of Long John Silver's, Inc., a Delaware corporation, personally known to me to be the Senior Vice President of said corporation, 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 severally acknowledged that as such Senior Vice President, he signed and delivered the said instrument pursuant to authority, given by the Board of Directors of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 31 day of August, 1999.

Robin L. Ferrel

Notary Public

Commission expires _____



UNOFFICIAL COPY

EXHIBIT A

09061498

LEGAL DESCRIPTION.

That part of the West 1/2 of the Southwest 1/4 of Section 29, Township 41 North, Range 10 East of the Third Principal Meridian, bounded by a line described as follows:

Commencing at the Southwest corner of the Southwest 1/4 of said Section 29; thence North 87 degrees 59 minutes 36 seconds East along the South line of the Southwest 1/4 of said Section 29, a distance of 241.53 feet to the Southwest corner of Olde Salem Commercial Park Unit 1, being a subdivision of part of the Southwest 1/4 of Section 29, aforesaid; thence North 1 degrees 15 minutes 36 seconds East along the West line of said Subdivision, 50.08 feet to the point of beginning of the parcel to be described; thence South 87 degrees 59 minutes 36 seconds West along the North line of Chicago-Elgin Road, 200.00 feet to a point 41.53 feet East of (as measured along said North line) the West line of the Southwest 1/4 of said Section 29; thence North 1 degrees 15 minutes 36 seconds East parallel with the West line of said Southwest 1/4 of Section 29, 175.00 feet; thence North 87 degrees 59 minutes 36 seconds East, parallel with the South line of said Southwest 1/4 of Section 29, 200 feet to a point in the West line of said Olde Salem Commercial Park Unit 1; thence South 1 degrees 15 minutes 36 seconds West along the last mentioned West line, 175.00 feet to the point of beginning, in Cook County, Illinois.

FFCA# 8000-3303
HANOVER PARK, IL

Clerk's Office

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EXHIBIT B

PERMITTED EXCEPTIONS

All those recorded easements, restrictions, liens and encumbrances set forth as exceptions in the title insurance policy issued to Grantee by Lawyers Title Insurance Corporation in connection with the conveyance hereby.

Property of Cook County Clerk's Office

LEGAL FORMS

BOX _____

SPECIAL WARRANTY DEED

Corporation to Individual

TO

ADDRESS OF PROPERTY:

MAIL TO:

GEORGE E. COLE[®]

01-210099.01
FFCA No. 8000-3303
Contract No. 3082
Unit No. 3202
Hanover Park, IL

Property of Cook County Clerk's Office

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 11/10, 1999

Signature: Lisa Christianson
Grantor or Agent

Subscribed and sworn to before me by the said Lisa Christianson this 10 day of November, 1999
Notary Public Steve T. Knupp

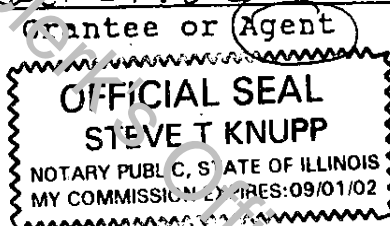


The Grantee or his Agent affirms and verifies that the name of the Grantee shown on the Deed or Assignment of Beneficial Interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, 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 11/10, 1999

Signature: Lisa Christianson
Grantee or Agent

Subscribed and sworn to before me by the said Lisa Christianson this 10 day of November, 1999
Notary Public Steve T. Knupp



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.

(Attach 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.)



EUGENE "GENE" MOORE

RECORDER OF DEEDS / REGISTRAR OF TORRENS TITLES
COOK COUNTY, ILLINOIS