

UNOFFICIAL COPY

THIS DOCUMENT WAS PREPARED BY
AND AFTER RECORDING MUST BE
RETURNED TO

SCHIFF HARDIN & WAITE
7300 Sears Tower
Chicago, Illinois 60606
Attn: David Grossberg, Esq.

09195714

9835/0391 45 001 Page 1 of 9
1999-12-27 15:18:57
Cook County Recorder 37.00



This space is for RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

THAT, MELK DEVELOPMENT/MCL SCOTT SEDGWICK, L.P., an Illinois limited partnership ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid to the undersigned by OLD TOWN SQUARE SHOPPING CENTER, LLC, an Illinois limited liability company ("Grantee"), whose mailing address is c/o 455 East Illinois Street, Suite 565, Chicago, Illinois 60611, the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, BARGAINED, SOLD, AND CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL, ALIEN, CONVEY and CONFIRM unto Grantee that certain real property being more particularly described in EXHIBIT A attached hereto and made a part hereof for all purposes, together with all improvements and fixtures situated thereon (collectively, 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 Grantee, its successors, and Grantor hereby agrees to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through or under Grantor but not otherwise.

Commonly known as: Old Town Square Shopping Center, Clybourn and Division Streets, Chicago, IL.

P.I.N.s:

17-04-134-011 and 012
17-04-143-022, 025, 030, 031,
034, 035, 046, 047, 050, 051,
052, 053, 054, 055 and 056 (a minor
portion of 056)

EXEMPT UNDER 35ILCS 200/31-45
PARAGRAPH _____, AND COOK
COUNTY UNDER PARAGRAPH _____

David Grossberg

Grantor or Legal Representative

Dated: _____

12/17/99

BOX 333-CT1

by 781237102 1 of 4

S of P

UNOFFICIAL COPY

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed by its duly authorized officer, by authority of its Board of Directors, the day and year first above written.

EXECUTED as of this _____ day of _____, 1999.

09195714

GRANTOR:

Melk Development/ MCL Scott Sedgwick, L.P.,
an Illinois limited partnership

MEL Companies of Chicago, Inc.

Its: General Partner

By: [Signature]

Name: Daniel E. McLean

Its: President

Property of Cook County Clerk's Office

ACKNOWLEDGMENTS

STATE OF ILLINOIS

§
§
§

SS.

COUNTY OF COOK

I, BRIDGET A. SCHREIBER

, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT DANIEL E. MCLEAN

personally appeared before me this day and acknowledged that s/he is the Pres of MEL Companies of Chicago, Inc. of Melk Development/ MCL Scott Sedgwick, L.P., an Illinois limited partnership, appeared before me and ~~the~~ acknowledged that by authority duly given and as the act of the limited partnership, as in such capacity general partner of the partnership, the foregoing instrument was signed in its name as its free act and deed.

WITNESS my hand and official seal this 17th day of December, 1999.

Bridget A. Schreiber

Notary Public

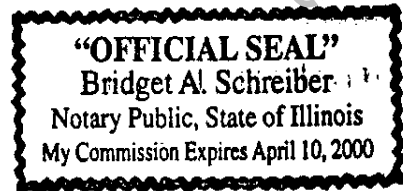
My Commission Expires:

SEND SUBSEQUENT TAX BILLS TO:

Old Town Square Shopping Center, L.L.C.
(Name)

c/o 455 East Illinois Street, Suite 565
(Address)

Chicago, Illinois 60611
(City, State and Zip)



UNOFFICIAL COPY

EXHIBIT A

Legal Description

09195714

PARCEL 1:

LOT 10, EXCEPT THE NORTH 30 FEET AND EXCEPT THE EAST 100 FEET IN BUTTERFIELD'S ADDITION TO CHICAGO IN THE WEST ½ OF THE NORTHWEST ¼ AND THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2:

LOT 16 IN BUTTERFIELD'S ADDITION TO CHICAGO IN THE WEST ½ OF THE NORTHWEST ¼ AND THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF LOT 16 FALLING IN OSCAR MAYER'S RESUBDIVISION OF VARIOUS LOTS AND ALLEYS IN VARIOUS SUBDIVISIONS IN THE WEST HALF OF THE NORTHEAST HALF AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 4 AFORESAID), IN COOK COUNTY, ILLINOIS.

PARCEL 3 :

LOTS 1, 2 AND 3 IN SUBDIVISION OF THE EAST 100 FEET OF THE SOUTH 76 FEET OF LOT 10, IN BUTTERFIELD, ADDITION TO CHICAGO, AFORESAID, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

LOTS 1 AND 4 IN THE SUBDIVISION OF LOTS 14 AND 15 IN BUTTERFIELD'S ADDITION TO CHICAGO IN THE WEST ½ OF THE NORTHWEST ¼ AND THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 35 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

LOTS 1, 2, 3, 4 AND 5 IN THE SUBDIVISION OF SUB-LOTS 2 AND 3 OF LOTS 14 AND 15 IN BUTTERFIELD'S ADDITION TO CHICAGO IN THE WEST ½ OF THE NORTHWEST ¼ AND THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 35 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

LOTS 1 THROUGH 9, BOTH INCLUSIVE IN ASSESSOR'S DIVISION OF LOTS 11, 12 AND 13 IN BUTTERFIELD'S ADDITION TO CHICAGO IN THE WEST ½ OF THE NORTHWEST ¼ AND THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

UNOFFICIAL COPY

09195714

PARCEL 7:

LOTS 6 AND 7 IN THE SUBDIVISION OF LOT 9 AND THE NORTH 30 FEET OF LOT 10 IN BUTTERFIELD'S ADDITION TO CHICAGO IN THE WEST ½ OF THE NORTHWEST 1/4 AND THE SOUTH EAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 8:

THE EAST 12 FEET OF LOT 5 IN SUBDIVISION OF LOT 9 AND THE NORTH 30 FEET OF LOT 10 IN BUTTERFIELD'S ADDITION TO CHICAGO IN THE WEST ½ OF THE NORTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 9:

ALL OF THE 12 FOOT VACATED NORTH AND SOUTH ALLEY LYING WEST OF AND ADJOINING LOTS 6 AND 7 IN THE SUBDIVISION OF LOT 9 AND THE NORTH 30 FEET OF LOT 10 IN SAID BUTTERFIELD'S ADDITION TO CHICAGO, LYING SOUTH OF THE NORTH LINE, EXTENDED WEST OF SAID LOT 7 AND LYING NORTH OF THE SOUTH LINE, EXTENDED WEST OF SAID LOT 6 IN COOK COUNTY, ILLINOIS

PARCEL 10:

ALL OF THE 12 FOOT VACATED EAST AND WEST ALLEY LYING SOUTH OF THE SOUTH LINE OF LOT 4 IN SAID OSCAR MAYER'S RESUBDIVISION, LYING WEST OF THE EAST LINE, EXTENDED SOUTH OF SAID LOT 4 AND LYING EAST OF THE MOST EASTERN WESTERLY LINE OF SAID LOT 4, EXTENDED SOUTH, COOK COUNTY, ILLINOIS

PARCEL 11:

ALL THAT PART OF THE NORTH AND SOUTH AND NORTHWESTERLY AND SOUTHEASTERLY 12 FOOT VACATED ALLEY LYING EASTERLY OF THE EAST LINE OF LOT 1, LYING WESTERLY OF THE WESTERLY LINE AND SAID WESTERLY LINE EXTENDED SOUTH OF LOT 4 IN SAID OSCAR MAYER'S RESUBDIVISION, LYING NORTHERLY OF THE MOST SOUTHERLY SOUTH LINE EXTENDED EAST OF SAID LOT 1 AND LYING SOUTHERLY AND SOUTH EASTERLY OF THE MOST NORTHERN SOUTHERLY LINE OF SAID LOT 1, COOK COUNTY, ILLINOIS.

PARCEL 12:

LOTS 1 TO 4 INCLUSIVE OF OSCAR MAYER'S RESUBDIVISION OF VARIOUS LOTS AND VACATED ALLEYS IN VARIOUS SUBDIVISIONS IN THE WEST ½ OF THE NORTHEAST 1/4 AND IN THE EAST ½ OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED NOVEMBER 21, 1980 AS DOCUMENT 25677341 AND REGISTERED IN THE REGISTRAR'S OFFICE OF COOK COUNTY, ILLINOIS NOVEMBER 21, 1980 AS DOCUMENT LR3189994, (EXCEPT THE NORTH 22 FEET OF LOTS 2 AND 3 AND EXCEPT THAT PART

UNOFFICIAL COPY

09195714

OF LOT 2 LYING WEST OF A LINE DRAWN PERPENDICULAR TO THE NORTH LINE OF SAID LOT 2 THROUGH A POINT THEREIN 109.75 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 2) IN COOK COUNTY, ILLINOIS

PARCEL 13:

LOT 1 (EXCEPT THE NORTH 22:0 FEET THEREOF) AND LOTS 2, 3, AND 4 IN THE SUBDIVISION OF BLOCK 8 AND STREET IN BLOCK 9 IN BUTTERFIELD'S ADDITION TO CHICAGO, A SUBDIVISION IN THE WEST HALF OF THE NORTHWEST QUARTER AND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO

ALL OF THE NORTH AND SOUTH 12 FOOT VACATED ALLEY LYING WEST OF AND ADJOINING LOT 1 (EXCEPT THE NORTH 22.0 FEET THEREOF) AND LOTS 2, 3 AND 4 IN THE SUBDIVISION OF BLOCK 8 AND STREET IN BLOCK 9 IN BUTTERFIELD'S ADDITION TO CHICAGO, A SUBDIVISION IN THE WEST HALF OF THE NORTHWEST QUARTER AND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 14:

THAT PART OF LOTS 1 AND 2 IN THE SUBDIVISION OF LOTS 18 AND 19 IN BUTTERFIELD'S ADDITION TO CHICAGO IN THE WEST HALF OF THE NORTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHEASTERLY OF THE SOUTHEASTERLY EXTENSION OF THE WEST LINE OF LOT 2 IN OSCAR MAYER'S RESUBDIVISION OF VARIOUS LOTS AND VACATED ALLEYS IN VARIOUS SUBDIVISIONS IN THE WEST HALF OF THE NORTHEAST QUARTER AND IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED NOVEMBER 21, 1980 AS DOCUMENT 25677341 AND REGISTERED IN THE REGISTRAR'S OFFICE OF COOK COUNTY, ILLINOIS, NOVEMBER 21, 1980 AS DOCUMENT LR3189994, IN COOK COUNTY, ILLINOIS.

PARCEL 15:

THAT PART OF VACATED WEST SCOTT STREET LYING WEST OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 3 TO THE NORTHEAST CORNER OF LOT 4 IN OSCAR MAYER'S RESUBDIVISION OF VARIOUS LOTS AND VACATED ALLEYS IN VARIOUS SUBDIVISIONS IN THE WEST HALF OF THE NORTHEAST QUARTER AND IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED NOVEMBER 21, 1980 AS DOCUMENT 25677341 AND REGISTERED IN THE REGISTRAR'S OFFICE OF COOK COUNTY, ILLINOIS, NOVEMBER 21, 1980 AS DOCUMENT LR3189994, IN COOK COUNTY, ILLINOIS.

ALSO

UNOFFICIAL COPY

09195714

THAT PART OF VACATED HUDSON AVENUE LYING BETWEEN LOTS 2 AND 3 IN OSCAR MAYER'S RESUBDIVISION AND LYING NORTH OF VACATED WEST SCOTT STREET AND LYING SOUTH OF A LINE 22 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF WEST GOETHE STREET IN THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

ALSO

THAT PART OF THE EAST AND WEST VACATED ALLEY TOGETHER WITH THAT PART OF THE NORTHEASTERLY AND SOUTHWESTERLY VACATED ALLEY LYING WEST OF THE WEST LINE OF VACATED NORTH HUDSON AVENUE EXTENDED SOUTH AND LYING EAST OF THE SOUTHEASTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF THE NORTHEASTERLY 13.0 FEET OF LOT 2 IN THE SUBDIVISION OF LOTS 18 AND 19 IN BUTTERFIELD'S ADDITION TO CHICAGO IN THE WEST HALF OF THE NORTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

09195714

UNOFFICIAL COPY

09195714

EXHIBIT B

Permitted Exceptions

1. REAL ESTATE TAXES NOT YET DUE AND PAYABLE.
2. EASEMENT IN FAVOR OF COMMONWEALTH EDISON, AMERITECH, PEOPLES GAS LIGHT & COKE COMPANY AND CHICAGO CABLE, 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 PLAT RECORDED/FILED AS DOCUMENT NO. 08168997 AS SHOWN ON THE SURVEY DATED OCTOBER 3, 1998, LAST PREPARED BY GREMLEY & BIEDERMANN, INC., AS JOB NO.
3. EASEMENT IN FAVOR OF AMERITECH ILLINOIS AND COMMONWEALTH EDISON, 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. ~
4. LEASE MADE BY MELK DEVELOPMENT/MCL SCOTT SEDGEWICK L.P. TO BLOCKBUSTER, INC. DATED AND RECORDED MARCH 10, 1999 AS DOCUMENT NO. 99226695, DEMISING THE LAND FOR A TERM OF YEARS BEGINNING AND ENDING 10 YEARS WITH 3 FIVE YEAR EXTENSTIONS, 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.
5. LEASE MADE BY MELK DEVELOPMENT/MCL SCOTT SEDGWICK, L.P., AN ILLINOIS LIMITED PARTNERSHIP, AS LESSOR, AND DOMINICK'S FINER FOODS, INC., A DELAWARE CORPORATION, AS LESSEE, DATED ~, WHICH MEMORANDUM OF LEASE WAS RECORDED ~ AS DOCUMENT ~, WHICH LEASE DEMISES THE LAND FOR A TERM OF YEARS AS SET FORTH IN ARTICLE II OF THE LEASE AGREEMENT, 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. LEASE SHALL BE AUTOMATICALLY EXTENDED FOR (5) CONSECUTIVE PERIODS OF (5) YEARS EACH. THE FIRST EXTENDED TERM COMMENCES IMMEDIATELY FOLLOWING THE EXPIRATION OF THE INITIAL TERM.
6. ASSIGNMENT OF LEASES MADE BY MELK DEVELOPMENT/MCL SCOTT SEDGWICK, L.P., AN ILLINOIS LIMITED PARTNERSHIP TO OLD TOWN SQUARE SHOPPING CENTER, L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY, DATED ~ AND RECORDED ~ AS DOCUMENT ~.

UNOFFICIAL COPY

09195714

7. SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT MADE BY AND BETWEEN BLOCKBUSTER, INC., TENANT, OLD KENT BANK, LENDER, AND OLD TOWN SQUARE SHOPPING CENTER, L.L.C., LANDLORD, RECORDED ~ AS DOCUMENT ~.
8. SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT MADE BY AND BETWEEN DOMINICK'S FINER FOODS, INC., A DELAWARE CORPORATION, TENANT, OLD KENT BANK, LENDER, AND OLD TOWN SQUARE SHOPPING CENTER, L.L.C., AND LANDLORD, RECORDED ~ AS DOCUMENT ~.

Property of Cook County Clerk's Office

UNOFFICIAL COPY

09195714

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 12/17, 1999

Subscribed and sworn to before me by the said MCL Companies of Chicago, Inc., an Illinois corporation, Grantor's general partner this 17th day of December, 1999.

Bridget A. Schreiber
Notary Public

By: [Signature]
Name: DANIEL E. MCLEAN
Title: President

My commission expires: Bridget A. Schreiber
Notary Public, State of Illinois
My Commission Expires April 10, 2000

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: December 17, 1999

Subscribed and sworn to before me by the said Old Town Square Shopping Center, L.L.C. this 17th day of December, 1999.

Bridget A. Schreiber
Notary Public

By: Old Town Square Shopping Center, Inc., its manager

By: [Signature]
Name: DANIEL E. MCLEAN
Title: President

My commission expires: Bridget A. Schreiber
Notary Public, State of Illinois
My Commission Expires April 10, 2000

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 provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.]