

UNOFFICIAL COPY



Deed

Doc#: 1104729099 Fee: \$56.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 02/16/2011 12:42 PM Pg: 1 of 11

This Instrument was prepared by,
and when recorded should be
returned to:

GoodSmith Gregg & Unruh LLP
150 S. Wacker Drive, Suite 3150
Chicago, Illinois 60603
Attention: Linda Schurman, Esq.

Send subsequent tax bills to:

RiverSource Life Insurance Co.
of New York
c/o Real Estate Loan Management
25515 Ameriprise Financial Center
Minneapolis, Minnesota 55474
Attention: Tasha Kirk

Exempt under provisions of Paragraph
Section 31-45, Property Tax Code
2/16/11
Date
[Signature]
Buyer, Seller, or Representative

SPECIAL WARRANTY DEED

THIS DEED, made as of the 10th day of February, 2011, by **VAN BUREN ASSOCIATES**, an Illinois general partnership ("Grantor"), to **RIVERSOURCE NY REO, LLC**, a New York limited liability company ("Grantee").

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain tract or parcel of land, and all buildings and improvements located thereon, and all appurtenances thereto, lying and being in the County of Cook, State of Illinois, more particularly described in Exhibit A attached hereto and made a part hereof, subject, however, to those matters described in Exhibit B attached hereto and made a part hereof.

To have and to hold said property, together with all privileges and appurtenances thereunto belonging, unto Grantee and its successors and assigns in fee simple forever.

And Grantor and its successors and assigns covenants with the Grantee, its successors and assigns, that Grantor has not done or suffered to be done anything to impair or encumber such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming or to claim the same by, under or through Grantor.

Grantor and (by acceptance of this Deed) Grantee acknowledge and agree that the mortgagee's interest under the Mortgage (as hereinafter defined) is held by Grantee and that the

NCS 491 304 - NY 5.13
First American Title Order #

UNOFFICIAL COPY

Mortgage encumbers the same real property being conveyed to Grantee by this Deed. Grantor and Grantee agree that Grantee's interest under the Mortgage shall not merge with the interest of Grantee in the real property being conveyed to Grantee pursuant to this Deed. It is the express intention of Grantor and Grantee that such mortgagee's interest of Grantee and such fee interest of Grantee herein shall not merge, but shall be and remain at all times separate and distinct, notwithstanding any union of said interests in Grantee at any time by purchase, termination, or otherwise, and that Grantee's lien under the Mortgage in the real property conveyed hereby shall be and remain at all times a valid and continuous lien on such real property.

As used herein, the term "Mortgage" shall mean that certain Mortgage and Security Agreement and Fixture Financing Statement with Assignment of Leases and Rents dated March 4, 2004 and recorded on March 8, 2004, in the office of the Recorder of Deeds, Cook County, Illinois as Document No. 0406842228, as assigned to Grantee by that certain Assignment of Mortgage dated FEBRUARY 10, 2011 and recorded on FEBRUARY 16, 2011 in said office as Document No. 10-472909-7

The real property that is the subject of this Deed is being transferred in accordance herewith subject to the Mortgage and the indebtedness secured thereby. Grantor hereby agrees that it shall not be released from liability for the indebtedness secured by the Mortgage except as otherwise expressly agreed in writing by Grantee.

Grantor acknowledges and agrees that the conveyance of the subject property to Grantee according to the terms of this Deed is an absolute and unconditional conveyance of all of its rights, title and interest in and to the real property, in fact, as well as form, and was not and is not now intended as a mortgage, trust, conveyance, deed of trust, or other security instrument of any kind, the consideration for such conveyance being exactly as recited herein; that Grantor has no further interests (including rights of redemption, equitable or statutory) or claims in and to the subject property or to the proceeds and profits that may be derived thereof of any kind whatsoever; that possession of the real property hereby is surrendered and delivered to Grantee; that in executing this Deed, Grantor is acting with the advice of counsel, and is not acting under any misapprehension as to the effect hereof or any duress, undue influence, or misrepresentation by Grantee or its representatives, agents or attorneys; that this deed is not given as a preference over other creditors of Grantor; and that there is no person, partnership or corporation other than Grantee interested in the subject property directly or indirectly in any manner whatsoever except as aforesaid.

This Deed is given by Grantor as a deed in lieu of foreclosure within the purview of 735 ILCS 5/15-1401 et seq. It is the purpose and intent of Grantor and Grantee that the interests of Grantee hereunder shall not merge with the interests of Grantee under the Mortgage.

Signature Page Follows

UNOFFICIAL COPY

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name by its duly authorized representatives on the day and year first above written, but effective as of closing of the transaction contemplated hereby.

VAN BUREN ASSOCIATES, an Illinois general partnership

By: BK Van Buren LLC, an Illinois limited liability company, its general partner

By: Richard Byrne
Name: Richard Byrne
Title: manager of BKVB

By: CZ Investors Limited Partnership, an Illinois limited partnership, its general partner

By: _____
Name: _____
Title: _____

Property of Cook County Clerk's Office

UNOFFICIAL COPY


IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name by its duly authorized representatives on the day and year first above written, but effective as of closing of the transaction contemplated hereby.

VAN BUREN ASSOCIATES, an Illinois general partnership

By: BK Van Buren LLC, an Illinois limited liability company, its general partner

By: _____
Name: _____
Title: _____

By: CZ Investors Limited Partnership, an Illinois limited partnership, its general partner

By: 
Name: DAVID ZAROVE
Title: GENERAL PARTNER

Property of Cook County Clerk's Office

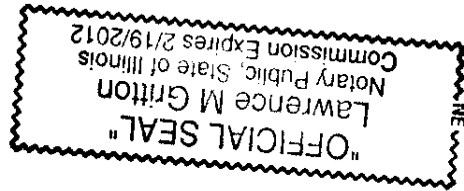
UNOFFICIAL COPY

STATE OF ILLINOIS)
) ss.
COUNTY OF Cook)

On this ___ day of _____, 2011, before me, the undersigned, a Notary Public in and for said state, personally appeared RICHARD C. BERGER, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person who executed the within instrument as the manager of BK Van Buren LLC, an Illinois limited liability company, the company that executed the within instrument as general partner and on behalf of Van Buren Associates, an Illinois general partnership, the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature: *Lawrence M Gritton*
Name: _____
My Commission Expires: _____

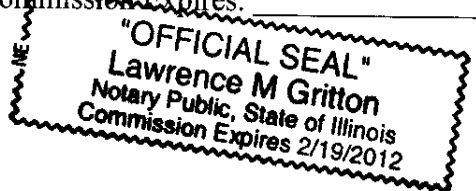


STATE OF ILLINOIS)
) ss.
COUNTY OF Cook)

On this ___ day of _____, 2011, before me, the undersigned, a Notary Public in and for said state, personally appeared David Zarve, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person who executed the within instrument as the general partner of CZ Investors Limited Partnership, an Illinois limited partnership, the partnership that executed the within instrument as general partner and on behalf of Van Buren Associates, an Illinois general partnership, the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature: *Lawrence M Gritton*
Name: _____
My Commission Expires: _____



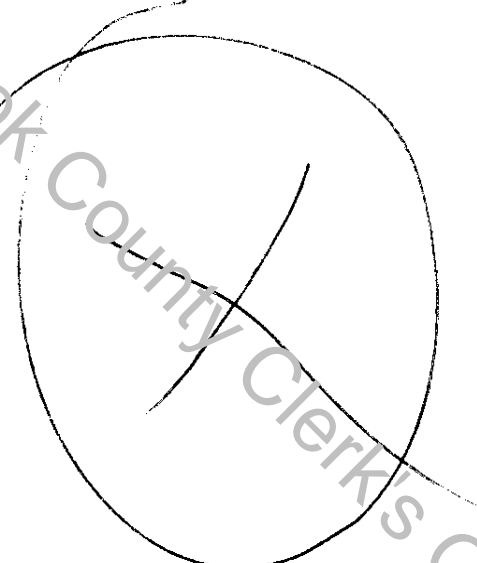
UNOFFICIAL COPY

EXHIBIT A TO DEED

LEGAL DESCRIPTION

See attached.

Property of Cook County Clerk's Office



PIN: 17-16-228-013-0000

Common Address: 212 West Van Buren, Chicago, Illinois

UNOFFICIAL COPY

LEGAL DESCRIPTION

PARCEL 1:

SUB-LOT 3 IN LAFLIN, LOOMIS AND CLARE'S PARTITION OF LOTS 14, 15 AND 16 AND THE SOUTHERLY 13 FEET OF LOT 13, ALL IN THOMAS H. HUBBARDS SUBDIVISION OF THE EAST 1/2 OF BLOCK 91 IN SCHOOL SECTION ADDITION TO CHICAGO IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, RECORDED FEBRUARY 21, 1878 AS DOCUMENT 170095.

PARCEL 2:

6 FOOT PRIVATE ALLEY LYING NORTH OF AND ADJOINING SUB-LOT 3 AS SHOWN ON THE PLAT OF LAFLIN, LOOMIS AND CLARE'S PARTITION OF LOTS 14, 15 AND 16 AND THE SOUTHERLY 13 FEET OF LOT 13, ALL IN THOMAS H. HUBBARDS SUBDIVISION OF THE EAST 1/2 OF BLOCK 91 IN SCHOOL SECTION ADDITION TO CHICAGO IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, RECORDED FEBRUARY 21, 1878 AS DOCUMENT 170095.

PARCEL 3:

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE AGREEMENT DATED JULY 6, 1886 AND RECORDED MAY 23, 1887 AS DOCUMENT 832440 MADE BY JOHN G. SHORTALL AND OTHERS OVER THE FOLLOWING DESCRIBED LAND:

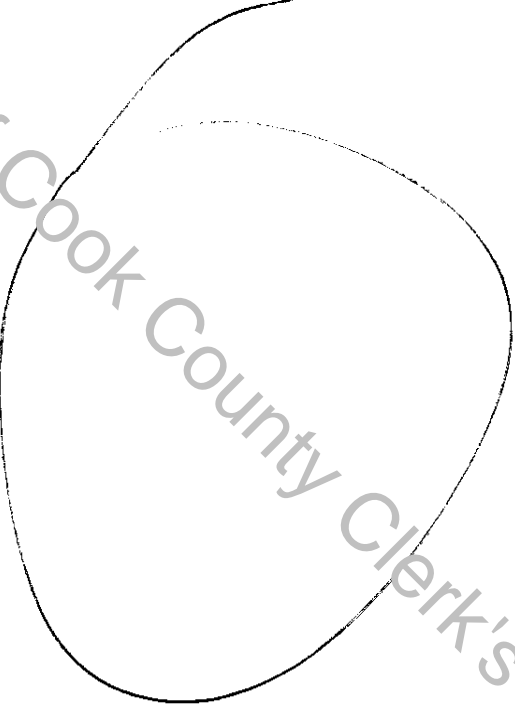
BEGINNING AT A POINT ON THE WEST LINE OF LOT 3 IN LOOMIS AND OTHERS SUBDIVISION AFORESAID 80 FEET NORTH OF THE NORTH LINE OF VAN BUREN STREET; RUNNING THENCE EAST 73 1/2 FEET TO A POINT 6 FEET SOUTH OF THE NORTH LINE OF LOT 3 AFORESAID, AND 20 FEET EAST OF THE WEST LINE THEREOF; THENCE NORTH 12 FEET TO A POINT 6 FEET SOUTH OF THE NORTH LINE OF LOT 13 AFORESAID; THENCE WEST 73 1/2 FEET TO A POINT IN THE EAST LINE OF MAIN ALLEY RUNNING NORTH AND SOUTH THROUGH THE MIDDLE OF SAID BLOCK 91, 6 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 13; THENCE SOUTH 12 FEET TO THE POINT OF BEGINNING.

UNOFFICIAL COPY

EXHIBIT B TO DEED
PERMITTED EXCEPTIONS

See attached.

Property of Cook County Clerk's Office




UNOFFICIAL COPY

PERMITTED EXCEPTIONS

Those Schedule B, Part Two exceptions as described in that certain First American Title Insurance Company title commitment number NCS-471304-NY effective as of January 6, 2011.

Property of Cook County Clerk's Office



UNOFFICIAL COPY

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 Jan 31, 2011 Signature [Signature]
Grantor or Agent [Signature]

Subscribed and sworn to before me by the said Lawrence M. Griffin affiant this 30th day of January, 2011.
Notary Public [Signature]



The grantee or his agent affirms and verified 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 acquired and hold title 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 _____, 20____ Signature _____
Grantee or Agent _____

Subscribed and sworn to before me by the said _____ affiant this _____ day of _____, 20____.
Notary Public _____

Note: Any person who knowingly submits a false statement concerning the identify 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.)

UNOFFICIAL COPY

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 _____, 20____ Signature _____
Grantor or Agent

Subscribed and sworn to before me by the said _____ affiant this _____ day of _____, 20____.
Notary Public _____

The grantee or his agent affirms and verified 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 acquired and hold title 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 February 10, 20 11 Signature Michelle M. Harper, as agent
Grantee or Agent

Subscribed and sworn to before me by the said _____ affiant this 9th day of February, 20 11.
Notary Public Brandon Medley



Note: Any person who knowingly submits a false statement concerning the identify 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.)