

# UNOFFICIAL COPY

This Instrument Prepared By  
and After Recording Please Return

to:

Kilpatrick Townsend & Stockton  
LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530  
Attn: Sidney O. Sirans, Esq.



Doc#: 1125244060 Fee: \$46.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 09/09/2011 03:16 PM Pg: 1 of 6

NC-492744IL7  
2012 HB

(Space above this line for recorder's use)

## RELEASE OF MORTGAGE AND OTHER LIENS

This Release is made by Bank of America, National Association, successor-by-merger to LaSalle Bank National Association, as Trustee for Bear Stearns Commercial Mortgage Securities Inc., Commercial Mortgage Pass-Through Certificates, Series 2002-TOP6 (the "Lender"), as of the 1<sup>st</sup> day of September, 2011.

## RECITALS

- A. Lender has made a loan to BB (Multi) Limited Partnership, a Delaware limited partnership (the "Borrower").
- B. The loan is secured in part by the following instrument:
- 1) Mortgage, made by Borrower as mortgagor in favor of Wells Fargo Bank National Association ("Original Lender") as mortgagee, and recorded with the Cook County Recorder February 5, 2002, as Document Number 0020145661, as affected by an

# UNOFFICIAL COPY

assignment recorded with the Cook County Recorder on May 9, 2002, as Document 0020532290 (hereinafter collectively referred to as the "**Mortgage**");

C. The Mortgage (hereinafter sometimes referred to as the "**Collateral Document**"), encumbers the property located in Matteson, Illinois (the "**Property**"), which property is legally described in **Exhibit A** attached hereto and incorporated herein by this reference.

D. Lender now desires to release the lien of the Mortgage on the Property.

NOW, THEREFORE, for good and valuable consideration, of which the receipt and sufficiency is hereby acknowledged, Lender remises, conveys, releases and quit claims to Borrower, all of the right, title and interest it may have acquired in and to the Property by virtue of the Collateral Document, and the Collateral Document is hereby terminated of record.

Notwithstanding the release of the lien of the Mortgage from the Property as provided herein, that certain Promissory Note Secured by Deeds of Trust, dated as of January 25, 2002, in the principal amount of \$28,500,000.00 (the "**Note**"), to Borrower currently held by Lender shall remain in full force and effect and is not cancelled, and all indemnities and other obligations under the Mortgage, which, by their terms, survive a release of the lien of the Mortgage shall remain in full force and effect and are not cancelled. The obligations of Borrower under the Note are being assumed by Wachovia Defeasance BSCMS 2002-TOP6 III, LLC, a Delaware limited liability company ("**Successor Borrower**"), pursuant to that certain Defeasance Assignment, Assumption and Release Agreement dated as of the date hereof by and among Borrower, Successor Borrower, Lender and the other parties signatory thereto.

Furthermore, notwithstanding anything to the contrary contained herein, the lien created against the Property is released in its entirety and in all respects. Lender shall have no continuing rights, interests or privileges whatsoever with respect to the Property, or any portion thereof, and Lender shall have no rights of action, foreclosure, recourse or otherwise whatsoever with respect to or against the Property, or any portion(s) thereof, from and after the date hereof, including, without limitation, arising from any purported breach or default by Borrower or its successors or assigns of any obligations that purport to have survived the release made hereby.

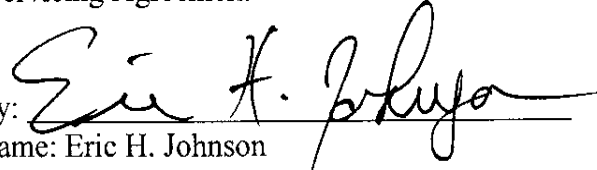
[Remainder of Page Intentionally Left Blank]

# UNOFFICIAL COPY

IN WITNESS WHEREOF, Lender has executed this Release as of the date above first written.

Bank of America National Association, successor-by-merger to LaSalle Bank National Association, as Trustee for Bear Stearns Commercial Mortgage Securities Inc., Commercial Mortgage Pass-Through Certificates, Series 2002-TOP6


By: Wells Fargo Bank, National Association, as Master Servicer pursuant to the Pooling and Servicing Agreement

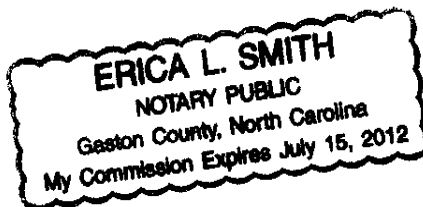
By:   
Name: Eric H. Johnson  
Title: Assistant Vice-President

STATE OF NORTH CAROLINA )  
  ) ss.  
COUNTY OF MECKLENBURG )

This instrument was acknowledged before me by Eric H. Johnson, Assistant Vice President of Wells Fargo Bank, National Association, as Master Servicer for Bank of America, National Association, successor-by-merger to LaSalle Bank National Association, as Trustee for Bear Stearns Commercial Mortgage Securities Inc., Commercial Mortgage Pass-Through Certificates, Series 2002-TOP6, known to me to be, or proven on the basis of satisfactory evidence to be, the person described herein, who executed the foregoing instrument, and acknowledged to me that Eric H. Johnson executed the same freely and voluntarily and for the uses and purposes therein mentioned.

GIVEN under my hand and notarial seal this 29 day of August, 2011.

  
Notary Public

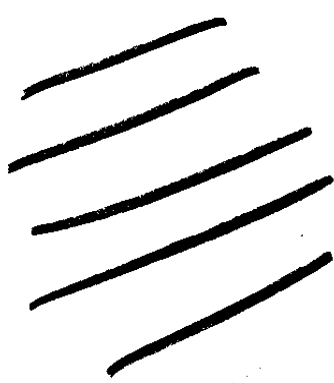



# UNOFFICIAL COPY

## EXHIBIT A

Legal Description  
(see attached)

Property of Cook County Clerk's Office



# UNOFFICIAL COPY

## EXHIBIT A

### Legal Description of the Property

#### Matteson, Illinois

Permanent Tax Index No.: 31-22-300-039, Volume 179

Street Address: 4707 Lincoln Mall Drive,  
Matteson, Illinois

#### PARCEL 1:

The reciprocal and non-exclusive easements for ingress and egress and for the installation, operation, maintenance, repair, replacement, relocation and removal of storm and sanitary sewers, water lines and gas mains, electrical power lines, telephone lines and other utility lines, created and granted as appurtenances to the hereinafter Parcel 3 and other property all created, defined and limited by that certain Total Site Agreement dated March 7, 1972 and recorded March 24, 1972 as Document 21846182 by and between Chicago Title and Trust Company, a corporation of Illinois, as Trustee under Trust Agreement dated June 4, 1971 and known as trust number 57420, Carson Pirie Scott and Company, a Delaware Corporation, J. C. Penney Properties, Inc., a Delaware Corporation, Montgomery Ward Development Corporation, a Delaware Corporation, Wieboldt Stores, Inc., an Illinois Corporation, and Chicago Title and Trust Company, a corporation of Illinois, as Trustee under Trust Agreement dated July 30, 1971 and known as trust number 57866, in, on, over, upon and under Lots 2, 3 (except that part of Lot 3 condemned in Case Number 83L052236), 4, 5, 8, 9, 10, 11 and 12 in Lincoln Mall Subdivision aforesaid as shown on the plot plan attached to the said Total Site Agreement as amended and modified by that certain Easement Relocation Agreement, First Amendment to Total Site Agreement and Highway Easement Relocation and Drainage Grant Easement, recorded on September 9, 1977 in the Office of Recorder of Deeds for Cook County, Illinois as Document Number 24099069, Second Amendment to Total Site Agreement recorded November 21, 2006 as Document 0632545026.

#### PARCEL 2:

Non-exclusive easement for the benefit of Parcel 3 and other property as created by Grant of Easement dated May 4, 1990 and recorded May 4, 1990 as Document 90207754 for installation, use, operation, maintenance, repair and replacement of the outfall facilities and other drainage facilities over the following described land: the South 100 feet of the North 153.49 feet of Lot 21 lying Westerly of the centerline of Butterfield Creek in Block 2 in Matteson Farms, a Subdivision in the West half (1/2) of the South East quarter (1/4) of Section 22, Township 35 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

#### PARCEL 3:

Lot 2 in the resubdivision of Lot 9 in Lincoln Mall, being a subdivision of part of the Southwest quarter (1/4) of Section 22, Township 35 North, Range 13, East of the Third

# UNOFFICIAL COPY

Principal Meridian, according to the plat thereof recorded October 30, 1978 as Document 24693781, in Cook County, Illinois.

PARCEL 4:

Non-Exclusive Easement for the benefit of Parcel 3, created by Document dated March 7, 1972 and recorded March 24, 1972 as Document Number 21846183 by and between Chicago Title and Trust Company, Trust number 57420, Carson Pirie Scott & Company, J.C. Penney Properties Inc., Montgomery Ward Development Corp. and Wieboldt Stores, Inc., in, to, over and across the Common Area Portion, for ingress and egress, for passage and accommodation of pedestrians, over, upon and across Lots 1, 3, 4, 5 and 6 in Lincoln Mall Subdivision.

Property of Cook County Clerk's Office