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1135004144D

## SPECIAL WARRANTY DEED

Doc#: 1135004144 Fee: \$52.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 12/16/2011 01:34 PM Pg: 1 of 9

Prepared by and after recording  
Send to:

David L. Mitchell  
Robins, Kaplan, Miller & Ciresi L.L.P.  
800 LaSalle Avenue, #2800  
Minneapolis MN 55402

THIS SPECIAL WARRANTY DEED is made as of this 29 day of November, 2011, between **OPUS REAL ESTATE IL VII BURR RIDGE, L.L.C.**, a Delaware limited liability company ("Grantor"), with an address of 10350 Bren Road West, Minnetonka, Minnesota 55343, and **BROC, L.L.C.**, a Delaware limited liability company ("Grantee"), with an address of 10350 Bren Road West, Minnetonka, Minnesota 55343.

### WITNESSETH:

That Grantor, for and in consideration of the sum of TEN AND NO/ 100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, by these presents does GRANT, BARGAIN AND SELL unto Grantee and its successors and assigns, forever, all of Grantor's right, title and interest in and to the following described real property (the "Property"), situated in the County of Cook, State of Illinois, known and described as follows, to wit:

See legal description attached hereto as Exhibit A and made a part hereof.

Permanent Index Nos.: 18-30-300-053-1006 and 18-30-300-053-1009

Property Address: 570 Village Center Drive, Burr Ridge, Illinois

together with all and singular the hereditaments and appurtenances thereunto belonging, 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 Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances: TO HAVE AND TO HOLD the Property, with the appurtenances, unto Grantee, its successors and assigns forever, subject to the matters set forth on Exhibit B attached hereto and made a part hereof (the "Permitted Exceptions");

And Grantor, for itself and its successors, does covenant, promise and agree to and with Grantee, its successors and assigns that it has not done or suffered to be done anything whereby the Property hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and that it WILL WARRANT AND DEFEND the Property against all persons lawfully claiming, or to claim the same, by, through or under it, subject to the Permitted Exceptions.

S y  
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This Special Warranty Deed is given by Grantor as a deed in lieu of foreclosure. It is the purpose and intent of Grantor and Grantee that the interests of Grantee hereunder shall not merge with the interests of BRLEnd, L.L.C., a Delaware limited liability company, as owner and holder by assignment of that certain Construction Mortgage, Security Agreement, Assignment of Leases and Rents and Fixture Filing dated December 29, 2006, made by Grantor in favor of LaSalle Bank National Association, as administrative agent for certain lenders, recorded on January 4, 2007 with the Recorder of Deeds in Cook County, Illinois (the "Recorder's Office"), as Document No. 0700444034, as amended by that certain Mortgage Modification Agreement dated October 15, 2007 between Bank of America, N.A., successor by merger to LaSalle Bank National Association, as administrative agent for certain lenders, and Grantor, and as further amended by that certain Amendment to Mortgage, Security Agreement, Assignment of Rents and Leases and Fixture Filing dated December 31, 2009, recorded on January 14, 2010 in the Recorder's Office as Document No. 1001418064.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

**OPUS REAL ESTATE IL VII BURR RIDGE,  
L.L.C.**, a Delaware limited liability company

By: 

Name: \_\_\_\_\_

Its: \_\_\_\_\_

**Wade C. Lau  
Vice President**

THIS DEED EXEMPT FROM TRANSFER  
TAX UNDER PROVISIONS OF PARAGRAPH  
L FOR STATE OF ILLINOIS AND M FOR  
COOK COUNTY, SECTION 4, REAL ESTATE  
TRANSFER TAX ACT.

Dated: November , 2011

\_\_\_\_\_  
Wade C. Lau, Vice President

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STATE OF MINNESOTA     )  
  ) ss  
COUNTY OF HENNEPIN    )

On this 23<sup>rd</sup> day of November, 2011, before me, a Notary Public, personally appeared Wade C. Lau, who being by me duly sworn, did say that he is the Vice President of Opus Real Estate IL VII Burr Ridge, L.L.C., a Delaware limited liability company, and that the foregoing special warranty deed was signed on behalf of such limited liability company, and acknowledged said instrument to be the free act and deed of such limited liability company.

GIVEN under my hand and official notarial seal, the day and year last above written.



Stephanie L. McMillin  
Notary Public

**Send Subsequent Tax Bills To:**

BROC, L.L.C.  
10350 Bren Road West  
Minnetonka, Minnesota 55343

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## Exhibit A

### LEGAL DESCRIPTION

#### PARCEL 1:

UNIT NUMBERS 203 AND 205 IN THE 570 VILLAGE CENTER DRIVE CONDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED TRACT OF LAND: LOT 2-2 IN BURR RIDGE VILLAGE CENTER RESUBDIVISION BEING A SUBDIVISION OF WEST 1/2 OF THE SECTION 30, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH SURVEY IS ATTACHED AS EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM RECORDED DECEMBER 20, 2007 AS DOCUMENT NUMBER 0735415113 AS AMENDED BY FIRST AMENDMENT RECORDED MARCH 13, 2009 AS DOCUMENT 0907216041 AND AMENDED FROM TIME TO TIME; TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS IN COOK COUNTY ILLINOIS.

#### EASEMENT PARCEL:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, PARKING, UTILITIES INCLUDING STORM WATER DRAINAGE, SANITARY SEWER, WATER, GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION AND COMMUNICATION INCLUDING VERTICAL RIGHTS AND FOR STRUCTURAL SUPPORT AND ENCROACHMENTS, AS CREATED BY DECLARATION OF RECIPROCAL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS FOR BURR RIDGE VILLAGE CENTER DATED AUGUST 28, 2006 AND RECORDED OCTOBER 4, 2006 AS DOCUMENT 0627734129 AS AMENDED AND RESTATED BY DECLARATION RECORDED NOVEMBER 30, 2007 AS DOCUMENT 0733403124 OVER THE COMMON AREAS AS DEFINED THEREIN.

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## Exhibit B

### PERMITTED EXCEPTIONS

1. TAXES AND ASSESSMENTS FOR THE CALENDAR YEAR 2011 AND SUBSEQUENT YEARS NOT YET DUE AND PAYABLE
2. DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR BURR RIDGE PARK MADE BETWEEN AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 3, 1980 AND KNOWN AS TRUST NUMBER 48739 (DECLARANT) AND EMRO LAND COMPANY, A DELAWARE CORPORATION (DEVELOPER) RECORDED JANUARY 3, 1984 AS DOCUMENT 26915063.
3. DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR BURR RIDGE PARK OWNERS ASSOCIATION MADE BETWEEN AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 3, 1980 AND KNOWN AS TRUST NUMBER 48739 (DECLARANT) AND EMRO LAND COMPANY, A DELAWARE CORPORATION (DEVELOPER) RECORDED APRIL 12, 1984 AS DOCUMENT 27042757 AND ANY AMENDMENTS RECORDED FROM TIME TO TIME.
4. GRANT OF EASEMENT AND AGREEMENT RECORDED JANUARY 3, 1984 AS DOCUMENT 26915065 BETWEEN AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 3, 1980 AND KNOWN AS TRUST NUMBER 48739 (GRANTOR) AND THE VILLAGE OF BURR RIDGE, DUPAGE AND COOK COUNTIES (GRANTEE) AND AS DEPICTED ON PLAN OF BURR RIDGE PARK UNIT 1 RECORDED JANUARY 3, 1984 AS DOCUMENT 26915064, FOR THE BENEFIT OF THE PUBLIC, FOR THE PURPOSE OF INSPECTING, INSTALLING, OPERATING, MAINTAINING, REPAIRING AND REPLACING UNDERGROUND SANITARY SEWER AND WATER MAINS, EASEMENTS APPURTENANCES. SAID GRANT DOCUMENT 26915065 ALSO INCLUDES A GRANT A PUBLIC UTILITY EASEMENT TO THE COMMONWEALTH EDISON COMPANY, THE ILLINOIS BELL TELEPHONE COMPANY AND NORTHERN ILLINOIS GAS COMPANY AND THEIR RESPECTIVE SUCCESSOR AND ASSIGNS OVER THE SAME AREA.
5. COVENANTS AND RESTRICTIONS (BUT OMITTING ANY SUCH COVENANT OR RESTRICTION 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

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HANDICAPPED PERSONS), RELATING TO VARIOUS ISSUES INCLUDING INGRESS AND EGRESS EASEMENTS, SIGNAGE, STORMWATER EASEMENTS, FENCE AND RELATED LANDSCAPING AND PARKING AND PARKING DECKS CONTAINED IN THE DECLARATION OF EASEMENTS, COVENANTS, RESTRICTIONS, AND SIGNAGE, DATED SEPTEMBER 15, 2000 AND RECORDED OCTOBER 25, 2000 AS DOCUMENT 00839540 MADE BY COLE TAYLOR BANK AS TRUSTEE UNDER TRUST NUMBER 95-2107, AS AMENDED AND RESTATED AND REPLACED BY DECLARATION OF EASEMENTS, COVENANTS, RESTRICTIONS AND SIGNAGE MADE BY OPUS REAL ESTATE IL VII BURR RIDGE, L.L.C. AND LTF USA REAL ESTATE COMPANY, LLC, DATED AUGUST 15, 2006 AND RECORDED SEPTEMBER 20, 2006 AS DOCUMENT 0626331049, AS AMENDED BY FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS, COVENANTS, RESTRICTIONS AND SIGNAGE RECORDED DECEMBER 15, 2010 AS DOCUMENT 1034431086 WHICH DOES NOT CONTAIN A REVERSIONARY OR FORFEITURE CLAUSE.

6. TERMS AND CONDITIONS CONTAINED IN THE DEVELOPMENT AGREEMENT BETWEEN VILLAGE OF BURR RIDGE AND OPUS NORTH CORPORATION DATED APRIL 29, 2005 AND RECORDED MAY 31, 2005 AS DOCUMENT 051503100 RELATING TO VARIOUS ISSUES INCLUDING ZONING, PLAN APPROVAL AND SUBDIVISION APPROVAL, CONSTRUCTION OF STREETS AND REIMBURSEMENTS.

FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF BURR RIDGE, COOK AND DUPAGE COUNTIES AND OPUS NORTH CORPORATION, AMENDMENT DATED JUNE 29, 2006 AND RECORDED AUGUST 3, 2006 AS DOCUMENT 0621510090, RELATING TO DEVELOPMENT ACCORDING TO THE ORDINANCES ATTACHED TO SAID FIRST AMENDMENT AND A POLICING EXPENSE "CONTRIBUTION RELATIVE TO THE TRANSFER OF TITLE TO ANY PROPERTY LOCATED ON THE SUBJECT PROPERTY (I.E. RESIDENTIAL CONDOMINIUM UNITS), AS EVIDENCED BY THE RECORDING OF A DEED OR ASSIGNMENT OR TRANSFER OF BENEFICIAL INTEREST TO ANY PERSON/ENTITY." OPUS NORTH CORPORATION TO MAKE SAID CONTRIBUTION AT RATE OF \$5.00 PER \$1,000 OF VALUE FOR EACH TRANSFER, BEFORE RECORDATION OF THE DEED. SAID CONTRIBUTION SHALL ONLY APPLY TO THE INITIAL TRANSFER OF THE RESIDENTIAL CONDOMINIUM UNITS FOR THEIR STATED PURCHASE PRICE.

ASSIGNMENT DATED AUGUST 15, 2006 AND RECORDED AUGUST 16, 2006 AS DOCUMENT 0622832088 FROM OPUS NORTH CORPORATION TO OPUS REAL ESTATE IL VII BURR RIDGE, L.L.C.

THIRD AMENDMENT DATED AUGUST 28, 2006 AND RECORDED SEPTEMBER 20, 2006 AS DOCUMENT 0626331045 AMENDS EXHIBIT A.

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7. TERMS AND CONDITIONS CONTAINED IN THE INCREMENTAL SALES TAX REBATE AGREEMENT DATED APRIL 29, 2005 AND RECORDED MAY 31, 2005 AS DOCUMENT 0515103099 BETWEEN THE VILLAGE OF BURR RIDGE, COOK AND DUPAGE COUNTIES AND OPUS NORTH CORPORATION RELATING TO ACQUISITION OF THE UNDERLYING LAND BY OPUS NORTH CORPORATION, CONSTRUCTION OF OFF-SITE IMPROVEMENTS AND REIMBURSEMENT BY THE VILLAGE OF BURR RIDGE TO OPUS NORTH CORPORATION FOR A CERTAIN PORTION OF SAID COSTS FROM A REBATE OF SALES TAX REVENUE GENERATED BY THE SITE.

ASSIGNMENT DATED AUGUST 15, 2006 AND RECORDED AUGUST 16, 2006 AS DOCUMENT 0622832089 FROM OPUS NORTH CORPORATION TO OPUS REAL ESTATE IL VII BURR RIDGE, L.L.C.

SECOND AMENDMENT DATED AUGUST 28, 2006 AND RECORDED SEPTEMBER 20, 2006 AS DOCUMENT 0626331046 AMENDS EXHIBIT A.

8. TERMS AND CONDITIONS CONTAINED IN THE SUBDIVISION IMPROVEMENT COMPLETION AGREEMENT DATED AUGUST 28, 2006 AND RECORDED OCTOBER 2, 2006 AS DOCUMENT 0627510199 MADE BY AND BETWEEN OPUS REAL ESTATE IL VII BURR RIDGE L.L.C. AND THE VILLAGE OF BURR RIDGE RELATING TO THE COMPLETION AND MAINTENANCE OF THE SUBDIVISION IMPROVEMENTS.
9. PUBLIC SIDEWALK AND LANDSCAPING EASEMENT IN FAVOR OF VILLAGE OF BURR RIDGE, AND ITS RESPECTIVE SUCCESSORS AND ASSIGNS, TOGETHER WITH THE RIGHT OF ACCESS, CONTAINED IN THE PLAT OF BURR RIDGE VILLAGE CENTER SUBDIVISION RECORDED OCTOBER 2, 2006 AS DOCUMENT 0627510200.
10. PRIVATE DRIVE EASEMENT IN FAVOR OF THE REMAINDER OF THE BURR RIDGE VILLAGE CENTER SUBDIVISION FOR THE PURPOSE OF INGRESS AND EGRESS, AS SHOWN ON BURR RIDGE VILLAGE CENTER SUBDIVISION RECORDED OCTOBER 2, 2006 AS DOCUMENT 0627510200 AND AS DESCRIBED IN DECLARATION OF RECIPROCAL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED OCTOBER 4, 2006 AS DOCUMENT 0627734129.

NOTE: PER SECTION 1(n) OF SAID DECLARATION MOST OF OUTLOT B IS ALSO DESIGNATED AS 'VILLAGE GREEN' AREA WITH NONEXCLUSIVE EASEMENT RIGHTS IN THE VILLAGE OF BURR RIDGE FOR USE AS OUTDOOR ACTIVITIES AS DESCRIBED THEREIN.

11. DECLARATION OF RECIPROCAL EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS FOR BURR RIDGE VILLAGE CENTER DATED AUGUST 28, 2006 AND RECORDED OCTOBER 4, 2006 AS DOCUMENT

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0627734129 AS AMENDED AND RESTATED BY DECLARATION RECORDED NOVEMBER 30, 2007 AS DOCUMENT 0733403124 WHICH DOES NOT CONTAIN A REVERSIONARY OR FORFEITURE CLAUSE.

12. EASEMENT IN FAVOR OF THE COMMONWEALTH EDISON COMPANY, THE ILLINOIS BELL TELEPHONE COMPANY DOING BUSINESS AS SBC AMERITECH ILLINOIS AND THEIR RESPECTIVE LICENSEES, 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 MADE BY OPUS REAL ESTATE IL VII BURR RIDGE, L.L.C. RECORDED DECEMBER 18, 2007 AS DOCUMENT NO. 0735239135.
13. TERMS, PROVISIONS, COVENANTS, CONDITIONS, LIMITATIONS AND EASEMENTS CONTAINED IN THE DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS AND COVENANTS FOR 570 VILLAGE CENTER DRIVE CONDOMINIUM RECORDED DECEMBER 20, 2007 AS DOCUMENT NO. 0735415113, AS AMENDED FROM TIME TO TIME.
14. CONSTRUCTION MORTGAGE SECURITY AGREEMENT, ASSIGNMENT OF LEASES AND RENTS AND FIXTURE FILING DATED AS OF DECEMBER 29, 2006 AND RECORDED JANUARY 4, 2007 AS DOCUMENT NO. 0700444034 MADE BY OPUS REAL ESTATE IL VII BURR RIDGE, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY TO LASALLE BANK NATIONAL ASSOCIATION TO SECURE AN INDEBTEDNESS IN THE AMOUNT OF \$104,150,000.00; AS MODIFIED BY MODIFICATION AGREEMENT DATED OCTOBER 15, 2007, RECORDED OCTOBER 18, 2007 AS DOCUMENT 0729144018, INCREASING LOAN AMOUNT TO \$121,200,000.00; AS FURTHER AMENDED BY AMENDMENT DATED DECEMBER 31, 2009 AND RECORDED JANUARY 14, 2010 AS DOCUMENT 1001418064.
15. ASSIGNMENT OF RENTS RECORDED JANUARY 4, 2007 AS DOCUMENT NO. 0700444035 MADE BY OPUS REAL ESTATE IL VII BURR RIDGE, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, TO LASALLE BANK NATIONAL ASSOCIATION; AS MODIFIED BY MODIFICATION AGREEMENT DATED OCTOBER 15, 2007, RECORDED OCTOBER 18, 2007 AS DOCUMENT 0729144018; AS FURTHER MODIFIED BY MODIFICATION AGREEMENT DATED DECEMBER 31, 2009 AND RECORDED JANUARY 14, 2010 AS DOCUMENT 1001418064.



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## 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 and hold title to real estate under the laws of the State of Illinois.

Dated Nov 29, 2011 Signature: [Signature]  
Grantor or Agent

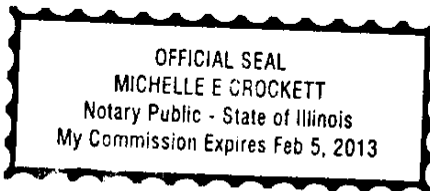
Subscribed and sworn to before me by the

said LINDA KENT

this 29th day of Nov

2011

[Signature]  
Notary Public



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 Nov 29, 2011 Signature: [Signature]  
Grantee or Agent

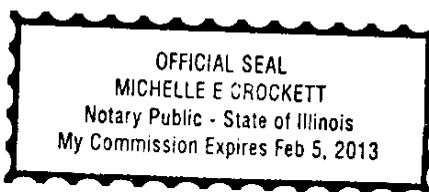
Subscribed and sworn to before me by the

said LINDA KENT

this 29th day of November

2011

[Signature]  
Notary Public



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.]