UNOFFICIAL COPY

Parcel Identification No.: See Attached Exhibit A

Store #Y200207

This Instrument Prepared by: KFC Corporation Yum! Brands, Inc. 1441 Gardiner Lane Louisville, Kentucky 40213

Record and Recorn to: Stewart National Title Services P.O. Box 190 Westerville, Ohio 4.5026-0190 Attn: Gaye A. Pfeifer Doc#: 1424841107 Fee: \$44.00 RHSP Fee:\$9.00 RPRF Fee: \$1.00 Karen A.Yarbrough

Cook County Recorder of Deeds
Date: 09/05/2014 02:40 PM Pg: 1 of 4

SPECIAL WARRANTY DEED

This Indenture, made this A day of August, 2014 between KFC Corporation, a Delaware corporation, whose post office address is c/o Yum! Brands, Inc., 1441 Gardiner Lane, Louisville, Kentucky 40213, of the County of Jefferson, State of Kentucky ("Grantor"), and CJS Chicago Archer Ave, LLC, a Delaware limited liability company, whose tax billing address is c/o Orion Investment and Management Lto. Corp., 200 S. Biscayne Blvd., 6th Floor, Miami, Florida 33131, of the County of Miami-Dade, State of Florida, ("Grantee"),

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the real property (the 'Property") located in Cook County, Illinois, and more particularly described, as follows:

See Exhibit "A" Attached Hereto and Made a Part Here of

Prior Instrument Reference: 91103792

Property Address: 6040 S. ARCHER AVENUE, CHICAGO, IL

TOGETHER WITH all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

THIS CONVEYANCE is subject to the following terms and conditions and restrictions:

A. Taxes and assessments for the year 2014 and subsequent years which are not yet due and payable;

1424841107D Page: 2 of 4

UNOFFICIAL COPY

- B. Easements, covenants, restrictions, reservations and matters of public record, if any, but this reference shall not operate to re-impose same.
- C. Grantee, for itself and its successors and assigns, hereby agrees that, for a period of twenty (20) years from recordation of this Deed, no portion of the Property shall be used by Grantee, its successors and assigns, or any affiliate, licensee or lessee thereof, substantially (meaning more than 15% of its menu offerings) for the sale of (i) chicken or chicken products, including without limitation chicken wings; (ii) any Mexican food items, including, but not limited to, tacos, burritos, Mexican pizza and Mexican chicken, or (iii) any Italian food items including, but not limited to, pizza and pasta, except that the Property may be used and operated as a KFC, Taco Bell and/or Pizza Hut brand restaurant by Yum! Brands, Inc. or any one or more of its affiliates or franchisees under a valid franchise agreement with any one of Yum! Brands, Inc. affiliates. Such use restrictions may only be waived in writing by Yum! Brands, Inc., or its successor in interest and then-owner of the majority of the brands KFC, Taco Bell and Pizza Hut.
- D. In the event that the Property shall cease being used for a period of two (2) years or longer either as a KYC, Taco Bell and/or Pizza Hut branded restaurant, and provided that Grantee, or its successor of assigns, has sent written notice to Yum! Brands, Inc., Attn: Legal Department- Real Estate, 1441 Gardiner Lane, Louisville, Kentucky 40213 and has offered the Property as available as for sale or lease at then-fair market value to Yum! Brands, Inc. (or to any of its affiliates or franchisees, and provided that Yum! Brands, Inc., or any of its affiliates or franchisees) and Yum! Brands, Inc. has wrived this restriction in writing or has otherwise elected (itself or any of the above-referenced parties) not to purchase or lease the Property within one (1) year after said notice, this restriction may be declared void by Grantee or its successors or assigns.
- E. In the event of any waiver of the foregoing restriction by Yum! Brands, Inc., or its successor or assigns, or its earlier termination, and prior to any conversion to any other use, Grantee, or its successors and assigns, at its sole cost and expense, shall cause the Property to be de-identified as a Yum! Brand restaurant in accordance with Yum! Brands then current de-identification standards.

TO HAVE and to hold the same in fee simple forever.

GRANTOR hereby covenants with Grantee that it is lawfully seized of the Property in fee simple, that it has good right and lawful authority to sell and convey the Property, that it hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but no other.

THIS SPACE INTENTIONALLY LEFT BLANK-SIGNATURE ON NEXT PAGE

1424841107D Page: 3 of 4

UNOFFICIAL COPY

In Witness Whereof, Grantor has hereunto set Grantor's hand the day and year first above written.

Signed, sealed and delivered in our presence:

Wain Dealing

Witness Name: Diana Beakes

Witness Name Stacey Offi

KFC Corporation, a Delaware corporation

By:

Name: Melanie A. Bootes

Title: Assistant Secretary

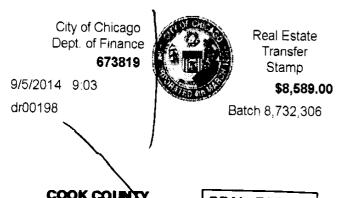
STATE OF KENTUCKY COUNTY OF JEFFERSON

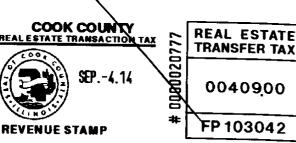
I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Melanie A. Bootes, whose name as Assistant Secretary of KFC Corporation, a Delaware corporation, is signed to the foregoing, and who is known to me, acknowledged before me on this day that, being informed of the contects of the foregoing, Melanie A. Bootes as such officer and with full authority executed the same voluntarily for and as the act of said corporation on the day the same bears date.

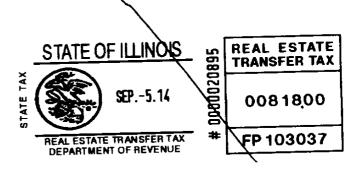
Given under my hand and official seal this the day of August, 2014.



NOTARY PUBLIC
Print Name: Erm Mctaley Sones
My commission expires: March 1, 2017







1424841107D Page: 4 of 4

UNOFFICIAL COPY

Exhibit A

Store #Y200207

6040 S. ARCHER AVENUE, CHICAGO, IL

Cook County

LOTS 17, 18, 19, 20, 21, 22 AND 23 IN BLOCK 21 IN CRANE ARCHER AVENUE HOME ADDITION IN CHICAGO, IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CENTER LINE OF ARCHER AVENUE, IN COOK COUNTY, ILLINOIS. A057-0000

COOK COUNTY CLOTH'S OFFICE

PIN: 19-08-419-057-0000