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THIS DOCUMENT WAS PREPARED BY:

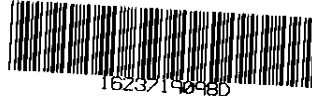
Lawrence M. Gritton
126 West Chicago Avenue
Chicago, IL 60654

UPON RECORDING RETURN TO:

Bradley Ritter
Paul Hastings LLP
71 South Wacker Drive, Suite 4500
Chicago, IL 60606

MAIL SUBSEQUENT TAX BILLS TO:

State & Washington Owner LLC
c/o Acadia Realty Trust
411 Theodore Fremd Avenue, Suite 300
Rye, NY 10580
Attention: Jason Blacksberg



Doc#: 1623719098 Fee: \$54.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 08/24/2016 10:44 AM Pg: 1 of 9

The above space for recorders use only

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of August 23, 2016 by SMITHFIELD PROPERTIES XVII/STATE AND WASHINGTON, L.L.C., an Illinois limited liability company, having an address at 126 West Chicago Avenue, Chicago, IL 60654 ("Grantor"), in favor of STATE & WASHINGTON OWNER LLC, a Delaware limited liability company, having an address at c/o Acadia Realty Trust, 411 Theodore Fremd Avenue, Suite 300, Rye, NY 10580 ("Grantee").

WITNESSETH:

That Grantor, for and in consideration of the sum of \$10.00 and other good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto Grantee and Grantee's heirs, successors and assigns, in and to the following described land (the "Land") in Cook County, Illinois:

See Exhibit A attached hereto and incorporated herein by reference for the description of the Land conveyed herein

TOGETHER with all the tenements, hereditaments, and appurtenances thereto.

TO HAVE AND TO HOLD the same unto Grantee and Grantee's heirs, successors and assigns in fee simple forever.

This conveyance is made subject to those matters described on Exhibit B attached hereto and to applicable zoning ordinances, matters appearing on any recorded plat of the land, and taxes for the current year.



CCRD REVIEW


OK 8/25/16
08/25/16
08/25/16

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And Grantor does hereby covenant with Grantee that, except as noted above, title to the Land is free from all encumbrances made by Grantor, and that Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under Grantor (except as noted above), but against none other.

[Signature Page Follows]

REAL ESTATE TRANSFER TAX		24-Aug-2016	
		COUNTY:	22,299.75
		ILLINOIS:	44,599.50
		TOTAL:	66,899.25
17-09-463-007-0-000 20160801640929 0-901-499-712			

REAL ESTATE TRANSFER TAX		24-Aug-2016	
		CHICAGO:	526,875.00
		CTA:	210,750.00
		TOTAL:	737,625.00 *
17-09-463-006-0000 20160801640929 0-009-710-400			

* Total does not include any applicable penalty or interest due.

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IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed the day and year first above-written.

GRANTOR:

SMITHFIELD PROPERTIES XVII/STATE AND WASHINGTON, L.L.C., an Illinois limited liability company

By: [Signature] Harris Management, Ltd, an Illinois corporation

By: [Signature]
Name: Robert M. Levin
Title: President and Authorized Signatory

By: [Signature] NorWol Corporation, an Illinois corporation

By: [Signature]
Name: Robert Buono
Title: President and Authorized Signatory

Property of Cook County Notary Public's Office

State of Illinois)
) SS
County of Cook)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Robert M. Levin as the President and Authorized Signatory of Harris Management, Ltd., the Manager of Smithfield Properties XLIV LLC, and Robert Buono as the President and Authorized Signatory of NorWol Corporation personally known to me, whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of said corporation as Manager of said limited liability company and President of said corporation for the purposes therein set forth.

Given under my hand and official seal, this th day of August, 2016.



[Signature]
Notary Public

Commission expires: 7/17/20

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EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

COMMERCIAL BASEMENT LEVEL 1 AND 2

THAT PART OF LOTS 2, 3, 4 AND 5 IN ASSESSORS RESUBDIVISION OF SUB LOTS 1 TO 5 OF ASSESSORS DIVISION OF LOTS 1, 2, 3, 4, AND 5 IN BLOCK 58 IN THE ORIGINAL TOWN OF CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE OF 14.37 FEET ABOVE CHICAGO CITY DATUM (EXCEPT FROM SAID PROPERTY TAKEN AS 1 TRACT; THAT PART LYING BELOW A HORIZONTAL PLANE OF 14.37 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE OF 18.59 FEET AND FALLING WITHIN THE BOUNDARIES PROJECTED VERTICALLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 01° 09' 56" EAST ALONG THE EAST LINE OF LOT 4 A DISTANCE OF 45.21 FEET; THENCE SOUTH 88° 50' 04" WEST 1.29 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88° 50' 04" WEST 7.15 FEET; THENCE NORTH 01° 09' 56" WEST 15.48 FEET; THENCE NORTH 88° 50' 04" EAST 7.15 FEET; THENCE SOUTH 01° 09' 56" EAST 15.48 FEET TO THE POINT OF BEGINNING) IN COOK COUNTY, ILLINOIS.

ALSO

THAT PART OF LOTS 6 AND 7 IN ASSESSOR'S DIVISION OF LOTS 1, 2, 3, 4, AND 5 IN BLOCK 58 IN THE ORIGINAL TOWN OF CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE OF 14.37 FEET ABOVE CHICAGO CITY DATUM IN COOK COUNTY, ILLINOIS.

PARCEL 2:

COMMERCIAL FIRST FLOOR

THAT PART OF LOTS 2,3,4 AND 5 IN ASSESSORS RESUBDIVISION OF SUB LOTS 1 TO 5 OF ASSESSORS DIVISION OF LOTS 1,2, 3, 4 AND 5 IN BLOCK 58 IN THE ORIGINAL TOWN OF CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING ABOVE A HORIZONTAL PLANE OF 14.37 FEET ABOVE CHICAGO CITY DATUM AND LYING BELOW A HORIZONTAL PLANE OF 33.69 FEET ABOVE CHICAGO CITY DATUM AND FALLING WITHIN THE BOUNDARIES PROJECTED VERTICALLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 01° 10' 47" EAST ALONG THE EAST LINE OF LOTS 2 AND 3 AFORESAID 117.47 FEET; THENCE SOUTH 89° 59' 30" WEST 30.03 FEET; THENCE NORTH 00° 00' 30" WEST 7.88 FEET; THENCE NORTH 89° 59' 30" EAST 1.65 FEET; THENCE NORTH 00° 00' 30" WEST 1.80 FEET; THENCE SOUTH 89° 59' 30" WEST 1.80 FEET; THENCE SOUTH 00° 00' 30" EAST 0.80 FEET; THENCE SOUTH 89° 59' 30" WEST 20.99 FEET; THENCE NORTH 00° 00' 30" WEST 0.85 FEET; THENCE SOUTH 89° 59' 30" WEST 1.80 FEET; THENCE SOUTH 00° 00' 30" EAST 1.85 FEET; THENCE SOUTH 89° 59' 30" WEST 20.87 FEET; THENCE NORTH 00° 00' 30" WEST 1.85 FEET; THENCE SOUTH 89° 59' 30" WEST 1.85 FEET; THENCE SOUTH 00° 00' 30" EAST 1.85 FEET; THENCE NORTH 89° 59' 30" EAST 0.47 FEET; THENCE SOUTH 00° 00' 30"

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EAST 18.93 FEET TO THE SOUTH LINE OF LOT 3; THENCE SOUTH 89° 59' 56" WEST ALONG THE SOUTH LINE OF LOTS 3 AND 2 AFORESAID 89.93 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 01° 07' 18" WEST ALONG THE WEST LINE OF LOTS 2 AND 5 AFORESAID 183.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE NORTH 89° 54' 41" EAST ALONG THE NORTH LINE OF LOTS 5 AND 4 AFORESAID 63.23 FEET; THENCE SOUTH 01° 09' 56" EAST 3.81 FEET; THENCE SOUTH 88° 50' 04" WEST 1.56 FEET; THENCE SOUTH 01° 09' 56" EAST 23.22 FEET; THENCE NORTH 88° 50' 04" EAST 1.44 FEET; THENCE SOUTH 01° 09' 56" EAST 2.69 FEET; THENCE SOUTH 88° 50' 04" WEST 2.0 FEET; THENCE SOUTH 01° 09' 56" EAST 21.10 FEET; THENCE NORTH 88° 50' 04" EAST 10.42 FEET; THENCE SOUTH 01° 09' 56" EAST 7.31 FEET; THENCE NORTH 88° 50' 04" EAST 7.14 FEET; THENCE NORTH 00° 54' 54" WEST 28.12 FEET; THENCE SOUTH 88° 50' 04" WEST 1.57 FEET; THENCE NORTH 01° 09' 56" WEST 29.75 FEET TO THE NORTH LINE OF LOT 4; THENCE NORTH 89° 54' 41" EAST ALONG SAID NORTH LINE 2.86 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 01° 09' 56" EAST ALONG THE EAST LINE OF LOT 4 FOR A DISTANCE OF 55.19 FEET TO THE NORTH LINE OF LOT 2; THENCE NORTH 89° 56' 18" EAST ALONG SAID NORTH LINE 85.12 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO

THAT PART OF LOT 6 AND 7 IN ASSESSORS DIVISION OF LOTS 1, 2, 3, 4 AND 5 IN BLOCK 58 IN ORIGINAL TOWN OF CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING ABOVE A HORIZONTAL PLANE OF 14.37 FEET ABOVE CHICAGO CITY DATUM AND LYING BELOW A HORIZONTAL PLANE OF 33.69 FEET ABOVE CHICAGO CITY DATUM, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

COMMERCIAL SECOND FLOOR

THAT PART OF LOTS 2, 3, 4 AND 5 IN ASSESSORS RESUBDIVISION OF SUB LOTS 1 TO 5 OF ASSESSORS DIVISION OF LOTS 1, 2, 3, 4, AND 5 IN BLOCK 58 IN THE ORIGINAL TOWN OF CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING ABOVE A HORIZONTAL PLANE OF 33.69 FEET ABOVE CHICAGO CITY DATUM AND LYING BELOW A HORIZONTAL PLANE 49.83 FEET ABOVE CHICAGO CITY DATUM AND FALLING WITHIN THE BOUNDARIES PROJECTED VERTICALLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 01° 10' 47" EAST ALONG THE EAST LINE OF LOTS 2 AND 3 AFORESAID 128.53 FEET TO THE SOUTHEAST CORNER OF LOT 3; THENCE SOUTH 89° 59' 56" WEST ALONG THE SOUTH LINE OF SAID LOT 3 FOR DISTANCE OF 28.73 FEET; THENCE NORTH 00° 00' 30" WEST 2.01 FEET; THENCE SOUTH 89° 59' 30" WEST 0.53 FEET; THENCE NORTH 00° 00' 30" WEST 9.09 FEET; THENCE SOUTH 89° 59' 30" WEST 1.60 FEET; THENCE NORTH 00° 00' 30" WEST 7.60 FEET; THENCE NORTH 89° 59' 30" EAST 1.90 FEET; THENCE NORTH 00° 00' 30" WEST 1.95 FEET; THENCE SOUTH 89° 59' 30" WEST 1.90 FEET; THENCE SOUTH 00° 00' 30" EAST 0.90 FEET; THENCE SOUTH 89° 59' 30" WEST 20.85 FEET; THENCE NORTH 00° 00' 30" WEST 0.93 FEET; THENCE SOUTH 89° 59' 30" WEST 1.23 FEET; THENCE SOUTH 00° 00' 30" EAST 1.23 FEET; THENCE SOUTH 89° 59' 30" WEST 20.97 FEET; THENCE NORTH 00° 00' 30" WEST 1.40 FEET; THENCE SOUTH 89° 59' 30" WEST 1.80 FEET; THENCE SOUTH 00° 00' 30" EAST 2.0 FEET; THENCE NORTH 89° 59' 30" EAST 0.50 FEET; THENCE SOUTH 00° 00' 30" EAST 16.71 FEET; THENCE SOUTH 89° 59' 30" WEST 0.50

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FEET; THENCE SOUTH 00° 00' 30" EAST 2.14 FEET TO THE SOUTH LINE OF SAID LOT 3; THENCE SOUTH 89° 59' 56" WEST ALONG THE SOUTH LINE OF LOTS 3 AND 2 AFORESAID 89.67 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 01° 07' 18" WEST ALONG THE WEST LINE OF LOTS 2 AND 5 AFORESAID 183.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE NORTH 89° 54' 41" EAST ALONG THE NORTH LINE OF LOTS 5 AND 4 AFORESAID 80.08 FEET TO THE NORTHEAST CORNER OF LOT 4; THENCE SOUTH 01° 09' 56" EAST ALONG SAID EAST LINE 55.19 FEET TO THE NORTH LINE OF LOT 2; THENCE NORTH 89° 56' 18" EAST ALONG SAID NORTH LINE 85.12 FEET TO THE POINT OF BEGINNING (EXCEPT THEREFROM THAT PART DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF LOT 4; THENCE SOUTH 01° 09' 56" EAST ALONG THE EAST LINE OF LOT 4 AFORESAID 45.18 FEET; THENCE SOUTH 88° 50' 04" WEST 1.29 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88° 50' 04" WEST 7.15 FEET; THENCE NORTH 01° 09' 56" WEST 15.45 FEET; THENCE NORTH 88° 50' 04" EAST 7.15 FEET; THENCE SOUTH 01° 09' 56" EAST 15.48 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

ALSO

THAT PART OF LOTS 6 AND 7 IN ASSESSORS DIVISION OF LOTS 1,2,3,4 AND 5 IN BLOCK 58 IN ORIGINAL TOWN OF CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING ABOVE A HORIZONTAL PLANE 33.69 FEET ABOVE CHICAGO CITY DATUM AND LYING BELOW A HORIZONTAL PLANE OF 49.83 FEET ABOVE CHICAGO CITY DATUM, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

COMMERICAL THIRD FLOOR

THAT PART OF LOTS 2, 3, 4 AND 5 IN ASSESSORS RESUBDIVISION OF SUB LOTS 1 TO 5 OF ASSESSORS DIVISION OF LOTS 1, 2, 3, 4 AND 5 IN BLOCK 58 IN ORIGINAL TOWN OF CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING ABOVE A HORIZONTAL PLANE OF 49.83 FEET ABOVE CHICAGO CITY DATUM AND LYING BELOW A HORIZONTAL PLANE OF 62.84 FEET ABOVE CHICAGO CITY DATUM, AND FALLING WITHIN THE BOUNDARIES PROJECTED VERTICALLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 01° 09' 56" EAST ALONG THE EAST LINE OF LOT 4 AFORESAID 55.19 FEET TO THE NORTH LINE OF LOT 2; THENCE NORTH 89° 56' 18" EAST ALONG SAID NORTH LINE 34.17 FEET; THENCE SOUTH 00° 44' 28" EAST 86.88 FEET; THENCE NORTH 89° 44' 20" WEST 113.73 FEET TO THE WEST LINE OF LOT 2 AFORESAID; THENCE NORTH 01° 07' 18" WEST ALONG THE WEST LINE OF LOTS 2 AND 5 AFORESAID 141.40 FEET TO THE NORTH LINE OF SAID LOT 5; THENCE NORTH 89° 54' 41" EAST ALONG THE NORTH LINE OF LOTS 5 AND 4 AFORESAID 80.08 FEET TO THE POINT OF BEGINNING (EXCEPT THEREFROM THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 01° 09' 56" EAST ALONG THE EAST LINE OF LOT 4 AFORESAID 45.18 FEET; THENCE SOUTH 88° 50' 04" WEST 1.29 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88° 50' 04" WEST 7.15 FEET; THENCE NORTH 01° 09' 56" WEST 15.48 FEET; THENCE NORTH 88° 50' 04" EAST 7.15 FEET; THENCE SOUTH 01° 09' 56" EAST 15.48 FEET TO THE POINT BEGINNING) IN COOK COUNTY, ILLINOIS

ALSO

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THAT PART OF LOTS 6 AND 7 IN ASSESSORS DIVISION OF LOTS 1,2,3,4 AND 5 IN BLOCK 58 IN ORIGINAL TOWN OF CHICAGO IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING ABOVE A HORIZONTAL PLANE OF 49.83 FEET ABOVE CHICAGO CITY DATUM AND LYING BELOW A HORIZONTAL PLANE OF 62.84 FEET ABOVE CHICAGO CITY DATUM AND FALLING WITHIN THE BOUNDARIES PROJECTED VERTICALLY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT 7; THENCE NORTH 89° 54' 41" EAST ALONG THE NORTH LINE OF LOT 7 AND 6 AFORESAID 40.03 FEET TO THE NORTHEAST CORNER OF LOT 6; THENCE SOUTH 01° 07' 18" EAST ALONG THE EAST LINE OF LOT 6 AFORESAID 141.40 FEET; THENCE NORTH 89° 44' 20" WEST 20.54 FEET; THENCE NORTH 01° 42' 36" WEST 0.91 FEET; THENCE SOUTH 89° 59' 30" WEST 19.50 FEET TO THE WEST LINE OF LOT 7 AFORESAID; THENCE NORTH 01° 04' 46" WEST ALONG THE WEST LINE OF LOT 7 AFORESAID 140.33 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

NON-EXCLUSIVE EASEMENTS APPURTENANT FOR THE BENEFIT OF PARCELS 1, 2, 3 AND 4 AS CONTAINED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED MAY 9, 2003 AS DOCUMENT NUMBER 0312944026 AND AMENDED BY SPECIAL AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS RESTRICTIONS AND EASEMENTS FOR THE STATE AND WASHINGTON DEVELOPMENT RECORDED NOVEMBER 19, 2003 AS DOCUMENT NO. 0332332103 AND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS RESTRICTIONS AND EASEMENTS FOR THE STATE AND WASHINGTON DEVELOPMENT RECORDED AUGUST 7, 2009 AS DOCUMENT NO. 0921931125.

*22-24 N. State Street / 15 W. Washington St
Chgo Ill 60602
1709463006*

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EXHIBIT B

PERMITTED EXCEPTIONS

1. TAXES FOR THE YEAR 2016. 2016 TAXES ARE NOT YET DUE OR PAYABLE. PERM TAX# 17-09-463-006-0000
2. THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT 1535626002, AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES, NONE NOW DUE AND PAYABLE.
3. TERMS, PROVISIONS AND CONDITIONS OF LEASE MADE BY SMITHFIELD PROPERTIES XVII/STATE AND WASHINGTON, L.L.C. TO WALGREENS CO. DATED SEPTEMBER 3, 2002, A MEMORANDUM OF WHICH WAS RECORDED SEPTEMBER 17, 2002 AS DOCUMENT NO. 0021020086, DEMISING THE LAND FOR A TERM OF 35 YEARS, 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, WITH NO RIGHTS OF FIRST REFUSAL, RIGHTS OF FIRST OFFER OR PURCHASE OPTION.

AS AFFECTED BY SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT RECORDED AUGUST 21, 2013 AS DOCUMENT NUMBER 1323334069, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

4. UNRECORDED LEASE MADE BY SMITHFIELD PROPERTIES XVII/STATE AND WASHINGTON, L.L.C. TO NORDSTROM, INC. DATED APRIL 30, 2002, 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, WITH NO RIGHTS OF FIRST REFUSAL, RIGHTS OF FIRST OFFER OR PURCHASE OPTION.

AS DISCLOSED AND AFFECTED BY SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT RECORDED AUGUST 31, 2013 AS DOCUMENT NUMBER 1323334070, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

5. UNRECORDED LEASE MADE BY SMITHFIELD PROPERTIES XVII/STATE AND WASHINGTON, L.L.C. TO H&M CLOTHES, DATED JUNE 3, 2003, 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, WITH NO RIGHTS OF FIRST REFUSAL, FIRST OFFER OR PURCHASE OPTION.
6. MEMORANDUM OF AGREEMENT RECORDED MAY 30, 2002 AS DOCUMENT 0020607621 MADE BY AND BETWEEN SMITHFIELD PROPERTIES XVII/STATE AND WASHINGTON, L.L.C AN ILLINOIS LIMITED LIABILITY COMPANY AND EXELON THERMAL TECHNOLOGIES, INC. AN ILLINOIS CORPORATION FOR CHILLED WATER SERVICE AT THE SUBJECT PROPERTY.

(AFFECTING PARCELS 1, 2, 3 AND 4)

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7. PARTY WALL AGREEMENT DATED FEBRUARY 10, 1890, AND RECORDED MARCH 18, 1890, AS DOCUMENT 1236125, MADE BY WILLIAM E. HALE WITH LEVI Z. LEITER, FOR A PARTY WALL ON THE DIVIDING LINES BETWEEN PROPERTY DESCRIBED AS LOT 1 IN ASSESSOR'S RESUBDIVISION OF LOTS 1 TO 5 IN ASSESSOR'S SUBDIVISION OF LOTS 1 TO 5 IN BLOCK 58 AFORESAID AND LOTS 2 AND 4 IN SAID RESUBDIVISION.,

(AFFECTS THE NORTH LINE OF LOT 2 AND THE EAST LINE OF LOT 4)

8. PARTY WALL AGREEMENT DATED MARCH 4, 1872 AND RECORDED APRIL 27, 1872 AS DOCUMENT 27160, MADE BY AND BETWEEN THE WESTERN METHODIST BOOK CONCERN AND PETER C. BROOKS, JR., AND PARTY WALL AGREEMENT DATED JUNE 23, 1928 AND RECORDED JANUARY 12, 1929 AS DOCUMENT 10255969, MADE BY AND BETWEEN UNION BANK OF CHICAGO AND ANNA L. SEARS AND F. W. WOOLWORTH CO., FOR A PARTY WALL ON THE DIVIDING LINE BETWEEN LOTS 8 AND 9 AND LOT 7 IN ASSESSOR'S RESUBDIVISION AFORESAID.

(AFFECTS THE WEST LINE OF LOT 7 OF THE LAND)

9. DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED MAY 9, 2003 AS DOCUMENT NUMBER 0312944026 AND AMENDED BY SPECIAL AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS RESTRICTIONS AND EASEMENTS FOR THE STATE AND WASHINGTON DEVELOPMENT RECORDED NOVEMBER 19, 2003 AS DOCUMENT NO. 0332332103 AND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS RESTRICTIONS AND EASEMENTS FOR THE STATE AND WASHINGTON DEVELOPMENT RECORDED AUGUST 7, 2009 AS DOCUMENT NO. 0921931125. THE TERMS, PROVISIONS AND CONDITIONS AS CONTAINED THEREIN AS FURTHER AMENDED BY SECOND SPECIAL AMENDMENT DATED ~ AND RECORDED ~ AS DOCUMENT NO. ~.

(AFFECTS THE LAND AND OTHER PROPERTY)