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18267340950

Doc# 1826734095 Fee \$52.00

SPECIAL WARRANTY DEED

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 09/24/2018 04:05 PM PG: 1 OF 8

Prepared By:

Benesch, Friedlander, Coplan & Aronoff LLP
200 Public Square, Suite 2300
Cleveland, Ohio 44114
Attn: Kelly Dees Noll

Upon Recording, Please Return to:

Diamond & Kaplan, P.A.
340 Royal Poinciana Way, Suite 316
Palm Beach, Florida 33480
Attn: Jana Croft, Esq.

For the consideration of Ten Dollars (\$10.00), and other valuable considerations, **BRE DDR BR HILLSIDE IL LLC**, a Delaware limited liability company ("Grantor"), whose address is c/o DDR Corp., 3300 Enterprise Parkway, Beachwood, Ohio 44122, does hereby REMISE, RELEASE, ALIENATE AND CONVEY unto **SVAP III HILLSIDE TOWN CENTER, LLC**, a Delaware limited liability company ("Grantee"), whose address is 340 Royal Poinciana Way, Suite 316, Palm Beach, Florida 33480, the following described real property situated in Cook County, Illinois, together with all rights and privileges appurtenant thereto:

See legal description set forth in Exhibit A attached and incorporated by this reference (the "Property").

- PINS: 15-17-403-026-000
- 15-17-404-043-000
- 15-17-404-045-000
- 15-17-404-047-000
- 15-17-405-005-000
- 15-17-405-006-000
- 15-17-405-007-000

Street Address: Hillside Town Center, Hillside, Illinois 60162

Together with all improvements, buildings, structures and fixtures located thereon; all easements, if any, benefiting the Property; all rights, benefits, privileges and appurtenances pertaining to the Property, including any right, title and interest of Grantor in and to any property lying in or under the bed of any street, alley, road or right-of-way, open or proposed, abutting or adjacent to the Property; the strips, gaps or gores, if any, between the Property; and abutting properties; all



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water, water rights, oil, gas or other mineral interests in, on, under or above the Property; and all rights and interests to receive any condemnation awards from any condemnation proceeding pertaining to the Property, sewer rights, water courses, wells, ditches and flumes located on or appurtenant to the Property.



TO HAVE AND TO HOLD the Property, with the appurtenances, unto Grantee, its successors and assigns, forever.


And Grantor, for itself and its successors, does covenant, promise and agree, to and with Grantee, for itself and its successor, that it has not done or suffered to be done, anything whereby the Property hereby granted is encumbered or charged except as herein recited; and that Grantor will warrant and defend title to the Property against all persons claiming by, through or under Grantor only and no other, SUBJECT TO: (i) the liens of taxes and assessments not yet due and payable as of the date of delivery of this deed; and (ii) those matters identified on Exhibit B attached hereto and made a part hereof.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK; SIGNATURE ON FOLLOWING PAGE]

<p>15-17-404-047-000 VILLAGE C HILLSIDE 9/24/2018  \$150,000.⁰⁰ 722164 REAL ESTATE TRANSFER TAX</p>	<p>15-17-404-045-000 VILLAGE C HILLSIDE 9/24/2018  \$150,000.⁰⁰ 722164 REAL ESTATE TRANSFER TAX</p>
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<p>15-17-405-000-000 VILLAGE C HILLSIDE 9/24/2018  \$150,000. 722164 REAL ESTATE TRANSFER TAX</p>	<p>15-17-405-005-000 VILLAGE C HILLSIDE 9/24/2018  \$150,000.⁰⁰ 722164 REAL ESTATE TRANSFER TAX</p>
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<p>15-17-403-026-000 VILLAGE OF HILLSIDE 9/24/2018  \$150,000. 722164 REAL ESTATE TRANSFER TAX</p>	<p>15-17-404-043-000 VILLAGE C HILLSIDE 9/24/2018  \$150,000.⁰⁰ 722164 REAL ESTATE TRANSFER TAX</p>
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15-17-405-007-000
VILLAGE OF HILLSIDE
 9/24/2018  \$150,000.
722164 REAL ESTATE TRANSFER TAX

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Dated this 21st day of September 2018.

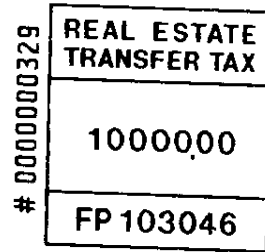
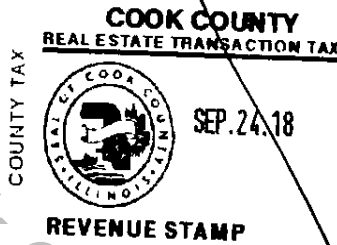
GRANTOR:

BRE DDR BR HILLSIDE IL LLC,
a Delaware limited liability company



By: _____
Print: Phillip Solomond
Title: Vice President

STATE OF New York
COUNTY OF New York : ss.



On the 6th day of September, 2018, Philip Solomond, Vice President of **BRE DDR BR HILLSIDE IL LLC**, a Delaware limited liability company, personally appeared before me and duly acknowledged to me that he executed the same on behalf of the limited liability company.

Gina Santanastasio
NOTARY PUBLIC

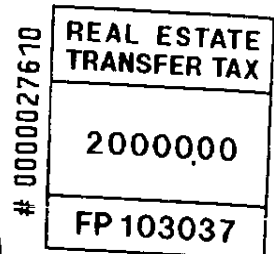
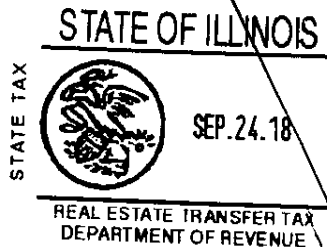
Residing at: 345 Park Ave, Ny, Ny 10154

My Commission Expires:
10/15/2019

GINA SANTANASTASIO
Notary Public, State of New York
No 01SA817557
Qualified in Westchester County
Commission Expires Oct. 15, 2019

Send future tax bills to:

SVAP III Hillside Town Center, LLC
c/o The Sterling Organization
340 Royal Poinciana Way, Suite 316
Palm Beach, Florida 33480



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EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

TRACT 1:

LOTS 2, 3, 5 AND 7 IN METRO COMMONS, BEING A SUBDIVISION OF PART OF THE SE 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

TRACT 2:

LOTS 8, 9 AND 10 IN METRO COMMONS RESUBDIVISION, BEING A RESUBDIVISION OF ALL OF LOTS 8 AND 10 AND PART OF LOT 9 IN METRO COMMONS, A SUBDIVISION OF PART OF THE SE 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

NON-EXCLUSIVE EASEMENTS FOR INGRESS, EGRESS, PARKING, UTILITIES AND SIGN EASEMENTS GRANTED IN OPERATION AND EASEMENT AGREEMENT DATED DECEMBER 21, 2007, BETWEEN TARGET CORPORATION AND HARRIS, N.A., AS TRUSTEE U/T/A DATED DECEMBER 1, 2001 AND KNOWN AS TRUST NUMBER HTB-1026, FOR HILLSIDE TOWN CENTER, RECORDED JANUARY 2, 2008 AS DOCUMENT NO. 0800213028, COOK COUNTY RECORDER OF DEEDS.

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EXHIBIT B

PERMITTED EXCEPTIONS

1. INTENTIONALLY DELETED (3-1-18/GK)
2. INTENTIONALLY DELETED (3-1-18/GK)
3. GENERAL REAL ESTATE TAXES FOR THE YEAR(S) 2018 AND SUBSEQUENT YEARS NOT YET DUE AND PAYABLE.

PERMANENT INDEX NUMBERS:

15-17-403-026-0000
 15-17-404-043-0000
 15-17-404-045-0000
 15-17-404-047-0000
 15-17-405-005-0000
 15-17-405-006-0000
 15-17-405-007-0000

4. INTENTIONALLY DELETED (3-1-18/GK)
5. EASEMENT TO INSTALL, MAINTAIN, OPERATE AND REMOVE A STORM SEWER CONNECTION, TOGETHER WITH RIGHT OF ACCESS THERETO AS CONTAINED IN EASEMENT BETWEEN ALLIED ASPHALT PAVING COMPANY, AS GRANTOR, AND WILLETT, INC., AS GRANTEE, RECORDED DECEMBER 29, 1978 AS DOCUMENT LR3068598, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

(AFFECTS LOT 2 OF PARCEL 1, TRACT 1)
6. TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN METRO COMMONS, L.L.C., LESSOR, AND MICHAELS STORES, INC., LESSEE, DATED JULY 3, 2008 AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED JANUARY 6, 2009 AS DOCUMENT 0900608217, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.
7. TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN METRO COMMONS, LLC, LESSOR, AND ZRC OPERATIONS COMPANY, LESSEE, DATED JANUARY 1, 2009 AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED AUGUST 11, 2009 AS DOCUMENT 0922319035, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.
8. TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN METRO COMMONS, L.L.C., LESSOR, AND CONCORD BUYING GROUP, INC, LESSEE, DATED SEPTEMBER 1, 2009 AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED OCTOBER 5, 2009 AS DOCUMENT 0927818082, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.
9. TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN METRO COMMONS, LLC, LESSOR, AND STAPLES THE OFFICE SUPERSTORE EAST, INC., LESSEE, DATED APRIL 8, 2008 AS DISCLOSED BY A MEMORANDUM OF LEASE RECORDED JUNE 30, 2010 AS DOCUMENT 1018117026, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR

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ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

10. TERMS, PROVISIONS AND CONDITIONS CONTAINED IN LEASE BY AND BETWEEN COLE MT CHICAGO IL, LLC, LESSOR, AND ROSS DRESS FOR LESS, INC., LESSEE, DATED SEPTEMBER 28, 2012 AS DISCLOSED BY A MEMORANDUM OR LEASE RECORDED NOVEMBER 5, 2012 AS DOCUMENT 1231008516 AND NOVEMBER 20, 2012 AS DOCUMENT 1232519076, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID LESSEE OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID LESSEE.

11. EASEMENT GRANTED TO NORTHERN ILLINOIS GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, TO INSTALL, MAINTAIN, REPAIR AND REPLACE THEIR EQUIPMENT TOGETHER WITH RIGHT OF ACCESS THERETO AS CONTAINED IN GRANT RECORDED JUNE 17, 1958 AS DOCUMENT 17236105, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

NOTE: AFFIDAVIT REGARDING THIS EASEMENT FILED AS DOCUMENT LR2887622.

(AFFECTS LOT 7 OF PARCEL 1, TRACT 1)

12. ENVIRONMENTAL NO FURTHER REMEDIATION LETTERS RECORDED NOVEMBER 5, 1997 AS DOCUMENT 97826567 AND RECORDED JULY 18, 2000 AS DOCUMENT 00533238, AND THE TERMS, PROVISIONS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN.

13. ENVIRONMENTAL NO FURTHER REMEDIATION LETTER RECORDED JULY 2, 1998 AS DOCUMENT 98568141, AND THE TERMS, PROVISIONS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN.

14. ENVIRONMENTAL NO FURTHER REMEDIATION LETTER RECORDED DECEMBER 3, 2007 AS DOCUMENT 0733755065, AND THE TERMS, PROVISIONS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN.

15. AGREEMENT MADE BY AND BETWEEN THE VILLAGE OF HILLSIDE AND METRO COMMONS LLC A MEMORANDUM OF WHICH WAS RECORDED DECEMBER 12, 2007 AS DOCUMENT 0734622102, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

16. ACCESS RESTRICTION NOTE AS SHOWN ON PLAT OF SUBDIVISION RECORDED DECEMBER 18, 2007 AS DOCUMENT 0735203034, AS FOLLOWS: THERE SHALL BE NO DIRECT ACCESS FROM MANNHEIM ROAD TO LOTS 5, 9, AND 10.

17. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS CONTAINED IN THE OPERATION AND EASEMENT AGREEMENT BETWEEN TARGET CORPORATION AND HARRIS N.A., AS TRUSTEE U/T/A DATED DECEMBER 1, 2001 AND KNOWN AS TRUST NUMBER HTB-1026 FOR HILLSIDE TOWN CENTER RECORDED JANUARY 2, 2008 AS DOCUMENT 0800213028, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

ASSIGNMENT OF AGREEMENTS DATED [] AND RECORDED [] AS DOCUMENT NUMBER [] MADE BY BRE DDR BR HILLSIDE IL LLC, A DELAWARE LIMITED LIABILITY COMPANY, ASSIGNOR, TO SVAP III HILLSIDE TOWN CENTER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ASSIGNEE.

18. ENVIRONMENTAL NO FURTHER REMEDIATION LETTER RECORDED JANUARY 9, 2008 AS DOCUMENT 0800949002, AND THE TERMS, PROVISIONS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN.

19. EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGE AS CREATED BY PLAT OF EASEMENT RECORDED MARCH 24, 2008 AS DOCUMENT 0806415038, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

NOTE: CERTAIN EASEMENTS VACATED BY PLAT OF EASEMENT AND PLAT OF EASEMENT VACATION RECORDED AUGUST 13, 2008 AS DOCUMENT 0822618052.

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20. OFF-SITE SIGN EASEMENT AGREEMENT MADE BY AND BETWEEN TARGET CORPORATION, A MINNESOTA CORPORATION AND METRO COMMONS LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, RECORDED JULY 1, 2008 AS DOCUMENT 0818345031, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.
21. EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGE AS CREATED BY PLAT OF EASEMENT AND PLAT OF EASEMENT VACATION RECORDED AUGUST 13, 2008 AS DOCUMENT 0822618062, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.
22. DEDICATION OF RIGHT OF WAY IN FAVOR OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION, RECORDED APRIL 10, 2009 AS DOCUMENT 0910049000, AND THE TERMS AND CONDITIONS THEREOF.
23. ACCESS RESTRICTION NOTE CONTAINED ON THE PLAT OF METRO COMMONS RESUBDIVISION RECORDED MAY 28, 2009 AS DOCUMENT 0914831048, AS FOLLOWS: THERE SHALL BE NO DIRECT ACCESS FROM MANNHEIM ROAD TO LOTS 9 AND 10.

(AFFECTS PARCEL 1, TRACT 2)
24. ENVIRONMENTAL NO FURTHER REMEDIATION LETTER RECORDED MAY 28, 2009 AS DOCUMENT 0914831050, AND THE TERMS, PROVISIONS, CONDITIONS AND LIMITATIONS CONTAINED THEREIN.
25. EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGE OF STORM WATER AS CREATED BY PLAT OF EASEMENT RECORDED JULY 21, 2009 AS DOCUMENT 0920245092, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

(AFFECTS PART OF TRACT 1 AND 2)
26. EASEMENT GRANTED TO THE STATE OF ILLINOIS RECORDED APRIL 16, 2010 AS DOCUMENT 1010646045 FOR THE PURPOSE OF MAINTENANCE ON THE IDOT TRAFFIC SIGNAL CONTROL BOX, AND THE TERMS AND PROVISIONS CONTAINED THEREIN.

(AFFECTS PART OF LOT 5 OF PARCEL 1, TRACT 1)
27. INTENTIONALLY DELETED (9-14-18/GK)
28. RESTRICTIONS SET FORTH IN THAT CERTAIN SPECIAL WARRANTY DEED RECORDED OCTOBER 16, 2012 AS DOCUMENT 1229016075.
29. DECLARATION OF USE RESTRICTIONS MADE BY AND BETWEEN METRO COMMONS, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, METRO COMMONS HOSPITALITY, L.L.C. AN ILLINOIS LIMITED LIABILITY COMPANY AND COLE MT. CHICAGO, II, LLC, A DELAWARE LIMITED LIABILITY COMPANY, RECORDED OCTOBER 16, 2012 AS DOCUMENT 1229016077.
30. TERMS, CONDITIONS AND PROVISIONS OF THE DOCUMENT CREATING THE EASEMENT DESCRIBED IN SCHEDULE A, TOGETHER WITH THE RIGHTS OF THE ADJOINING OWNERS IN AND TO THE CONCURRENT USE OF SAID EASEMENT.
31. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
32. RIGHTS OF THE TENANTS UNDER EXISTING UNRECORDED LEASES AS SHOWN ON THE RENT ROLL ATTACHED HERETO, AS TENANTS ONLY, WITH NO OPTIONS TO PURCHASE OR RIGHTS OF FIRST REFUSAL TO PURCHASE.

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33. MATTERS AS DISCLOSED ON THE PLAT OF SURVEY PREPARED BY BLEDSOE RIGGERT COOPER JAMES DATED JULY 16, 2018 AND LAST REVISED SEPTEMBER 18, 2018 AS ORDER NUMBER 8360, AS FOLLOWS:

A) INTENTIONALLY DELETED (jfs)

B) EXISTING BUILDING PARTYWALL ALONG THE MOST NORTHERLY LINE OF LOT 2 IN METRO COMMONS.

34. INTENTIONALLY DELETED (9-14-18/GK)

35. TERMS, PROVISIONS AND CONDITIONS CONTAINED IN THE LEASE BY AND BETWEEN METRO COMMONS, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, LANDLORD, AND JPMORGAN CHASE BANK, N.A., TENANT, AS DISCLOSED BY MEMORANDUM OF LEASE RECORDED AUGUST 18, 2009 AS DOCUMENT NUMBER 0923018066, AND ALL RIGHTS THEREUNDER OF AND ALL ACTS DONE AND SUFFERED THEREUNDER OF SAID TENANT OR ANY PARTIES CLAIMING BY, THROUGH OR UNDER SAID TENANT.