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Doc#: 1900257003 Fee: \$62.00  
Edward M. Moody  
Cook County Recorder of Deeds  
Date: 01/02/2019 08:49 AM Pg: 1 of 8

Dec ID 20181001601134  
ST/CO Stamp 0-226-469-536 ST Tax \$6,073.00 CO Tax \$3,036.50  
City Stamp 0-200-861-344 City Tax: \$63,766.50

## SPECIAL WARRANTY DEED

**THIS SPECIAL WARRANTY DEED**, is made as of this 21<sup>st</sup> day of December, 2018, between **9 West Walton Condominium Developer LLC, a Delaware limited liability company** ("Grantor"), having an address at 908 North Halsted Street, Chicago, Illinois 60614, and **TODD LUSTBADER as Trustee of TODD LUSTBADER'S TRUST DATED 2002 as to a 50% interest and LAUREN LUSTBADER as Trustee of LAUREN LUSTBADER'S TRUST DATED 2002 as to a 50% interest. TODD LUSTBADER and LAUREN LUSTBADER being married to each other and each being the sole beneficiary of his or her respective trust, holding said beneficial interests as Tenants by the Entirety**, having an address of 40 Bridlewood Lane, Northbrook, Illinois ("Grantee").

**WITNESSETH**, that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid by Grantee(s), the receipt and sufficiency of which is hereby acknowledged, by these presents does **GRANT, BARGAIN AND SELL** unto Grantee, and to its successors and assigns, **FOREVER**, all of the following described real estate, situated in the County of Cook and State of Illinois known and described as follows ("Real Estate"), to-wit:

See Exhibit A attached hereto and by this reference made a part hereof.

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 above-described Real Estate, with the hereditaments and appurtenances: **TO HAVE AND TO HOLD** the said Real Estate, with the appurtenances, unto Grantee, and its successors and assigns forever.

And Grantor, for itself, and its successors, does covenant, promise and agree to and with Grantee, and to its successors and assigns that is has not done or suffered to be done, anything whereby the Real Estate hereby granted is, or may be, in any manner encumbered or charged, except as herein recited; and that it **WILL WARRANT AND FOREVER DEFEND**, the title and quiet possession to the Real Estate against all persons lawfully claiming, or to claim the same, by, through or under Grantor, subject only to all covenants, restrictions, easements, reservations and other exceptions set forth in Exhibit B attached hereto and by this reference made a part hereof.

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**IN WITNESS WHEREOF**, Grantor has hereto caused the foregoing Special Warranty Deed to be signed and delivered as of the day and year first above written.

**9 West Walton Condominium Developer LLC,**  
a Delaware limited liability company

By: Robert D. Stone  
Name: Robert D. Stone  
Its: Authorized Agent

### ACKNOWLEDGMENT

STATE OF ILLINOIS     )  
  ) SS.  
COUNTY OF COOK     )

I, ERIN L. MARKLEY, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Robert D. Stone, personally known to me to be the Authorized Agent of 9 West Walton Condominium Developer LLC, a Delaware limited liability company, appeared before me this day in person and acknowledged that as such officer he signed and delivered the said instrument as the free and voluntary act of said company, as the Authorized Agent of said company for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal, this 20<sup>th</sup> day of December, 2018

Commission expires 11/10/2022

Erin L. Markley  
Notary Public



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## Exhibit A LEGAL DESCRIPTION

### PARCEL 1:

UNIT NUMBER 2602 IN 9 WEST WALTON STREET CONDOMINIUM, AS DELINEATED ON A PLAT OF SURVEY OF THE FOLLOWING DESCRIBED TRACT OF LAND:

LOT 6 IN WALTON ON THE PARK SUBDIVISION, RECORDED SEPTEMBER 10, 2008 AS DOCUMENT NUMBER 0825418053, IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE FOLLOWING 2 DESCRIBED PARCELS:

#### 1: RETAIL PARCEL 1

THAT PART OF LOT 6 IN WALTON ON THE PARK SUBDIVISION, RECORDED SEPTEMBER 10, 2008 AS DOCUMENT NUMBER 0825418053, IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +26.55 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +13.36 FEET ABOVE CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6, BEING ALSO THE INTERSECTION OF THE SOUTH LINE OF WEST WALTON STREET WITH THE WEST LINE OF NORTH STATE STREET; THENCE SOUTH 00°15'03" WEST ALONG THE EAST LINE OF SAID LOT 6 A DISTANCE OF 98.16 FEET; THENCE NORTH 90°00'00" WEST ALONG A LINE PARALLEL WITH THE SOUTH LINES OF SAID LOT 6 A DISTANCE OF 14.64 FEET; THENCE SOUTH 00°15'03" WEST 0.96 FEET; THENCE NORTH 90°00'00" WEST 29.14 FEET; THENCE NORTH 00°15'03" EAST 16.06 FEET; THENCE NORTH 90°00'00" WEST 26.16 FEET; THENCE NORTH 00°15'03" EAST 11.09 FEET; THENCE SOUTH 90°00'00" EAST 7.14 FEET; THENCE NORTH 00°15'03" EAST 7.15 FEET; THENCE SOUTH 90°00'00" EAST 5.99 FEET; THENCE NORTH 00°15'03" EAST 13.87 FEET; THENCE NORTH 90°00'00" WEST 12.43 FEET; THENCE NORTH 00°15'03" EAST 33.45 FEET; THENCE NORTH 90°00'00" WEST 6.79 FEET; THENCE NORTH 00°15'03" EAST 17.65 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 6; THENCE SOUTH 89°53'10" EAST ALONG THE NORTH LINE OF LOT 6 AFORESAID 76.03 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

#### 2: RETAIL PARCEL 2

THAT PART OF LOT 6 IN WALTON ON THE PARK SUBDIVISION, RECORDED SEPTEMBER 10, 2008 AS DOCUMENT NUMBER 0825418053, IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +26.55 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +13.36 FEET ABOVE CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE SOUTH 90°00'00" EAST ALONG A SOUTH LINE OF SAID LOT 6 A

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DISTANCE OF 24.94 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°00'00" EAST ALONG A LINE PERPENDICULAR TO THE SOUTH LINES OF LOT 6 AFORESAID 17.02 FEET; THENCE SOUTH 90°00'00" EAST 6.60 FEET; THENCE SOUTH 00°00'00" WEST 2.76 FEET; THENCE SOUTH 90°00'00" EAST 3.16 FEET; THENCE SOUTH 00°00'00" EAST 14.26 FEET TO A POINT ON A SOUTH LINE OF SAID LOT 6; THENCE NORTH 90°00'00" WEST ALONG A SOUTH LINE OF SAID LOT 6 A DISTANCE OF 9.75 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

### 3: RETAIL PARCEL 3

THAT PART OF LOT 6 IN WALTON ON THE PARK SUBDIVISION, RECORDED SEPTEMBER 10, 2008 AS DOCUMENT NUMBER 0825418053, IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +41.00 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +26.55 FEET ABOVE CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6, BEING ALSO THE INTERSECTION OF THE SOUTH LINE OF WEST WALTON STREET WITH THE NORTH LINE OF NORTH STATE STREET; THENCE SOUTH 00°15'03" WEST ALONG THE EAST LINE OF SAID LOT 6 A DISTANCE OF 107.72 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 90°00'00" WEST ALONG A SOUTH LINE OF SAID LOT 6 A DISTANCE OF 49.07 FEET TO A POINT ON A WEST LINE OF LOT 6 AFORESAID; THENCE NORTH 00°00'00" EAST ALONG SAID WEST LINE 19.63 FEET TO A POINT ON A SOUTH LINE OF SAID LOT 6; THENCE NORTH 90°00'00" WEST ALONG A SOUTH LINE OF LOT 6 AFORESAID 21.72 FEET; THENCE NORTH 00°15'03" EAST PARALLEL WITH THE EAST LINE OF SAID LOT 6 A DISTANCE OF 5.14 FEET; THENCE SOUTH 90°00'00" EAST 0.89 FEET; THENCE NORTH 00°15'03" EAST 38.89 FEET; THENCE NORTH 90°00'00" WEST 6.55 FEET; THENCE NORTH 00°15'03" EAST 44.21 FEET TO A POINT ON THE NORTH LINE OF LOT 6 AFORESAID; THENCE SOUTH 89°53'10" EAST ALONG THE NORTH LINE OF SAID LOT 6 A DISTANCE OF 76.54 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

WHICH PLAT OF SURVEY IS ATTACHED AS EXHIBIT "D" TO THE DECLARATION OF CONDOMINIUM RECORDED NOVEMBER 20, 2017 AS DOCUMENT NUMBER 1732429058, AS AMENDED FROM TIME TO TIME; TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

### PARCEL 2:

THE EXCLUSIVE RIGHT TO THE USE OF STORAGE SPACE 48, AS A LIMITED COMMON ELEMENT, AS DELINEATED ON THE SURVEY ATTACHED TO THE DECLARATION OF CONDOMINIUM RECORDED NOVEMBER 20, 2017 AS DOCUMENT NUMBER 1732429058.

### PARCEL 3:

LIMITED COMMON ELEMENT VALET PARKING RIGHTS NOS. 106, 107 AND 108 FOR

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PASSENGER VEHICLE(S) IN VALET PARKING AREA, AS A LIMITED COMMON ELEMENT, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM RECORDED NOVEMBER 20, 2017 AS DOCUMENT NUMBER 1732429058, WHICH VALET PARKING RIGHT IS APPURTENANT TO THE CONDOMINIUM UNIT DESCRIBED IN PARCEL 1.

## PARCEL 4:

NON-EXCLUSIVE EASEMENT FOR PERMANENT ENCROACHMENT OF SUBSURFACE FACILITIES AS SET FORTH IN THAT CERTAIN GRANT OF EASEMENTS, TEMPORARY CONSTRUCTION EASEMENTS, AND EASEMENTS FOR PERMANENT ENCROACHMENTS RECORDED MARCH 19, 2009 AS DOCUMENT 0907822026

## PARCEL 5:

NON-EXCLUSIVE EASEMENTS FOR ACCESS, ENCROACHMENTS AND SHARED FACILITIES AS SET FORTH IN THAT CERTAIN DECLARATION OF EASEMENTS FOR ACCESS, CONSTRUCTION, ENCROACHMENTS AND SHARED FACILITIES RECORDED MAY 11, 2010 AS DOCUMENT 1013118085 AND FIRST AMENDMENT RECORDED APRIL 30, 2015 AS DOCUMENT 1512041141 AND SECOND AMENDMENT RECORDED NOVEMBER 20, 2017 AS DOCUMENT 1732429055.

## PARCEL 6:

NON-EXCLUSIVE EASEMENTS FOR ACCESS FOR REFUSE REMOVAL AS SET FORTH IN THAT CERTAIN GRANT OF EASEMENT RECORDED NOVEMBER 20, 2017 AS DOCUMENT 1732429056.

## PARCEL 7:

NON-EXCLUSIVE EASEMENTS FOR STRUCTURAL MEMBERS, FOOTINGS, CAISSONS, FOUNDATIONS, DEMISING WALLS, COMMON WALLS, FLOORS AND CEILINGS, COLUMNS AND BEAMS AND OTHER SUPPORTING ELEMENTS, ENCROACHMENTS, MAINTENANCE, RESTORATION, RECONSTRUCTION, ACCESS TO COMMERCIAL PROPERTY OR BUILDING SYSTEMS, ROOMS OR FACILITIES, SECURITY CAMERAS, INGRESS AND EGRESS THROUGH COMMON CORRIDORS AND STAIRWELLS AS SET FORTH IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS: RECIPROCAL EASEMENT AGREEMENT DATED NOVEMBER 20, 2017 AND RECORDED NOVEMBER 20, 2017 AS DOCUMENT 1732429057.

GRANTOR ALSO HEREBY GRANTS TO THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, AS RIGHTS AND EASEMENTS APPURTENANT TO THE ABOVE-DESCRIBED REAL ESTATE, THE RIGHTS AND EASEMENTS FOR THE BENEFIT OF SAID PROPERTY SET FORTH IN THE DECLARATION OF CONDOMINIUM, AFORESAID, AND GRANTOR RESERVES TO ITSELF, ITS SUCCESSORS AND ASSIGNS, THE RIGHTS AND EASEMENTS SET FORTH IN SAID DECLARATION FOR THE BENEFIT OF THE REMAINING PROPERTY DESCRIBED THEREIN.

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THIS DEED IS SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS CONTAINED IN SAID DECLARATION THE SAME AS THOUGH THE PROVISION OF SAID DECLARATION WERE RECITED AND STIPULATED AT LENGTH HEREIN.

PIN: 17-04-435-031-0000 [Underlying]

COMMONLY KNOWN AS: 9 WEST WALTON STREET, UNIT 2602, CHICAGO, ILLINOIS 60610

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## Exhibit B

### Covenants, Restrictions, Easements, Reservations and Other Exceptions

- (1) Real estate taxes not due and payable at the time of closing.
- (2) Terms, provisions, covenants, conditions and options contained in and rights and easements established by the Declaration of Condominium Ownership recorded November 20, 2017, as Document No. 1732429058, as amended from time to time; and limitations and conditions imposed by the Condominium Property Act.
- (3) Agreement regarding a floor area bonus to benefit the Land by and between City of Chicago and SR Cathedral, LLC, an Illinois limited liability company; Walton on the Park North, LLC, an Illinois limited liability company; and Walton on the Park South, LLC, an Illinois limited liability company, recorded November 4, 2008, as Document No. 0830945013, and re-recorded and superseded by instrument recorded January 14, 2010, as Document 1001410032.  
  
Certificate of Completion of Preservation Work pursuant to Section 11 of the Agreement regarding a floor area bonus to benefit (the former) Unity Building within the Washington Square District, by the City of Chicago, recorded January 14, 2010, as Document 1001410033.
- (4) Declaration of Reserved Rights over Mansion Parcels by SR Carpenter House, LLC, SR Thompson House, LLC, and SR Taylor House, LLC (collectively, "Declarants"); Walton on the Park North LLC and Walton on the Park South LLC (collectively, the "Walton Parcels Owners"); and State and Dearborn LLC ("Zoning Declarant"), recorded March 19, 2009, as Document 0907822029.  
  
Assignment and Assumption of Zoning Rights by and between Delaware North LLC, Delaware Tower South LLC, Delaware Commercial South LLC and Delaware Community Association LLC (collectively, "Assignor") and 1 W Walton LLC ("Assignee"), recorded March 27, 2014, as Document 1408639084.
- (5) Easements, terms and covenants contained in the Declaration of Easements for Access, Construction, Encroachments and Shared Facilities, recorded May 11, 2010, as Document 1013118085; First Amendment to Declaration of Easements for Access, Construction, Encroachments and Shared Facilities recorded April 30, 2015, as Document 1512061141; Second Amendment to Declaration of Easements for Access, Construction, Encroachments and Shared Facilities recorded November 20, 2017, as Document 1732429055; Rights of the adjoining owners to the concurrent use of said easements.
- (6) Grant of Easement dated November 20, 2017, and recorded November 20, 2017, as Document 1732429056, made by Walton on the Park South Condominium Association in favor of 9 W Walton Condominium Developer, LLC, for access over Walton on the Park South for the benefit of 9 W. Walton for ingress and egress for refuse removal, together with further provisions as therein contained.
- (7) Declaration of Covenants, Conditions, Restrictions and Easements: Reciprocal Easement Agreement dated November 20, 2017, and recorded November 20, 2017, as Document 1732429057 made by 9 West Walton Condominium Developer LLC relating to easements for structural members, footings, caisson, foundations, demising walls, common walls, floors and ceilings, columns and beams and other supporting elements, encroachments, maintenance,

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restoration, reconstruction, access to commercial property or building systems, rooms or facilities, security cameras, ingress and egress through common corridors and stairwells, together with further provisions as therein contained, as amended from time to time.

- (8) Easement Agreement by and between Walton on the Park North, LLC, an Illinois limited liability company and SR Cathedral, LLC, an Illinois limited liability company, recorded January 3, 2011, as Document 1100329094, and the terms and conditions relating thereto.
- (9) Grant of Easements: Temporary Construction Easement and Easement for Permanent Encroachments recorded March 19, 2009 as Document 0907822026.
- (10) Liens, Encumbrances or other matters or acts done or suffered through Grantee or anyone claiming under Grantee.
- (11) Intentionally Omitted.
- (12) Special taxes or assessments not yet due and payable and unconfirmed special assessments.
- (13) Any and all of record easements, covenants, restrictions, ordinances, agreements, conditions and building lines, including without limitation, a declaration of covenants, easements and maintenance agreement by and between Seller and the owners of other properties that are part of the Development and located within the Building, as amended from time to time and declarations of covenants, easement and maintenance agreement between the owners of the Development property and adjacent property.
- (14) Applicable zoning and building laws and ordinances including planned development ordinances.
- (15) Public and quasi-public utility easements, if any.
- (16) Grantee's mortgage, if any.
- (17) Plats of dedication and plats of subdivision and covenants thereon, if any.
- (18) Acts done or suffered by or judgments against Grantee, or anyone claiming under Grantee.
- (19) Liens and other matters of title over which the Title Company is willing to insure without cost to Grantee.
- (20) Encroachments, if any.
- (21) Installments due after the Closing for assessments established under the Declaration.
- (22) The provisions of the Illinois Condominium Property Act.