

UNOFFICIAL COPY



2332657001

Doc# 2332657001 Fee \$88.00

RHSP FEE:\$18.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 11/22/2023 09:30 AM PG: 1 OF 8

This document was prepared
by and after recording should
be returned to:

ARNOLD & PORTER
250 WEST 55TH STREET
NEW YORK, NEW YORK 10009
ATTENTION: AARON LEHRFIELD, ESQ.

Document Title Assignment of Assignment of Leases and Rents
Assignor PRIME FINANCE SHORT DURATON HOLDING COMPANY VIII, LLC, a Delaware limited liability company
Assignee PFP VIII SUB VIII, LLC, a Delaware limited liability company
Legal Description (Abbreviated) Full legal description is on Exhibit A.
Location 410 N Dearborn Street, Chicago, Illinois 60654

Tax ID Number: 17-09-261-022-0000; 17-09-261-023-0000; 17-09-261-025-0000; 17-09-261-026-0000

2300030703 2/3

2

UNOFFICIAL COPY

ASSIGNMENT OF ASSIGNMENT OF LEASES AND RENTS

THIS ASSIGNMENT OF ASSIGNMENT OF LEASES AND RENTS (the "Assignment") is made as of November 20, 2023, by PRIME FINANCE SHORT DURATION HOLDING COMPANY VIII, LLC, a Delaware limited liability company (together with its successors and assigns, "Assignor"), having an address c/o Prime Finance Partners, 155 N. Wacker Drive, Suite 3600, Chicago, Illinois 60606, to PFP VIII SUB VIII, LLC, a Delaware limited liability company (together with its successors and assigns, "Assignee"), having an address c/o Prime Finance Partners, 155 N. Wacker Drive, Suite 3600, Chicago, Illinois 60606.

For good and sufficient consideration the receipt and sufficiency of which are hereby acknowledged by Assignor, Assignor hereby grants, conveys, sells, assigns, transfers, and endorses to Assignee all its right, title and interest in, to and under or arising out of that certain Assignment of Leases and Rents, dated as of September 27, 2023 (the "Assignment of Leases"), made by DEARKIN RES (DE) LLC, a Delaware limited liability company ("Borrower"), and recorded on September 28, 2023, in the Clerk's Office of Cook County, Illinois as Document No. 2327122002, which Assignment of Leases was delivered with respect to that certain real property described on Exhibit A attached hereto and made a part hereof.

Prior to the execution hereof, Assignor has not sold, transferred, assigned, conveyed, pledged or endorsed, any right, title or interest in the Assignment of Leases, and Assignor has full right, power and authority to sell and assign the Assignment of Leases to Assignee.

TO HAVE AND TO HOLD the Assignment of Leases unto Assignee and to the successors and assigns of Assignee forever.

It is expressly understood that this Assignment of is made by Assignor and assumed without any recourse, representation or warranty of any kind, express or implied.

The word "Assignor" or "Assignee" shall be construed as if it reads "Assignors" or "Assignees" whenever the sense of this instrument so requires.

THIS ASSIGNMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE INTERNAL LAWS OF THE STATE OF CALIFORNIA.

Each provision of this Assignment shall be valid and enforceable to the fullest extent permitted by law. If any provision of this Assignment or the application of such provision to any person or circumstances shall, to any extent, be invalid or unenforceable, then the remainder of this Assignment, or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected by such invalidity or unenforceability.

This Assignment may be executed in one or more counterparts (and by different parties in separate counterparts), each of which shall be an original but all of which together shall constitute one and the same instrument.

This Assignment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

UNOFFICIAL COPY

Assignor hereby agrees to execute and deliver such other assignments, instruments, agreements or other documents as Assignee may reasonably request in confirmation of, and/or in furtherance of, the assignment made hereunder.

[SIGNATURE PAGE FOLLOWS]

COOK COUNTY CLERK OFFICE
RECORDING DIVISION
118 N. CLARK ST. ROOM 120
CHICAGO, IL 60602-1387

Property of Cook County Clerk's Office

UNOFFICIAL COPY

IN WITNESS WHEREOF, Assignor has caused this Assignment to be duly executed as of the day and year first written above.

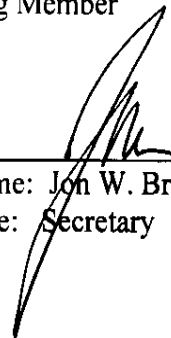
ASSIGNOR:

PRIME FINANCE SHORT DURATION HOLDING COMPANY VIII, LLC,
a Delaware limited liability company

By: Prime Finance Short Duration VIII, LLC,
a Delaware limited liability company, its
Managing Member

By: _____

Name: Jon W. Brayshaw
Title: Secretary



Property of Cook County Clerk's Office

ACKNOWLEDGMENT

STATE OF NEW YORK)
COUNTY OF NEW YORK)

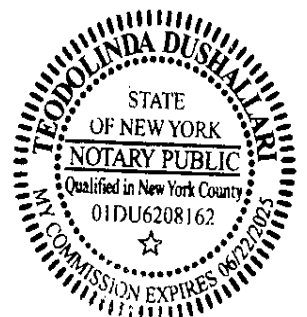
I, the undersigned, a notary public in and for said county in said state, hereby certify that Jon W. Brayshaw, who is the Secretary of Prime Finance Short Duration VIII, LLC, a Delaware limited liability company, the Managing Member of PRIME FINANCE SHORT DURATION HOLDING COMPANY VIII, LLC, a Delaware limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 7th day of November, 2023.

Notary Public

[NOTARIAL SEAL]

My commission expires: _____



UNOFFICIAL COPY

EXHIBIT A

Description of the Property

File No.: 23000030703

PARCEL 1: (Hotel Parcel plus Retail Parcels A and B - Fee)

THE EAST 66.0 FEET OF THE FOLLOWING TRACT; LOTS 1 AND 2 IN BLOCK 2, TOGETHER WITH THE EAST-WEST 18 FOOT PUBLIC ALLEY VACATED BY ORDINANCE RECORDED OCTOBER 7, 1988 AS DOCUMENT NUMBER 88463998, AND LOTS 1, 2 AND 3 IN ASSESSOR'S DIVISION OF LOTS 13, 14, 15 AND 16 IN BLOCK 2 AFORESAID, ALL IN WOLCOTT'S ADDITION TO CHICAGO, IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, EXCEPTING THEREFROM ANY PART FALLING WITHIN THE FOLLOWING DESCRIBED RESIDENTIAL PARCELS A THROUGH G:

RESIDENTIAL PARCEL A

THAT PART OF LOTS 1 TO 4, ALL INCLUSIVE, IN ASSESSOR'S DIVISION OF LOT 13, 14, 15 AND 16 IN BLOCK 2 IN WOLCOTT'S ADDITION TO CHICAGO, IN EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF+ 33.09 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF+ 14.66 FEET ABOVE CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00°05'44" EAST ALONG THE EAST LINE OF LOT 1 AFORESAID, 100.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89°50'48" WEST ALONG THE SOUTH LINE OF LOT 3 AFORESAID, 55.68 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°50'48" WEST ALONG THE SOUTH LINE AFORESAID, 10.32 FEET; THENCE NORTH 00°05'44" WEST, 21.98 FEET; THENCE NORTH 89°54'16" EAST, 12.12 FEET; THENCE SOUTH 00°05'44" EAST, 9.81 FEET; THENCE SOUTH 89°54'16" WEST, 1.80 FEET; THENCE SOUTH 00°05'44" EAST, 12.21 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

RESIDENTIAL PARCEL B

THAT PART OF LOTS 1 AND 2 IN BLOCK 2, TOGETHER WITH THE EAST-WEST 18 FOOT PUBLIC ALLEY VACATED BY ORDINANCE RECORDED OCTOBER 7, 1988 AS DOCUMENT NUMBER 88463998, TAKEN AS A TRACT, IN WOLCOTT'S ADDITION TO CHICAGO, IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +33.09 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +14.66 FEET ABOVE CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 00°05'44" WEST ALONG THE EAST LINE OF SAID LOT 1 AND ITS NORTHERLY EXTENSION, 118.17 FEET TO THE SOUTHEAST CORNER OF LOT 3 IN ASSESSOR'S DIVISION OF LOTS 13, 14, 15 AND 16 IN BLOCK 2 IN WOLCOTT'S ADDITION TO CHICAGO AFORESAID; THENCE NORTH 89°50'48" WEST ALONG THE SOUTH LINE OF LOT 3

Ex. A - I

UNOFFICIAL COPY

AFORESAID, 55.68 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°50'48" WEST, 10.32 FEET; THENCE SOUTH 00°05'44" EAST, 38.93 FEET; THENCE NORTH 89°54' 16" EAST, 10.32 FEET; THENCE NORTH 00°05'44" WEST, 38.89 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

RESIDENTIAL PARCEL C

THAT PART OF LOTS 1 TO 4, ALL INCLUSIVE, IN ASSESSOR'S DIVISION OF LOT 13, 14, 15 AND 16 IN BLOCK 2 IN WOLCOTT'S ADDITION TO CHICAGO, IN EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +257.62 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +33.09 FEET ABOVE CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00°05'44" EAST ALONG THE EAST LINE OF LOT 1, 2 AND 3 AFORESAID, 100.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89°50'48" WEST, ALONG THE SOUTH LINE OF LOT 3 AFORESAID 66.00 FEET; THENCE NORTH 00° 05'44" WEST 12.17 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°05'44" WEST, 9.81 FEET; THENCE NORTH 89°54' 16" EAST, 12.12 FEET; THENCE SOUTH 00°05'44" EAST, 9.81 FEET; THENCE SOUTH 89°54'16" WEST, 12.12 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

RESIDENTIAL PARCEL D

THAT PART OF LOTS 1 TO 4, ALL INCLUSIVE, IN ASSESSOR'S DIVISION OF LOT 13, 14, 15 AND 16 IN BLOCK 2 IN WOLCOTT'S ADDITION TO CHICAGO, IN EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +269.99 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +257.62 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 1; THENCE SOUTH 00°05'44" EAST ALONG THE EAST LINE OF LOT 1 AFORESAID, 100.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89° 50'48" WEST ALONG THE SOUTH LINE OF LOT 3 AFORESAID, 29.82 FEET; THENCE NORTH 00° 05'44" WEST, 29.47 FEET; THENCE SOUTH 89°54'16" WEST, 5.78 FEET; THENCE NORTH 00°05'44" WEST, 8.56 FEET; THENCE SOUTH 89°54'16" WEST, 22.67 FEET; THENCE SOUTH 00°05'44" EAST, 15.90 FEET; THENCE NORTH 89°54'16" EAST, 4.39 FEET; THENCE SOUTH 00°05'44" EAST, 9.81 FEET; THENCE SOUTH 89°54'16" WEST, 12.12 FEET; THENCE NORTH 00°05'44" WEST, 88.02 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 89°49' 45" EAST ALONG THE NORTH LINE OF LOT 1 AFORESAID, 66.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

RESIDENTIAL PARCEL E

THAT PART OF LOTS 1 AND 2 IN BLOCK 2, TOGETHER WITH THE EAST-WEST 18 FOOT PUBLIC ALLEY VA CA TED BY ORDINANCE RECORDED OCTOBER 7, 1988 AS DOCUMENT NUMBER 88463998, TAKEN AS A TRACT, IN WOLCOTT'S ADDITION TO CHICAGO, IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +269.99 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING

UNOFFICIAL COPY

AN ELEVATION OF +257.62 FEET ABOVE CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 00°05'44" WEST ALONG THE EAST LINE OF LOT 1 AFORESAID, 92.20 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°54'16" WEST, 7.88 FEET; THENCE NORTH 00°05'44" WEST, 4.05 FEET; THENCE SOUTH 89°54'16" WEST, 21.94 FEET; THENCE NORTH 00°05'44" WEST, 22.05 FEET TO A POINT ON THE SOUTH LINE OF LOT 3 IN ASSESSOR'S DIVISION OF LOTS 13, 14, 15 AND 16 IN BLOCK 2 IN WOLCOTT'S ADDITION TO CHICAGO AFORESAID; THENCE SOUTH 89°50'48" EAST ALONG THE SOUTH LINE OF LOT 3 AFORESAID, 29.82 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 00°05'44" EAST ALONG THE EAST LINE OF SAID LOT 1 AND ITS NORTHERLY EXTENSION, 25.97 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

RESIDENTIAL PARCEL F

THAT PART OF LOTS 1 TO 4, ALL INCLUSIVE, IN ASSESSOR'S DIVISION OF LOT 13, 14, 15 AND 16 IN BLOCK 2 IN WOLCOTT'S ADDITION TO CHICAGO, IN EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +282.23 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +269.99 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 1; THENCE SOUTH 00°05'44" EAST ALONG THE EAST LINE OF LOTS 1, 2 AND 3 AFORESAID, 100.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 89°50'48" WEST ALONG THE SOUTH LINE OF SAID LOT, 66.00 FEET; THENCE NORTH 00°05'44" WEST, 7.72 FEET; THENCE NORTH 89°54'16" EAST, 30.62 FEET; THENCE NORTH 00°05'44" WEST, 30.36 FEET; THENCE SOUTH 89°54'16" WEST, 30.62 FEET; THENCE NORTH 00°05'44" WEST, 62.12 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 89°49'45" EAST ALONG THE NORTH LINE OF SAID LOT, 66.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

RESIDENTIAL PARCEL G

THAT PART OF LOTS 1 AND 2 IN BLOCK 2, TOGETHER WITH THE EAST-WEST 18 FOOT PUBLIC ALLEY VACATED BY ORDINANCE RECORDED OCTOBER 7, 1988 AS DOCUMENT NUMBER 88463998, TAKEN AS A TRACT, IN WOLCOTT'S ADDITION TO CHICAGO, IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BELOW A HORIZONTAL PLANE HAVING AN ELEVATION OF +282.23 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF +269.99 FEET ABOVE CHICAGO CITY DATUM AND LYING WITHIN ITS HORIZONTAL BOUNDARY PROJECTED VERTICALLY AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 00°05' 44" WEST ALONG THE EAST LINE OF SAID LOT, 118.17 FEET TO THE SOUTHEAST CORNER OF LOT 3 IN ASSESSOR'S DIVISION OF LOTS 13, 14, 15 AND 16 IN BLOCK 2 IN WOLCOTT'S ADDITION TO CHICAGO AFORESAID; THENCE NORTH 89°50'48" WEST, 66.00 FEET; THENCE SOUTH 00°05'44" EAST, 39.08 FEET; THENCE NORTH 89°54'16" EAST, 31.61 FEET; THENCE SOUTH 00°05'44" EAST, 26.04 FEET; THENCE SOUTH 89°54'16" WEST, 31.61 FEET; THENCE SOUTH 00°05'44" EAST, 53.07 FEET TO A POINT ON THE SOUTH LINE OF LOT 2 AFORESAID; THENCE SOUTH 89°51' 51" EAST ALONG THE SOUTH LINE OF SAID LOTS, 66.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

UNOFFICIAL COPY

PARCEL 2: (Ground Lease Parcel)

LEASEHOLD EST ATE CREATED BY THE LEASE DATED SEPTEMBER 20, 2006 MADE BY AND BETWEEN 51 WEST HUBBARD LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, AS LANDLORD, AND DEARKIN RES, LLC, AN INDIANA LIMITED LIABILITY COMPANY, AS TENANT, AS EVIDENCED BY A MEMORANDUM OF LEASE DATED SEPTEMBER 20, 2006 AND RECORDED OCTOBER 4, 2006 AS DOCUMENT NUMBER 0627717183, AND AS ASSIGNED BY MEMORANDUM OF ASSIGNMENT OF LEASE DATED AS OF JULY 18, 2013 AND RECORDED JULY 18, 2013 AS DOCUMENT NUMBER 1319922045 MADE BY DEARKIN RES, LLC, AN INDIANA LIMITED LIABILITY COMPANY, ASSIGNOR, AND DEARKIN RES (DE) LLC, A DELAWARE LIMITED LIABILITY COMPANY, ASSIGNEE, WHICH LEASE DEMISES THE FOLLOWING DESCRIBED REAL ESTATE:

LOTS 1, 2, 3, AND 4, TAKEN AS A TRACT, EXCEPT THE EAST 66.00 FEET THEREOF, BUT SPECIFICALLY EXCLUDING ANY PART OF THE VACATED ALLEY LYING SOUTH OF AND ADJOINING SAID TRACT IN ASSESSOR'S DIVISION OF LOTS 13, 14, 15 AND 16 IN BLOCK 2 IN WOLCOTT'S ADDITION TO CHICAGO, IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH RANGE 14, EAST OF THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

EASEMENT APPURTENANT TO AND FOR THE BENEFIT OF PARCELS 1 AND 2 FOR ACCESS AND SEWER SERVICE AS CREATED BY THE GRANT OF ACCESS AND SEWER EASEMENT DATED AS OF SEPTEMBER 20, 2006 AND RECORDED OCTOBER 4, 2006 AS DOCUMENT NUMBER 0627717185 OVER AND ACROSS THE FOLLOWING PARCEL:

THE WEST 23.58 FEET OF THE EAST 89.58 FEET OF LOTS 1, 2 AND 3, TAKEN AS A TRACT, IN BLOCK 2, TOGETHER WITH THE EAST-WEST 18 FOOT PUBLIC ALLEY VACATED BY ORDINANCE RECORDED OCTOBER 7, 1988 AS DOCUMENT NUMBER 88463998 LYING NORTH OF AND ADJOINING SAID LOTS, EXCEPT THE EAST 66.00 FEET THEREOF, ALL IN WOLCOTT'S ADDITION TO CHICAGO, IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

EASEMENT APPURTENANT TO AND FOR THE BENEFIT OF PARCELS 1 AND 2 FOR MAINTENANCE, STRUCTURAL SUPPORT FACILITIES, HOTEL EASEMENT FACILITIES, COMMON WALLS, CEILINGS AND FLOORS, UTILITIES, ENCROACHMENTS; AND INGRESS AND EGRESS FOR SIDEWALKS, STAIRWAYS, ELEVATORS, PEDESTRIAN ENTRY, LOADING DOCK, METER/PUMP ROOD AND ELECTRICITY ROOMS FOR RETAIL PARCEL A AND RETAIL PARCEL B, AS CREATED BY THE DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD DATED AS OF MAY 27, 2009 AND RECORDED JUNE 23, 2009 AS DOCUMENT NUMBER 0917418066, AS AMENDED BY AMENDMENT OF DECLARATION DATED AS OF DECEMBER 31, 2010 AND RECORDED JANUARY 14, 2011 AS DOCUMENT NUMBER 1104113029, OVER AND ACROSS THE RESIDENTIAL PARCEL AS DEFINED IN THE DECLARATION AFORESAID.