

SPECIAL
WARRANTY DEED
(Illinois)

THIS INDENTURE, made this
10th day of December, 1997,
between **BD-ILLINOIS
ACQUISITION ASSOCIATES
LIMITED PARTNERSHIP**, a
Delaware limited partnership,
having its principal place of
business at Brickman Associates

712 Fifth Avenue, New York, New York 10019, party of the first part, and **HPS
LIMITED PARTNERSHIP**, an Illinois limited partnership existing under and by virtue
of the laws of the State of Illinois, having its principal place of business at 3031
Commercial Avenue, Northbrook, Illinois 60062, party of the second part.
WITNESSETH that the party of the first part, for and in consideration of the sum of Ten
and No/100 ----- \$10.00 --- Dollars and other good and valuable consideration, in hand
paid, by these presents does **REMISE, RELEASE, ALIEN AND CONVEY** unto the
party of the second part, and to its heirs and assigns, **FOREVER**, all the following
described land, situated in the County of Cook and State of Illinois known and described
as follows, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

Subject to: SEE EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the hereditaments and appurtenances thereunto belonging, or
in any way 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 the party of the first part, either in law or in equity, of, in and to the above
described premises, with the hereditaments and appurtenances: **TO HAVE AND TO HOLD**
the said premises as above described, with the appurtenances, unto the party of the second
part, its heirs and assigns forever.

And the party of the first part, for itself, and its successors, does covenant, promise and
agree, to and with the party of the second part, its heirs and assigns, that it has not done or
suffered to be done, anything whereby the said premises hereby granted are, or may be, in
any manner incumbered or charged, except as herein recited; and that the said premises,
against all persons lawfully claiming, or to claim the same, by, through or under it, it **WILL
WARRANT AND FOREVER DEFEND.**

AFTER RECORDING, MAIL TO: Dov J. Pinchot, Esq., Lord, Bissell & Brook, 115 S.
LaSalle Street, Suite 3400, Chicago, Illinois 60603

BOX 333-CTI

① PB/JW 76-76-312-D1

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10-28-2011

IN WITNESS WHEREOF, said party of the first part has caused its corporate general partner to be signed to these presents by its President, the day and year first written above.

BD-ACQUISITION ASSOCIATES LIMITED PARTNERSHIP, a Delaware limited partnership

By: Brickroc-Illinois Corp., a Delaware corporation, Its general partner

By: [Signature]
Roderick O'Connor, Vice President

State of New York)
County of New York) ss.

I, MONICA PACIFICO, a notary public in and for said County, DO HEREBY CERTIFY that Roderick O'Connor, Vice President of Brickroc-Illinois Corp., a Delaware corporation, the general partner of BD-Acquisition Associates Limited Partnership, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act of said Brickroc-Illinois Corp., on behalf of the partnership for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 31 day of December, 1997.

[Signature]
Notary Public

MONICA B. PACIFICO
Notary Public, State of New York
No. 017272212
Qualified in Rock County, 1998
Commission Expires Dec. 31, 1998

Commission expires: 12/31/98

THIS INSTRUMENT WAS PREPARED BY:

Dov J. Pinchot, Lord, Bissell & Brook, 115 S. LaSalle Street, Chicago, Illinois 60603

MAIL TO: Box 333

SEND SUBSEQUENT TAX BILLS TO:

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EXHIBIT "A"

LEGAL DESCRIPTION

COOK CO. NO. 018
271985

STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX

DEC 15 '97 DEPT. OF REVENUE *** 999.00

COOK CO. NO. 018
271986

STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX

DEC 15 '97 DEPT. OF REVENUE *** 999.00

COOK CO. NO. 018
271986

STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX

DEC 15 '97 DEPT. OF REVENUE *** 999.00

COOK CO. NO. 018
271987

STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX

DEC 15 '97 DEPT. OF REVENUE *** 999.00

COOK CO. NO. 018
271988

STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX

DEC 15 '97 DEPT. OF REVENUE *** 999.00

COOK CO. NO. 018
271989

STATE OF ILLINOIS
REAL ESTATE TRANSFER TAX

DEC 15 '97 DEPT. OF REVENUE *** 338.50

COOK CO. NO. 018
271992

Cook County
REAL ESTATE TRANSACTION TAX

REVENUE STAMP DEC 15 '97 P.B. 11424 999.00

COOK CO. NO. 018
271993

Cook County
REAL ESTATE TRANSACTION TAX

REVENUE STAMP DEC 15 '97 P.B. 11424 999.00

COOK CO. NO. 018
271994

Cook County
REAL ESTATE TRANSACTION TAX

REVENUE STAMP DEC 15 '97 P.B. 11424 668.75

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PARCEL 1:

LOTS 1 THRU 5 IN THE HICKORY PALOS SQUARE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART TAKEN FOR HIGHWAY PURPOSES IN 95TH STREET AND ROBERTS ROAD), ACCORDING TO THE PLAT THEREOF, RECORDED FEBRUARY 14, 1996 AS DOCUMENT 96120812, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE GRANT OF EASEMENT DATED JANUARY 4, 1988 AND RECORDED JANUARY 5, 1988 AS DOCUMENT 88004866 FOR THE USE OF A RETENTION POND FOR THE RUNOFF OF WATER FROM THE SHOPPING CENTER LEGALLY DESCRIBED IN PARCEL 1, AFORESAID, INTO AND ON THE EASEMENT PREMISES; FOR RETAINING THE EXISTING PIPES, TUNNELS CONDUITS, DRAINAGE TILES, WATERWAYS AND OTHER DRAINAGE FACILITIES PRESENTLY LOCATED ON THE EASEMENT PREMISES; FOR THE MAINTENANCE REPAIR AND THE REPLACEMENT OF PIPES, TUNNELS, CONDUITS, DRAINAGE TILES AND OTHER PRESENTLY EXISTING DRAINAGE FACILITIES IN AND ON THE EASEMENT PREMISES, AND TO ENTER UPON THE EASEMENT PREMISES FOR THE PURPOSE OF SO MAINTAINING, REPAIRING AND REPLACING SAME OVER, UNDER, UPON AND ACCROSS THE FOLLOWING DESCRIBED LAND:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 00 DEGREES, 00 MINUTES, 47 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 1,322.29 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 11; THENCE NORTH 89 DEGREES, 39 MINUTES, 08 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 11, A DISTANCE OF 378.83 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 29 DEGREES, 39 MINUTES, 08 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 11, A DISTANCE OF 427.53 FEET; THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST, A DISTANCE OF 280.16 FEET; THENCE NORTH 69 DEGREES, 59 MINUTES, 42 SECONDS EAST, A DISTANCE OF 81.00 FEET; THENCE SOUTH 48 DEGREES, 32 MINUTES, 24 SECONDS EAST, A DISTANCE OF 468.91 FEET TO THE POINT OF BEGINNING. IN COOK COUNTY, ILLINOIS.

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EXHIBIT "B"

PERMITTED ENCUMBRANCES

1. Mortgage, Deed of Trust and Security Agreement dated December 20, 1994, and recorded on December 30, 1994 as Document No. 04086203, made by BD-Illinois Acquisition Associates Limited Partnership, a Delaware limited partnership, to AMRESKO Capital Corporation, a Texas corporation, to secure a note for the original principal sum of \$7,000,000.00. Assigned to Morgan Guaranty Trust Company of New York, a New York banking corporation, by Instrument recorded on December 30, 1994 as Document No. 04086205. Assigned to State Street Bank and Trust Company by Instrument recorded as Document No. 96113276.
2. Assignment of Lease and Rents dated December 20, 1994, and recorded on December 30, 1994 as Document No. 04086204, made by BD-Illinois Acquisition Associates Limited Partnership, a Delaware limited partnership, to AMRESKO Capital Corporation, a Texas corporation. Assigned to Morgan Guaranty Trust Company of New York, a New York banking corporation, by Instrument recorded December 30, 1994 as Document No. 04086205. Assigned to State Street Bank and Trust Company by Instrument recorded as Document No. 96113276.
3. Security Interest of AMRESKO Capital Corporation, secured party, in certain described chattels on the land, as disclosed by Financing Statement executed by BD-Illinois Acquisition Associates Limited Partnership, debtor, and filed on January 3, 1995 as Document No. 95U69. Assigned to Morgan Guaranty Trust Company of New York, a New York banking corporation, by aforesaid instrument.
4. Existing unrecorded leases and all rights thereunder of the lessees, as tenants only, claiming by, through or under the leases.
5. Grant of Easement recorded on September 27, 1985 as Document No. 85208194 made by and between LaSalle National Bank, as trustee under Trust Agreement dated May 1, 1984 and known as Trust No. 107983, (Grantor) and the Illinois Bell Telephone Company and the Commonwealth Edison Company, and their successors and assigns.
6. Grant of Easement recorded on October 15, 1985 as Document No. 85235424 made by and between Steven Gianakas (Grantor) and the Illinois Bell Telephone Company (Grantee), and its successors and assigns.
7. Grant of Perpetual Easement dated November 12, 1985, and recorded on February 21, 1986 as Document No. 86072570, made by and between LaSalle National Bank, as trustee under Trust Agreement dated May 1, 1984 and known as Trust No. 107983, (Grantor) and Northern Illinois Gas Company (Grantee), its successors and assigns.

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8. Memorandum of Lease dated September 17, 1984, and recorded on September 24, 1984 as Document No. 27267191, made by and between LaSalle National Bank, as trustee under Trust Agreement dated May 1, 1984 and known as Trust No. 107983, (Lessor) and Jewel Companies, Inc., a New York corporation (Lessee).
9. Memorandum of Lease dated July 17, 1985, and recorded on December 11, 1985 as Document No. 85318913, made by and between LaSalle National Bank, as trustee under Trust Agreement dated May 1, 1984 and known as Trust No. 107983, (Lessor) and Trak Auto East Corporation (Lessee).
10. Memorandum of Lease dated February 14, 1986, and recorded on March 7, 1986 as Document No. 86091838, made by and between LaSalle National Bank, as trustee under Trust Agreement dated May 1, 1984 and known as Trust No. 107983, (Lessor) and Burger King Corporation, a Florida corporation (Lessee), and Statement of Commencement of Ground Lease Term recorded on January 8, 1988 as Document No. 88011004.
11. Encroachment of the 10 inch concrete retaining wall appurtenant to Parcel One over and onto the property adjoining to the west on the northwesterly line of Parcel One, by approximately 3.19 feet.
12.
 - A. Terms, provisions and conditions relating to the easement described as Parcel Two, recorded as Document No. 89004866, contained in the instrument creating such easement.
 - B. Rights of the adjoining owner or owners to the concurrent use of the aforesaid easement in accordance with the terms of the instrument creating the easement.
13. Encroachment of asphalt pavement located mainly on property south and adjoining onto land as disclosed by survey made by International Land Surveying, Inc. dated April 9, 1994 and revised on December 20, 1994 as Order No. 94-03-11:005.
14. 20-foot building line as shown on the plat of Hickory Palms Square Subdivision, recorded on February 9, 1996 as Document No. 96120812.
15. 15-foot water main easement as shown on the plat of Hickory Palms Square Subdivision, recorded on February 9, 1996 as Document No. 96120812.
16. Declaration of Reciprocal Easements and Operating Restrictions by BD-Illinois Acquisition Associates Limited Partnership, a Delaware limited partnership, dated January 29, 1996 and recorded on February 9, 1996 as Document No. 96113277.

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