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97189098

DEPT-01 RECORDING \$43.50  
 T#6666 TRAN 1159 03/19/97 13:27:00  
 #5162 # IR #-97-189098  
 COOK COUNTY RECORDER

*This space reserved for Recorder's use only.*

## SPECIAL WARRANTY DEED

This Indenture, made as of this 18<sup>th</sup> day of March 1997, between SPIEGEL, INC., a Delaware corporation ("Grantor") and TRIPPE MANUFACTURING COMPANY, an Illinois corporation, 500 North Orleans, Chicago, Illinois, 60610 ("Grantee"), WITNESSETH, that Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by Grantee, the receipt of which is hereby acknowledged, and pursuant to authority given by Grantor, by these presents does REMISE, RELEASE, ALIENATE AND CONVEY unto Grantee, FOREVER, all the following described real estate, situated in the County of Cook and State of Illinois, known and described as follows (hereinafter referred to as the "Subject Property"), to wit:

See Exhibit A attached hereto

PIN(S): 17-32-224-012, 17-32-224-011, 17-32-224-010, 17-32-224-009, 17-32-224-013,  
 17-32-225-041, 17-32-225-025, 17-32-400-100, 17-32-400-101, 17-32-400-102,  
 17-32-400-103, 17-32-400-104, 17-32-400-105, 17-32-400-106, 17-32-400-107,  
 17-32-400-013, 17-32-400-014, 17-32-400-099 and 17-32-400-108

Together with all and singular hereditaments and appurtenances belonging thereto, or in anyway 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 at law or in equity, of, in and to the Subject Property, with the hereditaments and appurtenances:

1st AMERICAN TITLE order # 00103080

202-09

**SUBJECT** only to the following (hereinafter, collectively, the "Permitted Exceptions"):

See Exhibit B attached hereto

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

And Grantor, for itself and its successors, does covenant, promise and agree, to and with Grantee, for itself and its successors, that it has not done or suffered to be done, anything whereby the Subject Property hereby granted is, or may be, in any manner encumbered or charged, except as herein recited; and that Grantor will warrant and defend the Subject Property against all persons lawfully claiming, or to claim the same, by, through or under it, subject only to the Permitted Exceptions.

IN WITNESS WHEREOF, said Grantor has caused its name to be signed to these presents as of the day and year first above written.

## GRANTOR:

SPIEGEL, INC., a Delaware corporation

By: Michael R. Moran

Name: Michael R. Moran

Title: Senior Vice President

## Prepared by:

Laura G. Hassan, Esq.  
Rudnick & Wolfe  
203 North LaSalle Street  
Chicago, Illinois 60601

## FORWARD FUTURE TAX BILLS TO:

Barre Seid  
Trippe Manufacturing Company  
500 N. Orleans  
Chicago, Illinois 60610

## RECORD AND RETURN TO:

Martin K. Blonder, Esq.  
Rosenthal & Schanfield P.C.  
55 East Monroe, 46th Floor  
Chicago, Illinois 60603

WY Cook County 1996  
REAL ESTATE TRANSACTION TAX  
\$100.00  
COOK COUNTY RECORDER

Cook County  
REAL ESTATE TRANSACTION TAX  
RECEIVED  
MAR 10 1997  
\$80.75

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## EXHIBIT A

### Legal Description of the Property

PARCEL 1:

SUB PARCEL A

LOT 4 IN BLOCK 6 IN TRACY'S SUBDIVISION AND PARTITION OF BLOCK 14 IN ASSESSOR'S DIVISION OF THE NORTHWEST 1/4 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SUB PARCEL B

LOTS 1, 2 AND 3 IN BLOCK 6 IN TRACY'S PARTITION AND SUBDIVISION OF BLOCK 14 IN ACCESSOR'S DIVISION OF THE NORTHWEST 1/4 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SUB PARCEL C

LOT 12 (EXCEPT THE EAST 3 FEET) OF BLOCK 3 IN TRACY'S SUBDIVISION OF BLOCK 14 IN ASSESSOR'S DIVISION OF THE NORTHWEST 1/4 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2

SUB PARCEL D

LOTS 13 THROUGH 19, INCLUSIVE, AND LOT 20 (EXCEPT THE WEST 19 FEET THEREOF) IN BLOCK 3 IN TRACY'S PARTITION AND SUBDIVISION OF BLOCK 14 IN ASSESSOR'S DIVISION OF THE NORTHWEST 1/4 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SUB PARCEL E

LOTS 9 THROUGH 20 INCLUSIVE IN BLOCK 2 IN TRACY'S PARTITION AND SUBDIVISION OF BLOCK 14 IN ASSESSOR'S DIVISION OF THE NORTHWEST 1/4 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH,

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RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PARCEL 3:**

LOT 2 IN THE SPIEGEL, INC. INDUSTRIAL SUBDIVISION IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THAT PART OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 32 DESCRIBED AS FOLLOWS:

BEGINNING AT A NORTHWEST CORNER OF SAID LOT 2 (SAID NORTHWEST CORNER BEING A POINT ON THE EAST LINE OF THE WEST 466.50 FEET OF SAID SOUTHEAST 1/4), THENCE SOUTH ALONG A WEST LINE OF SAID LOT 2 A DISTANCE OF 51.07 FEET TO A CORNER OF SAID LOT; THENCE WEST ALONG A NORTH LINE OF SAID LOT 2 A DISTANCE OF 0.43 FEET; THENCE NORTH A DISTANCE OF 51.08 FEET TO AN INTERSECTION WITH THE WESTWARD EXTENSION OF THAT CERTAIN NORTH LINE OF SAID LOT 2 WHICH TERMINATES AT THE AFOREMENTIONED NORTHWEST CORNER THEREOF, SAID INTERSECTION BEING 0.53 FEET WEST OF THE POINT OF BEGINNING AS MEASURED ALONG SAID WESTWARD EXTENSION; THENCE EAST ALONG SAID WESTWARD EXTENSION A DISTANCE OF 0.53 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

**PARCEL 4:**

LOT 8 IN THE SPIEGEL INC. INDUSTRIAL SUBDIVISION IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 14, 1961 AS DOCUMENT NUMBER 18084566, IN COOK COUNTY, ILLINOIS.

**PARCEL 5:**

LOTS 3, 4, 5 AND 7 IN THE SPIEGEL INC. INDUSTRIAL SUBDIVISION IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THAT PART OF THE NORTH 88.94 FEET OF SAID LOT 7 WHICH LIES EAST OF THE WEST LINE, EXTENDED SOUTHERLY, OF LOT 6 IN SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 14, 1961 AS DOCUMENT NUMBER 18084566, IN COOK COUNTY, ILLINOIS.

**PARCEL 6:**

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THE SOUTH 503.00 FEET OF THE NORTH 536.00 FEET OF THE WEST 110.00 FEET OF THE EAST 413.00 FEET OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN,

ALSO

LOT 6 AND THAT PART OF THE NORTH 88.94 FEET OF LOT 7 WHICH LIES EAST OF THE WEST LINE OF SAID LOT 6 EXTENDED SOUTH, IN THE SPIEGEL, INC. INDUSTRIAL SUBDIVISION IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, AFORESAID, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 14, 1961 AS DOCUMENT NUMBER 18084566, IN COOK COUNTY, ILLINOIS.

PARCEL 7:

LOT 1 (EXCEPT THAT PART THEREOF LYING WEST OF THE WEST LINE OF THE EAST 841 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 32) IN THE SPIEGEL INC. INDUSTRIAL SUBDIVISION IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 14, 1961 AS DOCUMENT NUMBER 18084566, IN COOK COUNTY, ILLINOIS.

PARCEL 8:

THAT PART OF THE SOUTH 33.00 FEET OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE WEST LINE OF THE EAST 413.00 FEET OF SAID NORTH 1/2 AND LYING EAST OF THE MOST SOUTHERLY EAST LINE OF LOT 7 IN THE SPIEGEL INC. INDUSTRIAL SUBDIVISION IN SAID NORTH 1/2 ALL IN COOK COUNTY, ILLINOIS.

PARCEL 9:

THE SOUTH 33.00 FEET OF THE WEST 110.00 FEET OF THE EAST 413.00 FEET OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PARCEL 10:

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LOT 9 IN SPIEGEL, INC., INDUSTRIAL SUBDIVISION IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN COOK COUNTY, ILLINOIS.

**PARCEL 11:**

A PERPETUAL NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCELS 3 THROUGH 10, BOTH INCLUSIVE, AND PARCEL 15 AS CREATED BY THE AGREEMENT DATED JUNE 25, 1880 AND RECORDED AS DOCUMENT NUMBER 644844 FOR THE PURPOSE OF INGRESS AND EGRESS OVER THE PRIVATE ROADWAY KNOWN AS 36TH STREET, SAID PRIVATE ROADWAY'S TERMINUS ON THE WEST BEING THE EAST LINE OF THE PUBLIC STREET KNOWN AS RACINE AVENUE AND ITS TERMINUS ON THE EAST BEING THE WEST LINE OF THE PUBLIC STREET KNOWN AS MORGAN AVENUE (EXCEPTING THEREFROM THOSE PORTIONS OF THE PRIVATE ROADWAY KNOWN AS 36TH STREET FALLING WITHIN PARCELS 8 AND 9).

**PARCEL 12:**

A PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS TO THE PRIVATE ALLEY FOR THE BENEFIT OF PARCELS 6 AND 15 AS CREATED BY THE INSTRUMENT DATED JANUARY 14, 1920 AND RECORDED JANUARY 21, 1920 AS DOCUMENT 6719849 OVER THE FOLLOWING DESCRIBED LAND:

THE WEST 10 FEET OF THE WEST 110 FEET OF THE EAST 303 FEET OF THE SOUTH 245.6 FEET OF THE NORTH 631.6 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

**PARCEL 13:**

A PERPETUAL NON-EXCLUSIVE EASEMENT FOR THE INGRESS AND EGRESS TO THE PRIVATE ALLEY FOR THE BENEFIT OF PARCELS 6 AND 15 AS CREATED BY THE INSTRUMENT DATED AUGUST 23, 1966 AND RECORDED AUGUST 30, 1966 AS DOCUMENT 19930306 OVER THE FOLLOWING DESCRIBED LAND:

THE WEST 10 FEET OF THE SOUTH 103.3 FEET OF THE NORTH 383 FEET OF THE WEST 110 FEET OF THE EAST 303 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN.

**PARCEL 14:**

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THE RIGHT TO USE THE PRIVATE ALLEY FOR THE BENEFIT OF PARCEL 6 AS IT EXTENDS OVER THE FOLLOWING DESCRIBED LAND:

THE WEST 10 FEET OF THE NORTH 246 FEET OF THE WEST 110 FEET OF THE EAST 303 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE NORTH 33 FEET TAKEN FOR 35TH STREET).

PARCEL 15:

THE SOUTH 95.60 FEET OF THE NORTH 631.60 FEET OF THE WEST 110.00 FEET OF THE EAST 413.00 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

COOK COUNTY  
REAL ESTATE TRANSACTION TAX  
PROPERTY TAX MAP NO. 7  
\$100.00  
COOK COUNTY RECORDER

COOK COUNTY  
REAL ESTATE TRANSACTION TAX  
PROPERTY TAX MAP NO. 7  
\$100.00  
COOK COUNTY RECORDER

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## EXHIBIT B

### Permitted Exceptions

1. General real estate taxes for the year 1996 (second installment) and each subsequent year not yet due and payable.
2. Any acts of Purchaser or persons claiming by, through or under Purchaser.
3. Encroachment over 35th Street by two "Overhead Passageways" as depicted in the Plat of Survey by Chicago Guaranty Survey Company dated February 17, 1997 and numbered 9701006.
4. Notice of Commercial Real Estate Broker's Lien in favor of Metropolitan Chicago Development Corporation, an Illinois corporation, against Spiegel, Inc., a Delaware corporation, recorded November 29, 1996 as Document No. 96906358 in the amount of \$1,000,000 (subject to policy insurance endorsement over the same pursuant to policy modification approved by the First American Title Insurance Company (the "Title Company").
5. Spurs, switch tracks, and railroad rights of way, if any.
6. Terms, conditions and provisions of the documents creating the easement described in Schedule C of ALTA Commitment No. CC103080 (the "Title Commitment"), issued by the Title Company, as Parcel 11, together with the rights of the adjoining owners in and to the concurrent use of said easement.
7. Terms, conditions and provisions of the documents creating the easements and the right to use described in Schedule C of the Title Commitment as Parcels 12, 13 and 14, together with the rights of the adjoining owners in and to the concurrent use of said easement.
8. Encroachment upon the public way to the north by the woven wire fence appurtenant to the Subject Property as shown on the survey prepared by Chicago Guaranty Survey Company dated February 11, 1997 and numbered 9701011.
9. Encroachment of the six story building located mainly on the Subject Property onto the public way by the following distances:

approximately 0.10 feet to the South and 0.006 feet to the West at the Southwest corner of the land;

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approximately 0.10 feet to the South at a point 185.02 feet East of the Southwest corner of the land;

approximately 0.02 feet South at an unspecified distance West of the Southeast corner of the land;

All having been disclosed by the survey by Chicago Guaranty Survey Company dated February 17, 1997 and numbered 9701010 (subject to policy modification approved by the Title Company).

10. Encroachment of four metal ducts attached to the building located mainly on the Subject Property onto the public way to the north as disclosed by the Survey by Chicago Guaranty Survey Company dated February 17, 1997 and numbered 9701010 (subject to policy insurance endorsement over the same pursuant to policy modification approved by the Title Company).
11. Encroachment of the building located mainly on Parcel 3 of the Subject Property onto the property noted below by the following distances:  
  
approximately 0.20 feet Southwesterly and to the Northeast by 0.18 feet  
  
approximately 0.07 feet to 0.14 feet Southwesterly;  
  
As disclosed by the Survey by Chicago Guaranty Survey Company dated February 18, 1997 and revised March 7, 1997 and numbered 9701009 (subject to policy insurance endorsement over the same pursuant to policy modification approved by the Title Company).
12. Encroachment of the building located mainly on parcel 5 of the Subject Property onto the public way to the north by approximately 0.14 feet as disclosed by the Survey by Chicago Guaranty Survey Company dated February 17, 1997 and revised March 7, 1997 and numbered 9701007 (subject to policy insurance endorsement over the same pursuant to policy modification approved by the Title Company).
13. Encroachment of the fence located mainly on parcel 5 of the Subject Property onto the public way to the north by 0.13 feet to 0.16 feet as disclosed by the Survey by Chicago Guaranty Survey Company dated February 17, 1997 and revised March 7, 1997 and numbered 9701007.
14. Encroachment of the building located mainly on Parcel 5 onto the private street to the southeast commonly known as 36th Street by 14.32 feet as disclosed by the Survey by Chicago Guaranty Survey Company dated February 17, 1997 and

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revised March 7, 1997 and numbered 9701006 (subject to policy insurance endorsement over the same pursuant to policy modification approved by the Title Company).

15. Encroachment of the five story building located mainly on parcel 6 of the Subject Property onto the public way to the north by 0.01 feet to 0.03 feet as disclosed by the Survey by Chicago Guaranty Survey Company dated February 17, 1997 and revised March 7, 1997 and numbered 9701006 (subject to policy insurance endorsement over the same pursuant to policy modification approved by the Title Company).
16. Encroachment of the concrete ramp, metal porch and steps attached to the four story building located mainly on parcel 7 of the Subject Property onto the public way to the north as disclosed by the Survey by Chicago Guaranty Survey Company dated February 17, 1997 and revised March 7, 1997 and numbered 9701006 (subject to policy insurance endorsement over the same pursuant to policy modification approved by the Title Company).
17. Encroachment of the sign attached to the four story building located mainly on parcel 7 of the Subject Property onto the public way to the north as disclosed by the Survey by Chicago Guaranty Survey Company dated February 19, 1997 and numbered 9701005.
18. Encroachment of the one story concrete block building located mainly on Parcel 10 of the Subject Property onto the private street to the north commonly known as 36th Street by 0.03 feet as disclosed by the Survey by Chicago Guaranty Survey Company dated February 20, 1997 and revised March 7, 1997 and numbered 9701008 and 9702012 (subject to policy insurance endorsement over the same pursuant to policy modification approved by the Title Company).
19. Encroachment of the bridge at the second story of the building located mainly on Parcel 7 over the Property to the west by approximately 20.14 feet as disclosed by the survey by Chicago Guaranty Survey Company dated February 19, 1997 and numbered 9701005 (subject to policy insurance endorsement over the same pursuant to policy modification approved by the Title Company). Note: Lis pendens recorded as Document No. 97121043.
20. Proceeding pending in the Circuit Court of Cook County, Case 97CH2200, by Metropolitan Chicago Development Corporation vs. Spiegel, Inc., State of Illinois, Bankers Trust Company, et al. to foreclose the broker's lien recorded as Document 96906358 and noted above (subject to policy insurance endorsement over the same pursuant to policy modification approved by the Title Company).

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21. Encroachment of the fence located mainly on Parcel 4 of the Property to the west by approximately 12.36 feet on the South and 23.00 feet along the North as disclosed by the Survey prepared by Chicago Guaranty Survey Company dated February 20, 1997 and revised February 28, 1997 and numbered 9701008.
22. Encroachment of the guard rails for the benefit of Parcels 4 and 10 onto the private street to the north commonly known as 36th Street as disclosed by the Survey prepared by Chicago Guaranty Survey Company dated February 20, 1997 and revised February 28, 1997 and numbered 9701008 and 9702012.
23. Rights of adjacent owners and their invitees to the use of those portions of the private roadway known as 36th Street falling within Parcels 8 and 9.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THAT CERTAIN AGREEMENT TO PURCHASE INDUSTRIAL PROPERTY DATED FEBRUARY 21, 1997 BY AND BETWEEN GRANTOR AND GRANTEE, THE SUBJECT PROPERTY IS CONVEYED TO GRANTEE ON AN "AS-IS, WHERE-IS" BASIS WITHOUT ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, EITHER ORAL OR WRITTEN, MADE BY GRANTOR OR ANY AGENT OR REPRESENTATIVE OF GRANTOR WITH RESPECT TO THE PHYSICAL OR STRUCTURAL CONDITION OF THE SUBJECT PROPERTY, THE SUBJECT PROPERTY'S COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, OR WITH RESPECT TO THE EXISTENCE OR ABSENCE OF TOXIC OR HAZARDOUS MATERIALS, SUBSTANCES OR WASTES OR STORAGE TANKS IN, ON, UNDER OR AFFECTING THE SUBJECT PROPERTY. GRANTOR HAS MADE AND HEREBY MAKES NO WARRANTY OR REPRESENTATION WHATSOEVER AND HEREBY DISCLAIMS ANY IMPLIED WARRANTY REGARDING THE FITNESS FOR PARTICULAR PURPOSE, QUALITY OR MERCHANTABILITY OF THE SUBJECT PROPERTY.

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