

UNOFFICIAL COPY

0020333611

243.0101 13 001 Page 1 of 12

2002-03-25 14:43:22

Cook County Recorder

83.50



0020333611

ACKNOWLEDGMENT BY CYRUS ALEXANDER  
AND ANDREW ALEXANDER OF NO INTEREST  
IN AND TO THE REAL ESTATE  
LOCATED AT 1727 WALLEN, CHICAGO, ILLINOIS

This Acknowledgment is executed on the 7<sup>th</sup> day of March,  
2002, by Cyrus A. Alexander, Ross Alexander and Andrew Alexander.

WHEREAS, Mary A. Alexander died leaving a Last Will and  
Testament dated August 8, 1959;

WHEREAS, the Last Will and Testament of Mary A.  
Alexander, a copy of which is attached to this Agreement as Exhibit  
A, established a Testamentary Trust to hold and administer fifty  
percent (50%) of her estate for the benefit of Joseph Alexander  
(hereinafter referred to as the "Testamentary Trust");

WHEREAS, the real estate located at 1727 West Wallen,  
Chicago, Illinois, (hereinafter sometimes referred to as "the real  
estate"), which is legally described on Exhibit A hereto, was an  
asset of the Estate and, pursuant to the provisions of the Will was  
distributed as follows:

PLEASE RETURN TO:  
Kris Daniel, Esq.  
Lamendella & Daniel, P.C.  
20 North Clark Street  
36th Floor  
Chicago, Illinois 60602

"(a) One-half ( $\frac{1}{2}$ ) . . . to my sons, ROSS ALEXANDER of Chicago, CYRUS ALEXANDER of Chicago, ANDREW ALEXANDER,, JR., of Las Vegas, Nevada, and JOHN ALEXANDER of Chicago, in equal shares, or to the survivor or survivors of them, provided that if any of them does not survive me but leaves any descendant who does survive me, his descendants shall receive per stirpes the share which he would have received if he had survived me.

(b) The remaining one-half ( $\frac{1}{2}$ ) . . . to my son CYRUS ALEXANDER, as Trustee, in trust for the benefit of my son, JOSEPH ALEXANDER . . ."

**WHEREAS**, pursuant to the terms of the Testamentary Trust, in the event Joseph Alexander, as beneficiary, dies prior to distribution or use of the Trust for his benefit, upon his death, all remaining principal and accrued and undistributed income shall be transferred and conveyed to Mary's children who survive her, in equal shares;

**WHEREAS**, Mary's surviving children were Cyrus Alexander, Ross Alexander, Andrew Alexander and Joseph Alexander;

**WHEREAS**, John Alexander died prior to his Mother, Mary, and left no surviving children;

# UNOFFICIAL COPY

0020333611

WHEREAS, on June 5, 1990, Cyrus A. Alexander transferred any interest he had in the real estate to Ross Alexander by Quit Claim Deed, which Quit Claim Deed was duly recorded with the Cook County Recorder of Deeds on March 6, 1991, as Document Number 91100891;

WHEREAS, on May 10, 1991, Andrew Alexander transferred any interest he had in the real estate to Joseph Alexander by Quit Claim Deed, which Quit Claim Deed was duly recorded with the Cook County Recorder of Deeds on May 10, 1991, as Document Number 91222785;

WHEREAS, as of the date of this Agreement, title to the real estate is currently held as follows:

- (a) Fifty percent (50%) is held in trust for the benefit of Joseph Alexander;
- (b) Two-sixths (2/6) is held outright in the name of Ross Alexander; and
- (c) One-sixth (1/6) is held outright in the name of Joseph Alexander.

WHEREAS, Cyrus Alexander and Andrew Alexander wish to acknowledge that, by virtue of their execution of the Quit Claim Deeds transferring any interest they had in the real estate to Ross Alexander and Joseph Alexander, respectively, they have no right, title, or interest, be it current, future, contingent or otherwise, in and to the Real Estate or the Trust holding title to Fifty percent (50%) thereof;

WHEREAS, Ross Alexander has represented that, to effectuate their Mother's last wishes that Joseph's financial interests be protected, in the event the real estate is sold, two-thirds (2/3) of the net proceeds realized therefrom, which two-thirds (2/3) represents the Fifty percent (50%) portion held by the Trust and the one-sixth (1/6) portion held by Joseph outright, shall be utilized for Joseph's care and financial security;

WHEREAS, Cyrus Alexander and Andrew Alexander have relied on the representation of Ross Alexander that, in the event the real estate is sold, two-thirds (2/3) of the net proceeds realized therefrom shall be utilized for Joseph's care and financial security.

NOW, THEREFORE, the undersigned state and agree as follows:

1. **Ross Alexander** renews his representation that, to effectuate their Mother's last wishes that Joseph's financial interests be protected, in the event the real estate is sold, two-thirds ( $2/3$ ) of the net proceeds realized therefrom, which two-thirds ( $2/3$ ) represents the Fifty percent (50%) portion held by the Trust and the one-sixth ( $1/6$ ) portion held by Joseph outright, shall be utilized for Joseph's care and financial security.

2. **Cyrus A. Alexander** and **Andrew Alexander**, in reliance on the representation of Ross Alexander that, in the event the real estate is sold, two-thirds ( $2/3$ ) of the net proceeds realized therefrom shall be utilized for Joseph's care and financial security and by virtue of their execution of the Quit Claim Deeds transferring any interest they had in the real estate to Ross Alexander and Joseph Alexander, respectively, do hereby acknowledge that they have no right, title, or interest, be it current, future, contingent or otherwise, in and to the real estate or the Trust holding title to Fifty percent (50%) thereof.

**UNOFFICIAL COPY**

3. This document may be signed in counterparts each of which shall be deemed an original.

4. The representations set forth herein shall be binding on and shall inure to the benefit of the Parties, their successors, assigns, representatives, heirs and agents.

5. The Parties' rights and obligations set forth herein shall be subject to and governed by the laws of the State of Illinois irrespective of the fact that any party is or may become a resident of a different state.

IN WITNESS WHEREOF, the Parties hereto have executed this Acknowledgment as of the day and year first above written.

\_\_\_\_\_  
Cyrus A. Alexander

\_\_\_\_\_  
Andrew Alexander

*Ross Alexander*  
\_\_\_\_\_  
Ross Alexander

LAST WILL AND TESTAMENTOFMARY A. ALEXANDER

I, MARY A. ALEXANDER, of Chicago, Illinois, declare this to be my will, and revoke all other wills and codicils that I may have made.

FIRST: All inheritance, estate and succession taxes payable by reason of my death with respect to property passing under my will or any codicil, insurance upon my life, United States savings bonds (however held) and property held by me jointly with any person with right of survivorship, and with respect to the interest therein of any person, shall be paid out of and be charged generally against the principal of my residuary estate, without reimbursement or contribution from any person.

SECOND: I bequeath all my personal and household effects and the like, such as jewelry, clothing, automobiles, furniture, furnishings, silver, books and pictures to my husband, ANDREW ALEXANDER, if he survives me, or if he does not survive me to my children who survive me, in equal shares.

THIRD: After the payment of my just debts and funeral expenses, I give, bequeath and devise all my residuary estate, being all property, wherever situated in which I may have any interest at the time of my death, not otherwise effectively disposed of by my will or

codicil, but not including any property over which I may have power of appointment to my husband, ANDREW ALEXANDER, if he survives me.

FOURTH: In the event, however, that my husband shall predecease me, or if he and I shall die simultaneously or as the result of a common accident or catastrophe, or under such circumstances as to render it questionable or impossible to determine with certainty whether he survives me, then and in any of such events, I give, bequeath and devise my residuary estate as follows:

(a) One-half (1/2) of my residuary estate to my sons, ROSS ALEXANDER of Chicago, CYRUS ALEXANDER of Chicago, ANDREW ALEXANDER, JR., of Las Vegas, Nevada, and JOHN ALEXANDER of Chicago, in equal shares, or to the survivor or survivors of them, provided that if any of them does not survive me but leaves any descendant who does survive me, his descendants shall receive per stirpes the share which he would have received if he had survived me.

(b) The remaining one-half (1/2) of my estate to my son CYRUS ALEXANDER, as Trustee, in trust for the benefit of my son, JOSEPH ALEXANDER, to have and to hold the same upon the trust and for the purposes hereinafter expressed:

(1) The Trustee shall pay to or use for the benefit of the said beneficiary, all or any part thereof as the Trustee in his sole discretion shall deem to be necessary or advisable for the care, maintenance, education and support of the said beneficiary until the distribution of the trust estate as hereinafter provided, or until it is exhausted, whichever event shall first occur. My Trustee shall have the power and authority at any time to pay over and deliver to the said beneficiary the entire principal of the said trust estate, together with all accrued and undistributed income therefrom.



(2) In the event that the said beneficiary shall die before all the principal of said trust estate has been distributed or used for his benefit, then upon death of said beneficiary, all of the principal and accrued and undistributed income of the said trust estate shall be transferred and conveyed to my children who survive me, in equal shares.

FIFTH: My Trustee shall have full power and authority:

(a) To accept and retain any property received from my Executor as he shall deem advisable;

(b) To make any division or distribution in kind or partly in kind and partly in money;

(c) To sell at public or private sale, exchange, lease, mortgage or pledge any property, real or personal, at any time constituting a portion of the trust estate upon such terms and conditions as my Trustee shall deem wise;

(d) To invest and reinvest any money at any time in the trust estate in any type of investment authorized for trust funds or guardian's funds by the laws of the State of Illinois in force from time to time;

(e) To manage, care for, protect, control or otherwise deal with the trust estate, or any part thereof, in all other ways in which any owner having unrestricted ownership or control thereof could deal therewith.

SIXTH: Any net income or principal to which any beneficiary who is under legal disability may be entitled, may be applied direct by my Trustee, or be paid to any person selected by my Trustee, for the use and benefit of such beneficiary.

SEVENTH: No money or property (either principal or income) payable or distributable

under the provisions of this instrument shall be pledged, assigned, transferred, sold or in any manner whatsoever anticipated charged or encumbered by any of the beneficiaries hereunder or be in any manner liable in the possession of the Trustee for the debts, contract, obligations or engagements of such beneficiaries, voluntary or involuntary, or for any claims legal or equitable, against any beneficiary, including claims for alimony or for the support of any spouse. All payments to the beneficiary, whether by check or otherwise, shall be made only to and upon the personal receipt of such beneficiary.

EIGHTH: In the event of the death, disability, resignation, refusal to act or any inability for any reason whatsoever of the Trustee, CYRUS ALEXANDER, to act and serve as such, I do hereby direct that ROSS ALEXANDER shall be appointed as Successor-Trustee and shall be vested with all the right, title, interest, power and authority as conferred upon the Trustee under this, my Last Will and Testament.

NINTH: I nominate and appoint ANDREW ALEXANDER as Executor of this, my Last Will and Testament, and the requirement of any bond or security is hereby expressly waived. In the event of his death, resignation, incapacity, or refusal to act as Executor, I nominate and appoint CYRUS ALEXANDER as Successor-Executor of this, my Last Will and Testament. My Successor-Executor shall be vested with all the titles, rights, powers, privileges, duties and discretions herein

# UNOFFICIAL COPY

conferred upon ANDREW ALEXANDER as if he had originally been appointed Executor hereunder, and may retain any part of my estate, real, personal or mixed, which I may own or to which I may be entitled at the time of my death, and may turn over the same to my Trustee in kind. I authorize and empower my Executor or his successor, in his discretion and without order of Court, to sell all or any part of the estate, whether real or personal, of which I may die seized or possessed, or to which I may be entitled at my death, at either public or private sale, for cash or partly cash and partly credit, and upon such terms as to him shall seem advisable. Such power of sale shall be general and shall not be restricted to purposes related to the administration of my estate.

IN WITNESS WHEREOF, I have hereunto set my hand and seal to this, my Last Will and Testament, consisting of five (5) typewritten pages, this 8<sup>th</sup> day of August, 1959.

Mary A. Alexander (SEAL)

The foregoing instrument was on the date thereof, subscribed by the Testatrix MARY A. ALEXANDER, in our presence, and was at the same time declared by her to be her Last Will and Testament, and we at the same time, in her presence, at her request and in the presence of each other, have hereunto subscribed our names as witnesses. And we do hereby certify that at the time of the execution of the foregoing Will the Testatrix was of sound mind and memory.

George W. [Signature] address 5544 W. Leland Chicago Ill.  
[Signature] address 909 Water Ave. Evanston  
[Signature] address 4826 Wright Ave. Skokie Ill.

**UNOFFICIAL COPY****EXHIBIT B****Legal Description**

Lot 45, in Block 7, in William L. Wallen's Addition to Rogers Park, Being a Subdivision of Lots 2 and 3, (Except the West 17 Feet Thereof, Conveyed To the Chicago and North Western Railway Company), in the Subdivision of the Northeast 1/4 of the South East 1/4 of Section 31, Township 41 North, Range 14 East of the Third Principal Meridian, Lying East of the Chicago and North Western Railway Company, in Cook County, Illinois.

Common Address: 1727 West Wallen  
Chicago, Illinois 60626

Permanent Real Estate Index Number: 11-31-412-011-0000

Property of Cook County Clerk's Office