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RECORDATION REQUESTED BY:

Joel S. Rothman
Joel S. Rothman & Associates, Ltd.
55 West Monroe Street
Suite 3330
Chicago, IL 60603



Doc#: 0425239117
Eugene "Gene" Moore Fee: \$30.50
Cook County Recorder of Deeds
Date: 09/08/2004 03:04 PM Pg: 1 of 4

WHEN RECORDED MAIL TO:

Nina M. Sabban
Hoffman Sabban & Watenmaker
10880 Wilshire Blvd
Suite 2200
Los Angeles, CA 90024

SEND TAX NOTICES TO:

Mr. and Mrs. Steven R. Tomingas
401 E. Ontario Street, Apt. 3806
Chicago, IL 60611

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

DEED IN TRUST

THE GRANTORS, Steven R. Tomingas and Judith A. Tomingas, husband and wife, of the COUNTY OF Cook and STATE OF ILLINOIS, for and in consideration of **TEN AND 00/100 Dollars**, and other good and valuable considerations in hand paid, Convey and Warrant unto Steven R. Tomingas and Judith A. Tomingas, **GRANTEES**, of 401 E. Ontario Street, Apt. 3806, Chicago, Illinois 60611, as Co-Trustees (hereinafter referred to as "said trustee," regardless of the number of trustees,) and unto all and every successor or successors in trust under the provisions of a trust agreement dated the day of August 18, 2004, and known as the **Steven and Judith Tomingas Trust** the following described real estate in the COUNTY of COOK and STATE OF ILLINOIS to wit:

See Exhibit A attached hereto and made a part hereof

Permanent Real Estate Index Number(s): 17-10-208-017-1049
Address(es) of real estate: 401 E. Ontario Street, Apt. 3806, Chicago, Illinois 60611

TO HAVE AND TO HOLD the said premises with the appurtenances upon the trusts and for the uses and purposes herein and in said trust agreement set forth.

Full power and authority are hereby granted to said trustee to improve, manage, protect and subdivide said premises or any part thereof: to dedicate parks, streets, highways or alleys; to vacate any subdivision or part thereof, and to resubdivide said property as often as desired; to contract to sell, to grant options to purchase; to sell on any terms; to convey either with or without consideration; to convey said premises or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said trustee; to donate, to dedicate, to mortgage, pledge or otherwise encumber said property, or any part thereof; to lease said property, or any part thereof, from time to time, in possession or reversion, by leases to commence in praesenti or in futuro, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the terms of 198 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter; to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals; to partition or to exchange said property, or any part thereof, for other real or personal property; to grant easements or charges of any kind; to release, convey or assign any right, title or interest in or about or easement appurtenant to said premises or any part thereof; and to deal with said property and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said trustee in relation to said premises, or to whom said premises or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said trustee, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on said premises, or be obliged to see that the terms of this trust have been complied with, or obliged to inquire into the necessity or expediency of any act of said trustee, or be obliged or privileged to inquire into any of the terms of said trust agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said trustee in relation to said real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of delivery thereof the trust created by this Indenture and by said trust agreement was in full force and effect; (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in said trust agreement or in some amendment thereof and binding upon all beneficiaries thereunder; (c) that said trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument; and (d) if the conveyance is made to a successor or successors in trust, that such successor successors in trust have been properly appointed and are fully

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DEED IN TRUST
(Continued)

vested with all the title, estate, rights, powers, authorities, duties and obligations of its, his or their predecessor in trust.

The interest of each and every beneficiary hereunder and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or other disposition of said real estate, and such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any title or interest, legal or equitable, in or to said real estate as such, but only an interest in the earnings, avails and proceeds thereof as aforesaid.

If the title to any of the above lands is now or hereafter registered, the Registrar of Titles is hereby directed not to register or note in the certificate of title or duplicate thereof, or memorial, the words "in trust," or "upon condition," or "with limitations," or words of similar import, in accordance with the statute in such case made and provided.

And the said grantors hereby expressly waive and release any or all right or benefit under and by virtue of any and all statutes of the State of Illinois, providing for the exemption of homesteads from sale on execution or otherwise.

In Witness Whereof, the grantors aforesaid have hereunto set their hands and seals this 28 day of August, 2004.

[Signature] (SEAL)
Steven R. Tomingas

[Signature] (SEAL)
Judith A. Tomingas

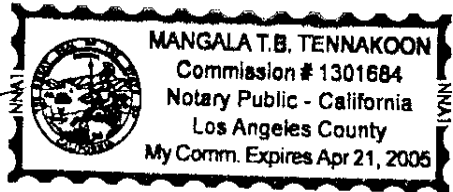
State of California, County of Los Angeles, ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Steven R. Tomingas and Judith A. Tomingas, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 28 day of Aug, 2004

Commission expires APRIL 21, 2005

[Signature]
NOTARY PUBLIC Mangala T.B. Tennakoon.



AFFIX "RIDERS" OR REVENUE STAMPS HERE BELOW

This conveyance of this property is exempt from the imposition of transfer tax in accordance with Ill. Rev. Stat. Chp. 120, Par. 1004, Section 4(e).

[Signature]
Joel S. Rothman

9-8-04
Date

This instrument was prepared by Joel S. Rothman c/o Joel S. Rothman & Associates, 55 West Monroe Street, Chicago, Illinois 60603

UNOFFICIAL COPY**EXHIBIT A**

PARCEL 1: UNIT 3806 IN THE 401 EAST ONTARIO CONDOMINIUMS AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: PARTS OF LOTS 19 AND 20 (EXCEPTING THEREFROM THE WESTERLY 4 FEET THEREOF) IN THE CIRCUIT COURT PARTITION OF THE OGDEN ESTATE SUBDIVISION OF PARTS OF BLOCKS 20, 31 AND 32, IN KINZIE'S ADDITION TO CHICAGO, IN THE NORTHEAST FRACTIONAL ¼ OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN.

PARCEL 2: THE EXCLUSIVE RIGHT TO THE USE OF PARKING SPACE P2-061, LIMITED COMMON ELEMENTS AS DELINEATED ON THE SURVEY ATTACHED TO THE DECLARATION AFORESAID RECORDED AS DOCUMENT NUMBER 99310979.

PARCEL 3: EASEMENTS FOR THE BENEFIT OF PARCELS 1 AND 2 FOR STRUCTURAL SUPPORT, ENCLOSURES, INGRESS AND EGRESS, UTILITY SERVICES AND OTHER FACILITIES AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RECIPROCAL EASEMENTS RECORDED AS DOCUMENT NUMBER 99310979.

WHICH SURVEY IS ATTACHED AS EXHIBIT A TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR 401 EAST ONTARIO, A CONDOMINIUM, RECORDED AS DOCUMENT NO. 99310979 (THE "DECLARATION"), TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS (AS DEFINED IN THE DECLARATION), IN COOK COUNTY, ILLINOIS.

ANY TENANT OCCUPYING THE ABOVE DESCRIBED UNIT WHICH IS THE SUBJECT OF THIS SPECIAL WARRANTY DEED AT THE TIME THE CONTRACT FOR THAT PROPERTY WAS SIGNED EITHER HAD NO RIGHT OF FIRST REFUSAL OR OPTION TO PURCHASE AT THAT TIME OR HAS WAIVED OR FAILED TO EXERCISE THAT RIGHT OF FIRST REFUSAL OR OPTION TO PURCHASE.

GENERAL:

WITH RESPECT TO PARCELS 1, 2 AND 3, GRANTOR ALSO HEREBY GRANTS TO GRANTEE, ITS SUCCESSORS AND ASSIGNS, AS RIGHTS AND EASEMENTS APPURTENANT TO THE PROPERTY WHICH IS THE SUBJECT OF THIS SPECIAL WARRANTY DEED, THE RIGHTS AND EASEMENTS FOR THE BENEFIT OF SAID PROPERTY SET FORTH IN THE DECLARATION, AND GRANTOR RESERVES TO ITSELF, ITS SUCCESSORS AND ASSIGNS, THE RIGHTS AND EASEMENTS SET FORTH IN THE DECLARATION FOR THE BENEFIT OF THE REMAINING PROPERTY DESCRIBED THEREIN.

THIS SPECIAL WARRANTY DEED IS SUBJECT TO (i) ALL RIGHTS, EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS CONTAINED IN THE DECLARATION THE SAME AS THOUGH THE PROVISIONS OF THE DECLARATION WERE RECITED AND STIPULATED AT LENGTH HEREIN, AS AMENDED FROM TIME TO TIME, AND IN THE DECLARATION OF EASEMENTS; (ii) GENERAL REAL ESTATE TAXES ARE NOT YET DUE AND PAYABLE; (iii) SPECIAL TAXES AND ASSESSMENTS (ii) FOR IMPROVEMENTS NOT YET COMPLETED; (iv) APPLICABLE ZONING AND BUILDING LAWS AND ORDINANCES; (v) COVENANTS, CONDITIONS, RESTRICTIONS, AND BUILDING LINES OF RECORD, (vi) PARTY WALL RIGHTS AND AGREEMENTS, IF ANY; (vii) ENCROACHMENTS; (viii) PUBLIC, PRIVATE AND UTILITY EASEMENTS OF RECORD; (ix) LIMITATIONS AND CONDITIONS IMPOSED BY THE ILLINOIS CONDOMINIUM ACT; (x) INSTALLMENTS DUE AFTER CLOSING FOR ASSESSMENTS LEVIED PURSUANT TO THE DECLARATION; AND (xi) ACTS DONE OR SUFFERED BY THE PURCHASER.

COMMONLY KNOWN AS UNIT 3806, 401 EAST ONTARIO, CHICAGO, ILLINOIS 60611

PERMANENT REAL ESTATE NUMBERS 17-10-208-001, 17-10-208-002, 17-10-208-003

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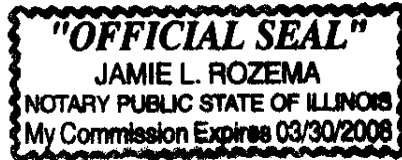
STATEMENT BY GRANTOR AND GRANTEE

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated: September 8, 2004

Signature: Joel S. Roth
Grantor or Agent

Subscribed and sworn to before me by the said Joel S. Rothman this 8th day of September, 2004.



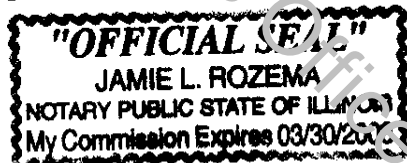
Notary Public Jamie L. Rozema

The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated: September 8, 2004

Signature: Joel S. Roth
Grantee or Agent

Subscribed and sworn to before me by the said Joel S. Rothman this 8th day of September, 2004.



Notary Public Jamie L. Rozema

NOTE: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

[Attach to deed or ABI to be recorded in Cook County, Illinois, if exempt under the provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.]