



Doc#: 0615341060 Fee: \$60.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 06/02/2006 11:45 AM Pg: 1 of 19

This instrument was prepared by:

Jay Gilbert, Esq.  
Kutak Rock LLP  
One South Wacker Drive, Suite 2050  
Chicago, Illinois 60606

After recording, this instrument should  
be returned to:

Eva Garrett, Esq.  
Office of the General Counsel  
Chicago Housing Authority  
200 West Adams, Suite 2100  
Chicago, Illinois 60606

## DECLARATION OF TRUST

(Scattered Site Properties No. 28)

**Whereas**, the Chicago Housing Authority (herein referred to as the "Public Housing Agency" or the "PHA"), a public body corporate and politic duly created and organized pursuant to and in accordance with the laws of the State of Illinois, and the United States of America, Secretary of Housing and Urban Development (herein referred to as "HUD"), pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437, et seq.) (herein referred to as the "Act") and the Department of Housing and Urban Development Act (5 U.S.C. 624), entered into certain contracts and annual Capital Fund Amendments to the Annual Contributions Contract (herein collectively referred to as the "Annual Contributions Contracts") which provide for grants and annual contributions to be made by HUD to assist the PHA in developing, maintaining, and operating its public housing units in accordance with all applicable public housing requirements; and has entered into or will enter into certain Capital Fund Financing Program Amendments to the Annual Contributions Contracts (herein each referred to as a "Capital Fund Financing Program Amendment"), whereby HUD will provide assistance to the PHA for the purpose of assisting the PHA in modernizing existing housing developments in order to ensure that such developments continue to be available to serve low-income families; and

**Whereas**, as of the date of this Declaration of Trust, the Capital Fund Financing Program Amendment and the Annual Contributions Contracts cover certain individual lower income housing projects (herein individually referred to as a "Project" and collectively referred to as the "Projects") located on the real property described on the attached Schedule A; and

**Whereas**, the PHA has issued or proposes to issue and deliver bonds, and may hereafter issue and deliver its obligations to refund such bonds (herein collectively referred to as the "Bonds") to aid in financing the modernization of the Projects; and

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**Whereas**, the cost of the capital and management activities at each Project will have been financed, in part, with the proceeds of the Bonds and/or with grant assistance provided by HUD; and the Bonds will be secured by pledges of specific amounts of the capital funds payable to the PHA pursuant to said Annual Contributions Contracts to the extent and in the manner described in the Annual Contributions Contract and resolutions of the PHA authorizing such Bonds;

**Now, therefore**, to assure HUD and the holder or holders of the Bonds, and each of them, of the performance by the PHA of the covenants contained in the Capital Fund Financing Program Amendment, the Annual Contributions Contracts, and the resolutions of the PHA authorizing the issuance of the Bonds, the PHA does hereby acknowledge and declare that it is possessed of and holds in trust for the benefit of HUD, for the purposes hereinafter stated, the real property described in the attached Schedule A, and all buildings and fixtures erected or to be erected thereon or appurtenant thereto.

The PHA hereby declares and acknowledges that, during the existence of the trust hereby created, HUD has been granted and is possessed of the following interest in each Project property:

The right to require the PHA to remain seized of the title to said property and to refrain from transferring, conveying, assigning, leasing, mortgaging, pledging, or otherwise encumbering or permitting or suffering any transfer, conveyance, assignment, lease, mortgage, pledge or other encumbrance of said property or any part thereof, appurtenances thereto, or any rent, revenues, income, personalty or receipts therefrom or in connection therewith, or any of the benefits or contributions granted to it by or pursuant to the Capital Fund Financing Program Amendment and the Annual Contributions Contracts, or any interest in any of the same except that the PHA may: (1) to the extent and in the manner provided in the Annual Contributions Contracts: (a) lease dwellings and other spaces and facilities in any Project; and (b) convey or otherwise dispose of any real or personal property which is determined to be excess to the needs of any Projects; and (c) convey or dedicate land for use as streets, alleys, or other public right-of-way, and grant easements for the establishment, operation, and maintenance of public utilities; and (d) enter into and perform contracts for the sale of dwelling units to members of tenant families authorized by the Act; and (2) with the approval of HUD, release any Project from the trust hereby created; provided, that nothing herein contained shall be construed as prohibiting the conveyance of title to or the delivery of possession of any Project to HUD pursuant to the Annual Contributions Contracts.

The endorsement by a duly authorized officer of HUD: (1) upon any conveyance or transfer made by the PHA of any real or personal property which is determined to be excess to the needs of the Project; or (2) upon any instrument of conveyance or dedication of property, or any interest therein, for use as streets, alleys, or other public right-of-way, or for the establishment, operation and maintenance of public utilities; or (3) upon any instrument transferring or conveying a dwelling unit, or an interest therein, to a member of a tenant family; or (4) upon any instrument of release of the Project executed by the PHA shall be effective to release such property from the trust hereby created.

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The individual Projects subject to this Declaration of Trust shall be operated by the PHA as low-income housing in accordance with the Annual Contributions Contracts, the Act and all HUD regulations for the longer of: (1) twenty years after the disbursement of Capital Fund Program assistance for modernization activities and for a period of forty years after the last distribution of Capital Fund Program assistance for development activities; or (2) for so long as HUD determines there is any outstanding indebtedness of the PHA to HUD which arose in connection with any of the Projects under the Annual Contributions Contracts and which is not eligible for forgiveness; and provided further that, for a period of ten years following the last payment of assistance from the Operating Fund to the PHA, no disposition of any Project covered by this Declaration of Trust shall occur unless approved by HUD. Upon the expiration of the periods during which the PHA is obligated to operate each of the Projects in accordance with the Annual Contributions Contracts, the trust hereby created shall terminate and no longer be effective as to each such Project.

Nothing herein shall be construed to bestow upon the holder or holders of any of the Bonds any right or right of action or proceeding whereby the PHA might be deprived of title to or possession of any Project.

This Declaration of Trust supersedes any existing Declaration of Trust encumbering any Project that was executed for the benefit of the Public Housing Administration, the United States of America or HUD.

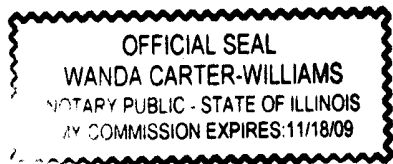
**In Witness Whereof**, the PHA has caused these presents to be signed in its name by a duly authorized officer, this 5<sup>th</sup> day of June, 2006.

Chicago Housing Authority

By: [Signature]  
Terry Peterson, Chief Executive Officer

STATE OF ILLINOIS     )  
  ) ss.  
COUNTY OF COOK     )

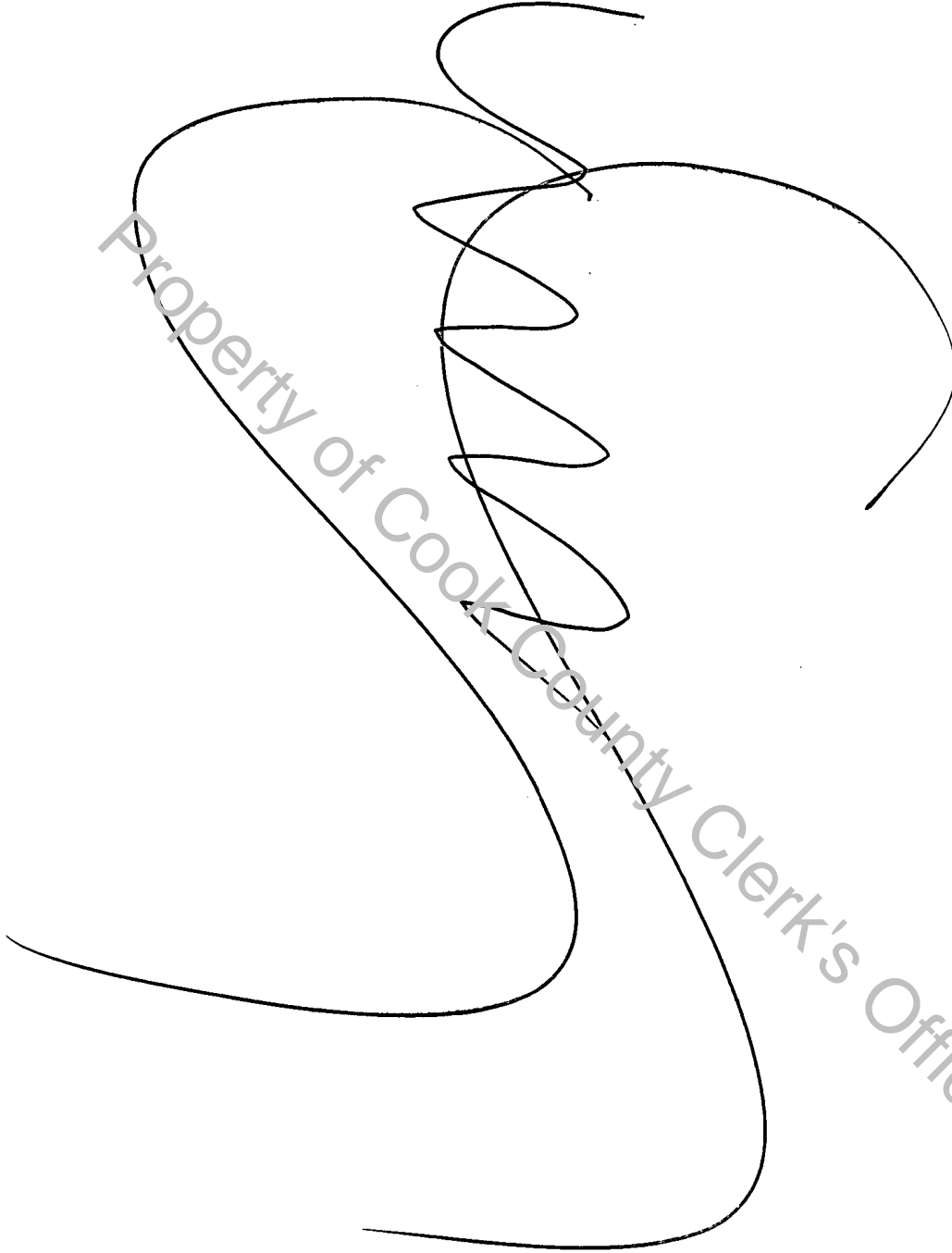
This instrument was acknowledged before me on 5-31, 2006, by Terry Peterson, as Chief Executive Officer of the Chicago Housing Authority.



[Signature]  
Notary Public

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## SCHEDULE A



Property of Cook County Clerk's Office

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Legal Description  
7754 W. Higgins  
Chicago, Illinois

**PARCEL 1: THAT PART OF THE WEST 113.81 FEET OF THE EAST 222.81 FEET (AS MEASURED ALONG THE CENTER LINE OF HIGGINS AVENUE) ALSO BEING THE SOUTHERLY LINE OF LOT 2 IN ASSESSOR'S SUBDIVISION OF LOT 2 IN ASSESSOR'S SUBDIVISION OF THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE NORTH 15 ACRES OF SAID LOT 2 AND EXCEPT THE NORTH 358 FEET OF THAT PART OF LOT 2 LYING SOUTH OF THE NORTH 15 ACRES THEREOF) REFERRED TO AS A TRACT DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EAST LINE OF SAID TRACT WITH THE NORTHERLY LINE OF WEST HIGGINS AVENUE; THENCE NORTH 112.10 FEET ON THE EAST LINE OF SAID TRACT TO THE POINT OF BEGINNING; THENCE WEST 61.33 FEET; THENCE SOUTH 27.30 FEET; THENCE EAST 12.67 FEET; THENCE NORTH 0.33 FEET; THENCE EAST 27.90 FEET; THENCE NORTH 0.33 FEET; THENCE EAST 20.56 FEET; THENCE NORTH 26.64 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.**

**PARCEL 2: EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1 AS SET FORTH AND DEFINED IN THE DECLARATION OF EASEMENTS RECORDED AS DOCUMENT NO. 19446774, 19615431 AND 19673089 FOR INGRESS AND EGRESS, ALL IN COOK COUNTY, ILLINOIS.**

P.I.N.: 12-01-311-098

Address: 7754 W. Higgins  
Chicago, Illinois

Project No. IL06P002164

# UNOFFICIAL COPY

**Legal Description**  
**1629 N. Washtenaw**  
**Chicago, Illinois**

**LOT 14 IN BOETTCHER'S SUBDIVISION OF LOTS 8, 10 AND PART OF LOT 7 IN BLOCK 8 IN BORDEN'S SUBDIVISION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-36-427-010

Address: 1629 N. Washtenaw  
Chicago, Illinois

Project No. ILO6P002164

# UNOFFICIAL COPY

**Legal Description  
2500 N. Spaulding  
Chicago, Illinois**

**LOT 84 IN DEZENG'S LOGAN SQUARE, A SUBDIVISION OF BLOCK 3 IN GARRETT'S SUBDIVISION OF PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-26-420-037

Address: 2500 N. Spaulding  
Chicago, Illinois

Project No. ILO6P002104

Property of Cook County Clerk's Office

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**Legal Description**  
**3034 N. Sawyer**  
**Chicago, Illinois**

**LOT 10 AND THE SOUTH 5 FEET OF LOT 9 IN BLOCK 15 IN AVONDALE, BEING PHILPOT'S RESUBDIVISION OF LOTS 1, 2, 5 AND 6 IN BRANDS' SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-26-212-029

Address: 3034 N. Sawyer  
Chicago, Illinois

Project No. ILO6P002164



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**Legal Description**  
**2614 N. Ridgeway**  
**Chicago, Illinois**

**LOT 27 IN BECK'S ADDITION TO LOGAN SQUARE, BEING A SUBDIVISION OF LOTS 1 TO 6 INCLUSIVE, IN THE SUBDIVISION OF LOT 4 IN KIMBELL'S SUBDIVISION OF THE EAST 1/2 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT 25 ACRES IN THE NORTHEAST CORNER), IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-26-311-013

Address: 2614 N. Ridgeway  
Chicago, Illinois

Project No. IL06P002164

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**Legal Description  
2701 North Monticello  
Chicago, Illinois**

**LOT 28 (EXCEPT THE NORTH 3 FEET THEREOF) IN BLOCK 1 IN CRATTY AND KIRKEBY'S SUBDIVISION OF LOT 1 IN KIMBELL'S SUBDIVISION OF THE EAST 1/2 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE NORTH 25 ACRES IN THE NORTHEAST CORNER), IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-26-306-025

Address: 2701 North Monticello  
Chicago, Illinois

Project No. IL 06P002164

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**Legal Description**  
**2947-49 N. Gresham**  
**Chicago, Illinois**

**LOT 37 IN BLOCK 1 IN ALBERT WISNER'S SUBDIVISION OF LOTS 13 AND 14 IN BRAND'S SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-26-215-037

Address: 2947-49 N. Gresham  
Chicago, Illinois

Project No. IL06P002104

# UNOFFICIAL COPY

**Legal Description  
2648 N. Drake  
Chicago, Illinois**

**LOT 5 IN KIMBELL'S SUBDIVISION OF THE WEST 1/2 OF LOTS 7 AND 8 KIMBELL'S SUBDIVISION OF THE EAST 1/2 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE 25 ACRES IN THE NORTHEAST CORNER) IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-26-409-019

Address: 2648 N. Drake  
Chicago, Illinois

Project No. IL06P002164

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**Legal Description**  
**3017 W. Diversey**  
**Chicago, Illinois**

**LOT 1 (EXCEPT THE WEST SEVENTY TWO HUNDREDTHS OF A FOOT THEREOF) IN ALMON BROOKS RESUBDIVISION OF LOTS 25 TO 48 INCLUSIVE, IN BLOCK 1 AND OF LOTS 20 TO 37 INCLUSIVE, AND THE WEST 1/2 OF LOT 19 IN BLOCK 2 IN BROOKS AND LUNDS SUBDIVISION OF THE EAST 10 ACRES OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-25-303-004

Address: 3017 W. Diversey  
Chicago, Illinois

Project No. IL06P002164

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**Legal Description**  
**2507 N. Avers**  
**Chicago, Illinois**

**THE SOUTH 10 FEET OF LOT 25 AND THE NORTH 20 FEET OF LOT 26 IN BLOCK 23 IN PENNOCK SUBDIVISION OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-26-318-020

Address: 2507 N. Avers  
Chicago, Illinois

Project No. IL06P002164

# UNOFFICIAL COPY

**Legal Description**  
**2920 N. Allen**  
**Chicago, Illinois**

**LOT 45 IN BLOCK 8 IN WISNER'S SUBDIVISION OF LOTS 8, 9, 11 AND 12 IN BRAND'S SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-26-215-092

Address: 2920 N. Allen  
Chicago, Illinois

Project No. IL06P002164

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**Legal Description**  
**2868 North Woodard**  
**Chicago, Illinois**

**LOT 30 IN STORY AND ALLEN'S SUBDIVISION OF LOT 10 IN BRANDS SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

**P.I.N.:** 13-26-218-065

**Address:** 2868 North Woodard  
Chicago, Illinois

Project No. IL06P002164



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**Legal Description**  
**2131 N. Mason Avenue**  
**Chicago, Illinois**

**LOT 47 IN THE RESUBDIVISION OF LOTS 17 TO 22, INCLUSIVE AND LOTS 30 TO 40, INCLUSIVE IN BLOCK 1, LOTS 11 TO 14, INCLUSIVE AND LOTS 17 TO 28 INCLUSIVE IN BLOCK 2, LOTS 11 TO 34, INCLUSIVE AND LOTS 36 TO 47 INCLUSIVE IN BLOCK 3 AND LOTS 11 TO 17 INCLUSIVE AND THE NORTH 1/2 OF LOT 18 AND LOTS 20 TO 65 INCLUSIVE IN BLOCK 4 ALL IN GRANDVIEW BEING JOHN T. KELLY AND OTHER'S SUBDIVISION OF THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE CENTER LINE OF GRAND AVENUE AND NORTH OF SOUTH LINE OF DICKENS AVENUE PRODUCED WEST, IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-32-220-023

Address: 2131 N. Mason Avenue  
Chicago, Illinois

Project No. IL06P002164

# UNOFFICIAL COPY

**Legal Description**  
**5944-5946 West Gunnison**  
**Chicago, Illinois**

**LOTS 361 AND 362 IN WILLIAM ZELOSKY'S COLONIAL GARDENS, A SUBDIVISION OF THE WEST FRACTIONAL 1/2 OF THE SOUTH EAST FRACTIONAL 1/4 OF FRACTIONAL SECTION 8, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-08-422-035 & 13-08-422-036

Address: 5944-5946 West Gunnison  
Chicago, Illinois

Project No. IL06P002164

# UNOFFICIAL COPY

**Legal Description  
5616 North Central  
Chicago, Illinois**

**LOTS 17 AND 18 IN BLOCK 6 IN MILLS AND WESEY'S GLADSTONE PARK ADDITION BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE CENTER OF MILWAUKEE AVENUE, ALSO A RESUBDIVISION OF THAT PART OF CARPENTERS SUBDIVISION OF THE EAST 1/2 OF THE SOUTHEAST FRACTIONAL 1/4 OF FRACTIONAL SECTION 5, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BETWEEN THE CENTER OF MILWAUKEE AVENUE AND ELSTON AVENUE, IN COOK COUNTY, ILLINOIS.**

P.I.N.: 13-05-433-038

Address: 5616 North Central  
Chicago, Illinois

Project No. IL06P002164