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Doc#: 0631808237 Fee: \$36.50  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 11/14/2006 03:30 PM Pg: 1 of 7

**DEED IN TRUST**

(ILLINOIS)

CAUTION: Consult a lawyer before using or acting under this form. Neither the publisher nor the seller of this form makes any warranty with respect thereto, including any warranty of merchantability or fitness for a particular purpose.

THE GRANTOR, **HELEN M. MCCLELLAN**, divorced and not since remarried, of the County of Cook and State of Illinois for and

*For Recorder's Use Only*

in consideration of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable considerations in hand paid, Convey and (WARRANT)\* unto **HELEN M. MCCLELLAN, Trustee of the Helen M. McClellan Trust Agreement**, under the provisions of a trust agreement dated the 4<sup>th</sup> day of October, 2006 (hereinafter referred to as "said trustee," regardless of the number of trustees,) and unto all and every successor or successors in trust under said trust agreement, the following described real estate in the County of Cook and State of Illinois to wit:

**SEE LEGAL DESCRIPTION AND EXCEPTIONS  
IN THE RIDER ATTACHED HERETO AND MADE  
A PART HEREOF.**

**--NO TAXABLE CONSIDERATION--**

Permanent Real Estate Index Number(s): 04-08-200-022-1007

Address(es) of real estate: 3128 Pheasant Creek Drive, Northbrook, IL. 60062

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, street, 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 term 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 be 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 the 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

Handwritten initials: S-V, SY, 107, SN, M, 11/14

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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 or successors in trust have been properly appointed and are fully 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 avail 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 grantor hereby expressly waive and release any and 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 grantor has hereunto set her hand and seal this 4<sup>th</sup> day of October, 2006.

x *HELEN M. MCCLELLAN* (SEAL) \_\_\_\_\_ (SEAL)  
HELEN M. MCCLELLAN

State of Illinois, County of Lake \_\_\_\_\_.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT HELEN M. MCCLELLAN 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 she signed, sealed and delivered the said instrument as her 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 4<sup>th</sup> day of October, 2006.

Commission expires \_\_\_\_\_, 200\_\_\_\_\_.

NOTARY PUBLIC

This instrument was prepared by: Carey J. Schiever, Ltd, 1512 Artaius Parkway, Libertyville, IL. 60048  
\*USE WARRANT OR QUIT CLAIM AS PARTIES DESIRE

MAIL TO:

SEND SUBSEQUENT TAX BILL TO:

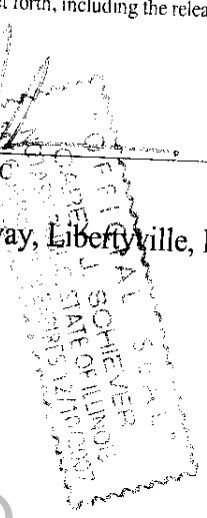
Carey J. Schiever, Ltd.  
1512 Artaius Parkway  
Suite 300  
Libertyville, IL. 60048

Ms. Helen M. McClellan  
3128 Pheasant Creek Drive  
Northbrook, IL. 60062

OR RECORDER'S OFFICE BOX NO. \_\_\_\_\_  
EXEMPT UNDER PROVISIONS OF PARAGRAPH E,  
SECTION 4, REAL ESTATE TRANSFER ACT

Date: October 4, 2006

Signature of Buyer, Seller, or Representative



Property of Cook County Clerk's Office

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## RIDER

### PARCEL 1:

UNIT NUMBER 3128 IN PHEASANT CREEK CONDOMINIUM NUMBER 2 AS DELINEATED ON SURVEY OF PART OR PARTS OF THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE (HEREINAFTER REFERRED TO AS "PARCEL"):  
LOTS "A" AND "B" IN WHITE PLAINS UNIT 7, BEING A SUBDIVISION IN SECTION 08, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO THE 2 ACRES CONVEYED TO FREDERICK WALTER BY WARRANTY DEED RECORDED DECEMBER 4, 1849 AS DOCUMENT NUMBER 24234, BEING THE EAST 20 RODS OF THE NORTH 16 RODS OF THE WEST 1/2 OF THE NORTH EAST 1/4 OF SAID SECTION 8, AND ALSO THE 1 ACRE CONVEYED TO THE CHURCH BY WARRANTY DEED RECORDED APRIL 30, 1851 AS DOCUMENT NUMBER 29581 ALL TAKEN AS A TRACT, (EXCEPTING FROM SAID TRACT THE NORTH 520.00 FEET OF THE WEST 742.00 FEET AND ALSO EXCEPTING THAT PART EAST OF THE WEST 742 FEET OF SAID TRACT AND NORTH OF LINE 246.75 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTH EAST 1/4 OF SAID SECTION 8) ALL IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "B" TO DECLARATION OF CONDOMINIUM MADE BY CHICAGO TITLE AND TRUST COMPANY COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED 40920 RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS AD# 22648911 AS AMENDED FROM TIME TO TIME, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN SAID PARCEL (EXCEPTING FROM SAID PARCEL ALL THE PROPERTY AND SPACE COMPRISING ALL THE UNITS THEREOF AS DEFINED AND SET FORTH IN SAID DECLARATION AND SURVEY)

### PARCEL 2:

EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1 AS SET FORTH IN PHEASANT CREEK ASSOCIATION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS DATED MARCH 5, 1974 AND RECORDED MARCH 8, 1974 AS DOCUMENT NUMBER 22648909 AND AS CREATED BY DEED FROM CHICAGO TITLE AND TRUST COMPANY COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED FEBRUARY 26, 1959 AND KNOWN AS TRUST NUMBER 40920 TO HILLARD J. CUDEK AND SOPHIA B. CUDEK, HIS WIFE, DATED MAY 15, 1974 AND RECORDED AUGUST 20, 1974 AS DOCUMENT NUMBER 2282112) FOR INGRESS AND EGRESS, IN COOK COUNTY, ILLINOIS.

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EASEMENT FOR CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, RENEWAL, RELOCATION AND REMOVAL FROM TIME TO TIME, OF WIRES, CABLES, CONDUITS, MANHOLES AND OTHER FACILITIES USED IN THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, SOUNDS AND SIGNALS, GAS, WATER, SEWAGE, TOGETHER WITH RIGHT OF ACCESS THERETO, AND THE RIGHT FROM TIME TO TIME, TO TRIM OR REMOVE TREES, BUSHES AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED, AS SET FORTH IN THE DECLARATION OF EASEMENTS MADE BY CHICAGO TITLE AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED FEBRUARY 26, 1959 KNOWN AS TRUST NUMBER 40920, DATED MARCH 5, 1974 AND RECORDED MARCH 8, 1974 AS DOCUMENT 22648908 OVER THAT PART OF THE LAND DESCRIBED IN AND ATTACHED AS EXHIBIT 'B' TO SAID DOCUMENT

(AFFECTS THE LAND AND OTHER PROPERTY).

EASEMENT FOR PUBLIC UTILITIES PURPOSES TO INSTALL ELECTRIC FACILITIES IN AND UPON THE LAND TOGETHER WITH RIGHT OF ACCESS THERETO AS CREATED BY THE GRANT FROM CHICAGO TITLE AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED FEBRUARY 25, 1959 KNOWN AS TRUST NUMBER 40920 TO THE COMMONWEALTH EDISON COMPANY RECORDED MAY 9, 1974 AS DOCUMENT 22711633.

(AFFECTS THE LAND AND OTHER PROPERTY).

PROVISIONS CONTAINED IN THE DECLARATION OF CONDOMINIUM RECORDED MARCH 8, 1974 AS DOCUMENT 22648911 PROVIDING THAT WITHIN 10 YEARS OF THE RECORDING DATE OF SAID DECLARATION, ADDITIONAL PROPERTY MAY BE ANNEXED TO THE CONDOMINIUM FROM THE DEVELOPMENT AREA DESCRIBED AS FOLLOWS:

LOTS 'A' AND 'B' IN WHITE PLAINS UNIT 7, BEING A SUBDIVISION IN SECTION 8, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO THE 2 ACRES CONVEYED TO FREDERICK WALTER BY WARRANTY DEED RECORDED DECEMBER 4, 1849 AS DOCUMENT 24234, BEING THE EAST 20 RODS OF THE NORTH 16 RODS OF THE WEST 1/2 OF THE NORTH EAST 1/4 OF SAID SECTION 8, AND ALSO THE 1 ACRE CONVEYED TO THE CHURCH BY WARRANTY DEED RECORDED APRIL 30, 1851 AS DOCUMENT 29581, ALL TAKEN AS A TRACT, EXCEPTING FROM SAID TRACT THE NORTH 520.00 FEET OF THE WEST 742.00 FEET AND ALSO EXCEPTING THAT PART EAST OF THE WEST 742.00 FEET OF SAID TRACT AND NORTH OF A LINE 246.75 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTH EAST 1/4 OF SAID SECTION 8, ALL IN COOK COUNTY, ILLINOIS.

(A) TERMS, PROVISIONS, COVENANTS, CONDITIONS AND OPTIONS CONTAINED IN AND RIGHTS AND EASEMENTS ESTABLISHED BY THE DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED MARCH 8, 1974 AS DOCUMENT 22648911.

(B) LIMITATIONS AND CONDITIONS IMPOSED BY THE 'CONDOMINIUM PROPERTY ACT.'

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COVENANTS, CONDITIONS AND RESTRICTIONS IN THE PHEASANT CREEK ASSOCIATION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS BY CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED FEBRUARY 26, 1959 AND KNOWN AS TRUST NUMBER 40920, DATED MARCH 5, 1974 RECORDED MARCH 8, 1974 AS DOCUMENT 22648909 RELATING TO MEMBERSHIP IN THE PHEASANT CREEK ASSOCIATION, AN ILLINOIS NOT FOR PROFIT CORPORATION, CLASSES OF MEMBERSHIP AND VOTING RIGHTS OF MEMBERS IN THE ASSOCIATION; USES AND DESIGNATION OF THE COMMON PROPERTIES; PROPERTY RIGHTS OF MEMBERS IN THE COMMON PROPERTIES; COVENANT BY EACH OWNER TO MAINTAIN THE EXTERIOR OF HIS STRUCTURE AND UPON THE FAILURE OF ANY OWNER TO DO SO, THAT THE ASSOCIATION SHALL HAVE THE RIGHT TO CAUSE SUCH MAINTENANCE TO BE PERFORMED

NOTE: SAID INSTRUMENT CONTAINS NO PROVISION FOR A FORFEITURE OR REVERSION OF TITLE IN CASE OF BREACH OF CONDITION.

PROVISIONS CONTAINED IN THE PHEASANT CREEK ASSOCIATION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS BY CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED FEBRUARY 26, 1959 KNOWN AS TRUST NUMBER 40920 DATED MARCH 5, 1974 RECORDED MARCH 8, 1974 AS DOCUMENT 22648909 WHEREBY EACH OWNER COVENANTS AND AGREES TO PAY THE ASSOCIATION;

(1) ANNUAL ASSESSMENTS OR CHARGES, AND

(2) SPECIAL ASSESSMENTS, TOGETHER WITH THE COST OF COLLECTION THEREOF, SHALL BE A CHARGE ON THE OWNER'S INTEREST IN THE LIVING UNITS FOR WHICH EACH SUCH ASSESSMENT IS MADE; FURTHER PROVIDES THAT THE LIEN OF THE ASSESSMENTS SHALL BE SUBORDINATE TO THE LIEN OF ANY FIRST MORTGAGE OR TRUST DEED

NOTE: SAID INSTRUMENT CONTAINS NO PROVISION FOR A FORFEITURE OR REVERSION OF TITLE IN CASE OF BREACH OF CONDITION.

TERMS, PROVISIONS AND CONDITIONS RELATING TO THE EASEMENT DESCRIBED AS PARCEL NUMBER TWO CONTAINED IN THE INSTRUMENT CREATING SUCH EASEMENT.

RIGHTS OF THE ADJOINING OWNER OR OWNERS TO THE CONCURRENT USE OF SAID EASEMENT.

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COVENANTS AND RESTRICTIONS CONTAINED IN ORDER OF THE CIRCUIT COURT OF COOK COUNTY, IN CASE NO. 66L4778 RELATING TO DENSITY, HEIGHT AND LOCATION OF BUILDINGS, CHARACTER OF APARTMENTS, PARKING AREAS, UTILITIES AND PROVIDING FOR THE PAYMENT FOR STORM SEWERS SERVING THE LAND.

ANY DEED FROM THE PARTY IN TITLE SHOULD CONTAIN THE FOLLOWING CLAUSE: 'THIS DEED IS CONVEYED ON THE CONDITIONAL LIMITATION THAT THE PERCENTAGE OF OWNERSHIP OF SAID GRANTEEES IN THE COMMON ELEMENTS SHALL BE DIVESTED PRO TANTO AND VEST IN THE GRANTEEES OF THE OTHER UNITS IN ACCORDANCE WITH THE TERMS OF SAID DECLARATION AND ANY AMENDED DECLARATIONS RECORDED PURSUANT THERETO, AND THE RIGHT OF REVOCATION IS ALSO HEREBY RESERVED TO THE GRANTOR HEREIN TO ACCOMPLISH THIS RESULT. THE ACCEPTANCE OF THIS CONVEYANCE BY THE GRANTEEES SHALL BE DEEMED AN AGREEMENT WITHIN THE CONTEMPLATION OF THE CONDOMINIUM PROPERTY ACT OF THE STATE OF ILLINOIS TO A SHIFTING OF THE COMMON ELEMENTS PURSUANT TO SAID DECLARATION AND TO ALL OTHER TERMS OF SAID DECLARATION, WHICH IS HEREBY INCORPORATED HEREIN BY REFERENCE THERETO, AND TO ALL THE TERMS OF EACH AMENDED DECLARATION RECORDED PURSUANT THERETO.'

Cook County Clerk's Office

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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: October 4, 2006

Signature: Helen M. McCollan  
Grantor or Agent

Subscribed and sworn to before me  
this 4<sup>th</sup> day of October, 2006

Notary Public

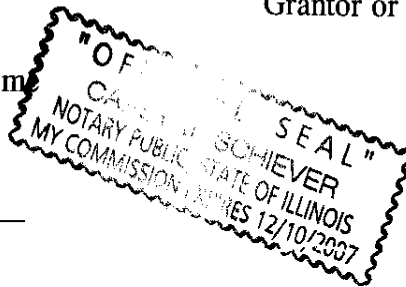
The Grantee or his Agent affirms and verifies that the name of the Grantee shown on the Deed or Assignment of Beneficial Interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois a partnership authorized to do business or acquire 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: October 4, 2006

Signature: Helen M. McCollan  
Grantor or Agent

Subscribed and sworn to before me  
this 4<sup>th</sup> day of October, 2006

Notary Public



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 offenses and of a Class A misdemeanor for subsequent offenses.

(Attached 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.)

Revised 10/02/cp