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Cook County Recorder of Deeds  
Date: 01/12/2009 02:50 PM Pg: 1 of 9

**STATE OF ILLINOIS**

**COUNTY OF COOK**

**TITLE OF DOCUMENT:** LIMITED POWER OF ATTORNEY

**GRANTOR(S):** FEDERAL DEPOSIT INSURANCE CORPORATION

**GRANTEE:** JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

**I HEREBY CERTIFY THAT THIS IS A  
TRUE AND EXACT COPY.**

**BY** \_\_\_\_\_

PREPARED BY: PEGGY DANIELS, OFFICE OF THRIFT SUPERVISION

AFTER RECORDING RETURN TO: WORLD TITLE GUARANTY, INC.  
880 N. YORK ROAD  
ELMHURST, IL 60126

331494 1/3

Cook County Clerk's Office

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I HEREBY CERTIFY THAT THIS IS  
TRUE AND EXACT COPY

BY

**UNOFFICIAL COPY**POA ✓ 20080367077  
3 PGSPOA ✓ 20080364642  
3 PGSRecording Requested By and  
When Recorded Mail to:

Space Above for Recording Information

**LIMITED POWER OF ATTORNEY**

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, the FEDERAL DEPOSIT INSURANCE CORPORATION is a Corporation organized and existing under an Act of Congress, hereinafter called the "FDIC," acting in its Receivership capacity as Receiver for Washington Mutual Bank, formerly known as Washington Mutual Bank, FA, Henderson, Nevada (the "Institution"); and

WHEREAS, on September 25, 2008, the Institution was closed by the Office of Thrift Supervision ("OTS") and the FDIC was appointed receiver (the "Receiver") for the Institution; a copy of the OTS order authorizing the foregoing action is attached as Exhibit "A" and incorporated herein; and

WHEREAS, pursuant to 12 U.S.C. § 1821(d)(2)(A)(i), the Receiver, by operation of law, succeeded to all of the rights, title, and interest of the Institution in and to all of the assets, including without limitation, all real estate (including any leasehold interest and any interest in a condominium or cooperative unit) of the Institution (collectively, the "Institution Assets"); and

WHEREAS, pursuant to the terms and conditions of a Purchase and Assumption Agreement among the FDIC, acting in its corporate capacity, the FDIC as Receiver of the Institution, and JPMorgan Chase Bank, National Association ("JPMorgan Chase"), dated as of September 25, 2008 (the "Agreement"), JPMorgan Chase acquired, among other Institution Assets, all real estate (including any interest in a condominium or cooperative unit) of the Institution, except for certain scheduled assets that were not purchased; and

WHEREAS, pursuant to the Agreement, the FDIC as Receiver granted to JPMorgan Chase an exclusive option for a period of ninety (90) days after September 25, 2008 to cause the FDIC to assign certain leases of the Institution to JPMorgan Chase; and

WHEREAS, the undersigned has full authority to execute this instrument on behalf of the FDIC under applicable Resolutions of the FDIC's Board of Directors and redelegations thereof.

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NOW, THEREFORE, the FDIC hereby appoints JPMorgan Chase Bank, National Association to act as Attorney-in-Fact for the Receiver and does hereby grant the Attorney-in-Fact full power to act in the name, place and stead of the FDIC for the following **LIMITED** purposes, to wit:

1. To execute, acknowledge, seal and deliver on behalf of the FDIC, acting in its capacity as Receiver of the Institution, all instruments of sale, transfer, conveyance and/or assignment,

including, without limitation, Receiver's Deeds and bills of sale or equivalent documents, appropriately completed, with all ordinary or necessary endorsements, acknowledgments, affidavits and supporting documents as may be necessary or appropriate to evidence the sale, transfer, conveyance and/or assignment of any interest in real estate (including any leasehold interest and any interest in a condominium or cooperative unit) and any personal property appurtenant to the real estate from the Receiver to JPMorgan Chase or to an affiliate of JPMorgan Chase.

The form that the Attorney-in-Fact shall use for the signature block is as follows:

FEDERAL DEPOSIT INSURANCE  
CORPORATION as Receiver for Washington  
Mutual Bank, formerly known as Washington  
Mutual Bank, FA

By: JPMorgan Chase Bank, National Association  
Its Attorney-in-Fact

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Each sale, transfer, conveyance and/or assignment shall be made without recourse, representation or warranty, express or implied, by the FDIC in its corporate capacity or as Receiver.

2. To execute, acknowledge, seal and deliver, on behalf of the FDIC, acting in its capacity as Receiver of the Institution, such documents and instruments as may be required to be delivered by the tenant under the leases of the Institution, including, without limitation, estoppel certificates, recognition agreements and subordination, nondisturbance and attornment agreements; provided, however, that such documents and instruments shall provide that they are subject to the Receiver's powers under 12 U.S.C. § 1821(e), which powers remain with the Receiver, and further provided that the powers set out in this paragraph shall terminate automatically no later than January 25, 2008.

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3. The FDIC further grants to the Attorney-in-Fact full power and authority to do and perform all acts necessary to carry into effect the powers granted by this Limited Power of Attorney as fully as the FDIC might or could do with the same validity as if all and every such act had been herein particularly stated, expressed and especially provided for.

Except as provided under paragraph two (2) above, this Limited Power of Attorney shall be effective from and after September 25, 2008, and shall continue in full force and effect through September 25, 2010, unless otherwise terminated by an official of the FDIC authorized to do so by the FDIC Board of Directors ("Revocation"). At such time this Limited Power of Attorney will be automatically revoked. Any third party may rely upon this document as the Attorney-in-Fact's authority to continue to exercise the powers herein granted unless a Revocation by the FDIC has been recorded in the public records of the jurisdiction where this Limited Power of Attorney has been recorded, or unless a third party has received actual notice of any such revocation.

IN WITNESS WHEREOF, the FDIC, by its duly authorized officer empowered by appropriate resolution of its Board of Directors, has caused these presents to be subscribed in its name this ~~30~~ day of ~~November~~, 2008.  
*October*

**FEDERAL DEPOSIT INSURANCE CORPORATION**

By: *Janice S. Hearn*  
Name: Janice S. Hearn  
Title: Manager of Customer Service  
Dallas Regional Office

(CORPORATE SEAL)

676000

ATTEST: *Herbert J. Messite*  
Name: Herbert J. Messite  
Title: Counsel

Signed, sealed and delivered in the presence of:

*Catherine L. Hammon*  
Witness Catherine L. Hammon  
Name: \_\_\_\_\_

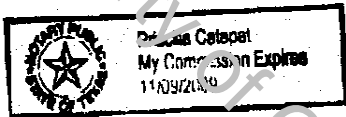
*Shirley L. Walker*  
Witness Shirley L. Walker  
Name: \_\_\_\_\_

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STATE OF TEXAS

COUNTY OF DALLAS

On this 30<sup>th</sup> day of ~~November~~ October, 2008, before me, a Notary Public in and for the State of Texas appeared Janice S. Hearn, to me personally known, who, being by me first duly sworn did depose that she is Manager of Customer Service, Dallas Regional Office of the Federal Deposit Insurance Corporation (the "Corporation"), in whose name the foregoing Limited Power of Attorney was executed and subscribed, and the said Limited Power of Attorney was executed and subscribed on behalf of the said Corporation by due authority of the Corporation's Board of Directors, and the said Janice S. Hearn, acknowledged the said Limited Power of Attorney to be the free act and deed of said Corporation.



Russell Catapan  
Notary Public  
My Commission expires: 11/9/2009

UNITED STATES OF AMERICA

DISTRICT OF COLUMBIA

On this 6<sup>th</sup> day of November, 2008, before me, Notary Public in and for the District of Columbia, personally appeared Herbert J. Messite, to me known personally, who being by me first duly sworn did depose that he is a Counsel, of the Federal Deposit Insurance Corporation, at the Corporation in whose name the foregoing Power of Attorney has been subscribed, who further said that the seal affixed to the said Power of Attorney is the corporate seal of the said Federal Deposit Insurance Corporation, and that the said Power of Attorney was subscribed on behalf of the said Corporation and its seal thereto affixed by due authority of the Corporation's Board of Directors, and the said Herbert J. Messite, acknowledged the said Power of Attorney to be the free act and deed of the said Corporation.

Ann Laterra  
Notary Public, District of Columbia ANN LATERRA  
United States of America  
My Commission expires: SEPTEMBER 14, 2010

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## FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

A handwritten signature in black ink, appearing to read "John F. Warren".

John F. Warren, County Clerk  
Dallas County TEXAS

November 17, 2008 03:22:59 PM

FEE: \$26.00

20080364642

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## Office of Thrift Supervision

Department of the Treasury



*I certify that the attached is a true copy of the document described below,  
made from official records of the  
Office of Thrift Supervision, Department of the Treasury.  
Said record is in the custody of the Dissemination Branch  
and is maintained at 1700 G Street, N.W., Washington, DC.*

OTS Order No. 2008-36, Receivership of a Federal Savings Association,  
regarding Washington Mutual Bank, Henderson, Nevada (OTS Docket No.  
08551), executed September 25, 2008, consisting of three (3) pages.

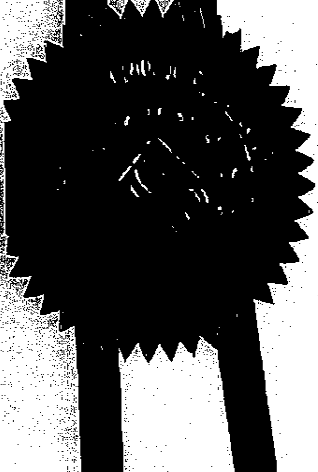
*Signed in Washington, DC, and the Seal of the  
Office of Thrift Supervision affixed this date.*

*Peggy Daniels*

Peggy Daniels  
Acting Corporate Secretary  
Office of Thrift Supervision

*October 30, 2008*

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## OFFICE OF THRIFT SUPERVISION

### Receivership Of A Federal Savings Association

**Date:** September 25, 2008  
**Order No.:** 2008-36  
**OTS No.:** 08551

The Director of the Office of Thrift Supervision (OTS), or his designee, in cooperation with the Federal Deposit Insurance Corporation (FDIC), has determined to appoint the FDIC as receiver of Washington Mutual Bank, Henderson, Nevada (Savings Bank).

#### **GROUND FOR APPOINTMENT OF FDIC AS RECEIVER FOR THE SAVINGS BANK**

The Director, or his designee, based upon the administrative record finds and determines the following:

- (i) The Savings Bank is likely to be unable to pay its obligations or meet its depositors' demands in the normal course of business; and
- (ii) The Institution is in an unsafe or unsound condition to transact business.

The Savings Bank is a Federally chartered savings bank, the accounts of which are insured by the Deposit Insurance Fund (DIF). The Savings Bank has its home office in Henderson, Nevada. As of June 30, 2008, the Savings Bank reported total assets of \$307 billion.

#### **DISCUSSION OF GROUNDS FOR APPOINTMENT OF A RECEIVER FOR THE SAVINGS BANK**

Section 5(d)(2)(A) of the Home Owners' Loan Act (HOLA), 12 U.S.C. § 1464(d)(2)(A), provides that the Director may appoint a receiver for any insured savings association if the Director determines that one or more grounds specified in section 11(c)(5) of the Federal Deposit Insurance Act (FDIA), 12 U.S.C. § 1821(c)(5), exist.

Under section 11(c)(5)(F) of the FDIA, the Director may appoint a receiver if a savings association is likely to be unable to pay its obligations or meet its depositors' demands in the normal course of business because it does not have sufficient liquid assets to fund expected withdrawals. The Savings Bank has insufficient cash and liquid assets convertible to cash necessary to pay its obligations and the expected withdrawal demands of its depositors. The Savings Bank has suffered significant cash outflows, exceeding

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LOT 110 IN FIRST ADDITION TO COUNTRY AIRE ESTATES, BEING A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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