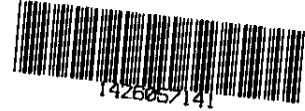


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Doc#: 1426057141 Fee: \$48.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 09/17/2014 10:19 AM Pg: 1 of 5

**Transfer on Death
Instrument
(BENEFICIARY DEED)
pursuant to the
Illinois Residential Real Property
Transfer on Death Instrument
Act
(755 ILCS 27)**

WHEN RECORDED RETURN TO:

MINNIE R. WELCH
9123 S. SAGINAW ST.
CHICAGO, IL 60617

(Above Space for Recorder's Use Only)

I, **MINNIE R. WELCH**, a WIDOWED AND NOT SINCE REMARRIED, FEMALE, RESIDENT OF **CHICAGO**, DOMICILED IN **COOK COUNTY, IL**, AND BORN **December 7, 1932**, declare this document to be my Transfer on Death Instrument, hereinafter referred to as a Beneficiary Deed, revoking all Beneficiary Deeds prepared, executed and recorded regarding the Subject Property described below. This document is to be interpreted, governed and construed under the laws of the State of Illinois.:

- 1) I am the OWNER of the Subject Property:
 - a) located at and commonly known as: **9123 S. SAGINAW ST., CHICAGO, COOK COUNTY, IL 60617.**
 - b) PIN: **26-06-305-027-0000**
 - c) legally described as: **ALL OF LOT SIXTY TWO (62) THE SOUTH SIX (6) FEET OF LOT SIXTY ONE (61) IN THE RESUBDIVISION OF THAT PORTION OF FRACTIONAL SECTION 6, TOWN 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, NORTH OF THE INDIAN BOUNDARY LINE, COMMENCING AT A POINT ON THE WEST LINE OF MARQUETTE AVENUE 155 FEET NORTH OF THE NORTH LINE OF EAST 92ND STREET, THENCE WEST TO THE EAST LINE OF SAGINAW AVENUE, THENCE NORTH ALONG THE EAST LINE OF SAGINAW AVENUE TO THE SOUTH LINE OF EAST 91ST STREET THENCE EAST ALONG THE SOUTH LINE OF EAST 91ST STREET TO THE SOUTH WESTERLY LINE OF ANTHONY AVENUE, THENCE SOUTH EASTERLY ALONG THE SOUTH WESTERLY LINE OF ANTHONY AVENUE TO THE WEST LINE OF MARQUETTE AVENUE, THENCE SOUTH ALONG THE WEST LINE OF MARQUETTE AVENUE TO THE PLACE OF THE BEGINNING; ALSO COMMENCING AT A POINT OF THE WEST LINE OF SAGINAW AVENUE 155 FEET NORTH OF THE NORTH LINE OF EAST 92ND STREET, THENCE WEST TO THE EAST LINE OF COLFAX AVENUE, THENCE NORTH ALONG THE EAST LINE OF COLFAX AVENUE TO THE SOUTH LINE OF EAST 91ST STREET, THENCE EAST ALONG THE SOUTH LINE OF EAST 91ST STREET TO THE WEST LINE OF SAGINAW AVENUE, THENCE SOUTH ALONG THE WEST LINE OF SAGINAW AVENUE TO THE PLACE OF THE BEGINNING.**
- 2) The Subject Property is Residential Real Estate as defined under the Illinois Residential Real Property Transfer on Death Instrument Act, in that it is:
 - a) Real property improved with not less than one nor more than 4 residential dwelling units;
 - b) A unit in a residential cooperative;
 - c) A unit in a residential condominium development, including the limited common elements allocated to the exclusive use thereof that form an integral part of the condominium unit; or
 - d) A single tract of agriculture real estate consisting of 40 acres or less which is improved with a single family residence.
- 3) Under this Beneficiary Deed, I am naming the person or persons to be my designated beneficiary. Furthermore, upon my death, I am transferring the Subject Property with all rights, title and interest to an appropriate beneficiary in accordance with the Illinois Residential Real Property Transfer on Death Instrument Act and the following provisions:

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- a) References to a person in this Beneficiary Deed have the same meaning as a person as defined under the Illinois Residential Real Property Transfer on Death Instrument Act (755 ILCS 27/5).
- b) I may name one designated beneficiary to receive the Subject Property or I may name multiple beneficiaries to receive the property.
- c) I may designate beneficiaries who are members of a class (e.g., my siblings, my children, my parents, etc.) or I may specifically name multiple beneficiaries that form a related or an unrelated group.
- d) Unless indicated otherwise, when, in a single devise, I name multiple beneficiaries to receive the Subject Property, the beneficiaries who are entitled to take, must do so in equal shares, as JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP and not as TENANTS IN COMMON.
- e) Priority and division of Designated Beneficiaries:
- i) Level 1: My "FIRST" DESIGNATED BENEFICIARY is the person or persons who would have priority of entitlement to receive the Subject Property, in the event of my death.
 - ii) Level 2: My "SECOND" DESIGNATED BENEFICIARY is the person or persons who would have priority of entitlement to receive the Subject Property, in the event of a lapse of the devise to all First Designated Beneficiaries.
 - iii) Level 3: My "THIRD" DESIGNATED BENEFICIARY is the person or persons who would have priority of entitlement to receive the Subject Property, in the event of a lapse of the devise to all First Designated Beneficiaries and all Second Designated Beneficiaries.
- f) References to a beneficiary living or surviving me means the beneficiary is then living or in existence on the 8th day after the date of my death.
- g) Wherever used in this Beneficiary Deed and the context so requires, the masculine includes the feminine and the singular includes the plural, and vice versa.
- h) Unless otherwise indicated, if a particular designated beneficiary from one of the respective beneficiary levels fails to survive me, the surviving members of that level, who are then living at the time of my death, shall take the share or shares which the deceased member(s) would have taken if the deceased member(s) survived me. In the case where a designated beneficiary fails to survive me, unless I specify that a designated beneficiary shall take the Subject Property, per stirpes, even when a deceased member of the group is a descendant of mine, the transfer to the deceased designated beneficiary shall lapse.
- 4) MY FIRST DESIGNATED BENEFICIARY OR BENEFICIARIES:
- a) To **MY SON, ERVIN (aka ERWIN) GARDNER, BORN, MARCH 20, 1955**, as Trustee pursuant to the powers and authorities granted trustees under the Illinois Trusts and Trustees Act (760 ILCS 5/1) This trust may be referred to, in any other instrument, by the name: **9123 S. SAGINAW STREET Trust**. If **MY SON, ERVIN**, is unable, unwilling or unavailable to perform this act, then, unless otherwise indicated, I name the following, as Trustee, **TO ACT ALONE AND SUCCESSIVELY, IN THE ORDER NAMED:**
- i) **MY DAUGHTER, HENRIETTA BATTLE (nee STEVENS (aka STEVENSON)), BORN SEPTEMBER 8, 1947**
 - ii) **MY DAUGHTER, DEBRA SANDERS (nee WELCH), BORN JULY 11, 1969.**
 - iii) **The surviving beneficiaries of this Trust, each having an equal vote, may, by a majority vote, select the person to serve as Trustee.**
- b) I direct the Trustee to hold, manage and maintain the subject property, for the benefit of the following beneficiaries who survive me (this interest shall be taken as joint tenants with rights of survivorship, and not as tenants in common, if more than one beneficiary survives me), namely:
- i) **MY DAUGHTER, HENRIETTA BATTLE (nee STEVENS (aka STEVENSON)), BORN SEPTEMBER 8, 1947**
 - ii) **MY DAUGHTER, RUTH GARDNER, BORN APRIL 8, 1949**
 - iii) **MY SON, ERVIN (aka ERWIN) GARDNER, BORN, MARCH 20, 1955**
 - iv) **MY DAUGHTER, BARBARA GARDNER, BORN JULY 13, 1956**
 - v) **MY DAUGHTER, DEBRA SANDERS (nee WELCH), BORN JULY 11, 1969**
- c) A separate financial account may be established after my death to receive resources from my estate or other sources to allow my Trustee to hold, manage and maintain the subject property.

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- d) If, at any time during the existence of this trust, it is impractical, as determined by the Trustee, to hold, manage and maintain the subject property, I give my Trustee authority to sell the subject property, in whatever manner my Trustee deems most appropriate, at what is agreed to be full fair market value by the vested beneficiaries, providing that the proceeds are divided among the vested beneficiaries, in equal shares. If the vested beneficiaries are unable to agree, as determined by my Trustee, then the subject property shall be sold at full fair market value, after a written appraisal is produced by a competent, disinterested, licensed appraiser chosen by my Trustee and the proceeds of the sale shall pass in equal shares to the vested beneficiaries. The Trustee, shall, in good faith, deliver a copy of such appraisal to each vested beneficiary.
- e) If this testamentary trust fails to create the trust or is later held to be invalid by a court of proper jurisdiction, then the subject property shall vest in the above referenced beneficiaries who survive me (to take as joint tenants with right of survivorship, and not as tenants in common, if more than one beneficiary survives me).
- f) The Trustee may have and hold the subject property for the benefit of the vested beneficiaries herein forever. Furthermore, full power and authority is hereby granted to said Trustee to subdivide and re-subdivide the real estate or any part thereof; to dedicate parks, streets, highways, or alleys and to vacate any subdivision or part thereof; to execute contracts to sell or exchange, or execute grants of options to purchase, to execute contracts to sell on any terms, to convey either with or without consideration; to convey the real estate 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 the Trustee; to donate, to dedicate, to mortgage, or otherwise encumber the real estate, or any part thereof; to execute leases of the real estate, or any part thereof, from time to time, in possession or reversion, by leases to commence in praesenti or futuro, and upon any terms and for any period or periods of time, and to execute renewals or extensions of leases upon any terms and for any period or periods of time and to execute amendments, changes or modifications of leases and the terms and provisions thereof at any time or times hereafter; to execute contracts to make leases and to execute options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to execute contracts respecting the manner of fixing the amount of present or future rentals, to execute grants of easements or charges of any kind; to release, convey, or assign any right, title, or interest in or about or easement appurtenant to the real estate or any part thereof, and to deal with the title to said real estate and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the title to the real estate to deal with it, whether similar to or different from the ways above specified and at any time or times hereafter.
- g) In no case shall any party dealing with said Trustee in relation to the subject property, or to whom the real estate or part thereof shall be conveyed, contracted to be sold, leased, or mortgaged by the Trustee, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on the real estate, or be obliged to see that the terms of the trust have been complied with, or be obliged to inquire into the "necessity or expediency of any act of the Trustee, or be obliged or privileged to inquire into any of the terms of the trust agreement; and every deed, trust deed, mortgage, lease, or other instrument executed by the Trustee in relation to the 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 herein and by the 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 herein and in the trust agreement or in any amendments thereof and binding upon all beneficiaries; (c) that the 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, her, or their predecessor in trust.
- h) The interest of each beneficiary under the trust agreement and of all persons claiming under them or any of them shall be only in the possession, earnings, and the avails and proceeds arising from the sale, mortgage or other disposition of the real estate, and such interest is hereby declared to be personal property, and no beneficiary shall have any title or interest, legal or equitable, in or to the real estate as such, but only an interest in the possession, earnings, avails, and proceeds thereof as aforesaid.

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- i) In the event that rents are collected from parties other than the beneficiaries of this trust, all such rental proceeds from the subject property (after the payment of normal and customary expenses) shall be distributed to the beneficiaries along with an accounting of all relevant transactions at least annually.
- 5) MY SECOND DESIGNATED BENEFICIARY OR BENEFICIARIES: **TO THE FOLLOWING WHO SURVIVE ME, TO TAKE AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, AND NOT AS TENANTS IN COMMON: MY DAUGHTER, HENRIETTA BATTLE (nee STEVENS (aka STEVENSON)), BORN SEPTEMBER 8, 1947; MY DAUGHTER, RUTH GARDNER, BORN APRIL 8, 1949; MY SON, ERVIN (aka ERWIN) GARDNER, BORN, MARCH 20, 1955; MY DAUGHTER, BARBARA GARDNER, BORN JULY 13, 1956; MY DAUGHTER, DEBRA SANDERS (nee WELCH), BORN JULY 11, 1969.**
- 6) MY THIRD DESIGNATED BENEFICIARY OR BENEFICIARIES: **PER STIRPES, IN EQUAL SHARES TO THE FOLLOWING BENEFICIARIES, WHO HAVE LIVING LINEAL DESCENDANTS, AT THE TIME OF MY DEATH: MY DAUGHTER, HENRIETTA BATTLE (nee STEVENS (aka STEVENSON)), BORN SEPTEMBER 8, 1947; MY DAUGHTER, RUTH GARDNER, BORN APRIL 8, 1949; MY SON, ROBERT GARDNER, BORN, OCTOBER 31, 1950 AND WHO DIED DECEMBER 16, 1989; MY SON, ERVIN (aka ERWIN) GARDNER, BORN, MARCH 20, 1955; MY DAUGHTER, BARBARA GARDNER, BORN JULY 13, 1956; MY DAUGHTER, DEBRA SANDERS (nee WELCH), BORN JULY 11, 1969**

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I, **MINNIE R. WELCH**, having attained the age of 18 years and having the capacity required to make a valid Illinois will, execute this Beneficiary Deed pursuant to the Illinois Residential Real Property Transfer on Death Instrument Act.

Dated: **September 16, 2014**

Dated: **September 16, 2014**

**EXEMPT UNDER PROVISIONS OF REAL ESTATE TRANSFER LAW
35 ILCS 200/31-45 (d) and (e).**

Minnie R. Welch
MINNIE R. WELCH, OWNER

Minnie R. Welch
MINNIE R. WELCH, OWNER

Witness Statement - On the date **MINNIE R. WELCH**, signed and executed the foregoing Beneficiary Deed, each of the undersigned witnesses below signed this instrument in the presence of a notary public; the owner, **MINNIE R. WELCH**; and each other; and each of the respective witnesses, who have attained the age of 18, attest to the following:

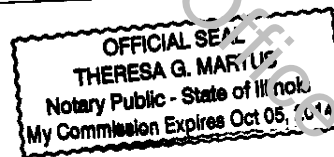
- (1) **MINNIE R. WELCH** is known to me to be the same person who signed and executed the foregoing Beneficiary Deed.
- (2) **MINNIE R. WELCH** signed and executed this instrument in the presence of the witnesses subscribed below and a notary public.
- (3) **MINNIE R. WELCH** signed and executed this instrument as a free and voluntary act and I believe **MINNIE R. WELCH** to be of sound mind and memory.

Witness Name and Residence (PRINT)	Witness Signature	Date
Witness 1: AUGUSTA BROWN 9029 S. YATES CHICAGO, IL 60617	I certify the truthfulness of the Witness Statement above: <input checked="" type="checkbox"/> <u><i>Augusta Brown</i></u>	September 16, 2014
Witness 2: MILLIE JEFFERSON 6734 S. MERRILL CHICAGO, IL 60649	I certify the truthfulness of the Witness Statement above: <input checked="" type="checkbox"/> <u><i>Millie Jefferson</i></u>	September 16, 2014

State of **ILLINOIS**
County of **COOK**
I, CERTIFY THAT, the witnesses, **AUGUSTA BROWN**, WITNESS 1; and **MILLIE JEFFERSON**, WITNESS 2; and the OWNER of the Subject Property, **MINNIE R. WELCH**, appeared before me and each are known to me to be the individuals who respectively signed this instrument, and acknowledged that each signed the same as his or her free and voluntary act. GIVEN under my hand and official seal this **September 16, 2014**.

Theresa G. Martus
Notary Public: **THERESA G. MARTUS**

(Seal)



This instrument was drafted and prepared by:
David E. Trice, Attorney at Law
9723 S. Western Ave., Chicago, IL 60643
773 233 3303 OFFICE 773 233 3330 FAX
www.tricelaw.com

Mail future tax bills to:

MINNIE R. WELCH
9123 S. SAGINAW ST.
CHICAGO, IL 60617

This instrument was drawn without title examination, using description provided by the owner.