

# UNOFFICIAL COPY



\*2319934022\*

Doc# 2319934022 Fee \$88.00

RHSP FEE:\$18.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 07/18/2023 01:08 PM PG: 1 OF 27

## AFFIDAVIT OF LOST DEED AND ADVERSE POSSESSION

Old Republic File 23159415

The undersigned, being duly sworn, affirms and states as follows:

1. I, Donald Decker am the Owner and sole shareholder Deckers Investments , Inc.
2. On November 23, 1994 I purchased the property from Robert H Biesiada and Margaret A Biesiada commonly known as 233 East Erie #1710 Chicago IL.
3. I have attached a copy of the deed; the Chicago Title Insurance Company Commitment for Title Insurance I was provided with an effective date of October 12, 1994; A May 1, 1996 letter from my attorney to Chicago title inquiring about the status of he title policy from the November 23, 1994 closing and the recording of the deed from the November 23, 1994 closing; The title invoice I received from Chicago Tittle dated November 2, 1994 that I was provided; A series letters I sent to and received from my attorney dated November 23, 1994 regarding the certified cashiers check I acquired to purchase the commonly known as 233 East Erie #1710 Chicago IL and the general nature in which the November 23, 1994 closing described above was set to take place, a letter from the sellers attorney dated November 22, 1994 to my attorney enclosing the warranty deed, affidavit of title, bill of sale, real estate transfer tax declaration, ALTA statements, mortgage pay off letter for seller's mortgage, insurance certificate,

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and closing statement for the November 23, 1994 closing for condo commonly known as 233 East Erie #1710 Chicago IL

4. The deed for some reason was never recorded.
5. I have been in possession and control of the Property since 1994 and have paid taxes and utility bills and all assessments thereon from that date.
6. I have rented out the unit to numerous tenants over the same period.
7. My company is listed on the tax rolls as being the responsible tax payer for the real estate taxes for the condo commonly known as 233 East Erie #1710 Chicago IL and has been since 1994.
8. My company is the rightful and sole owner of the condo commonly known as 233 East Erie #1710 Chicago IL and it has acted as such since 1994
9. The condo commonly known as 233 East Erie #1710 Chicago IL is described real estate below:

Commonly Knowns As: 233 E Erie St Unit 1710, Chicago, IL 60611

Permanent Index Number: 17-10-203-027-1090 (Volume number 501)

Legal Description:

PARCEL 1: UNIT NUMBER 1710 IN THE STREETERVILLE CENTER CCNDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: ALL OF THE PROPERTY AND SPACE LYING ABOVE AND EXTENDING UPWARD FROM A HORIZONTAL PLANE HAVING AN ELEVATION OF 119.30 FEET ABOVE CHICAGO CITY DATUM (AND WHICH IS ALSO THE LOWER SURFACE OF THE FLOOR SLAB OF THE NINTH FLOOR, IN THE 26 STORY BUILDING SITUATED ON THE PARCEL OF LAND HEREINAFTER DESCRIBED) AND LYING WITHIN THE BOUNDARIES PROJECTED VERTICALLY UPWARD OF A PARCEL OF LAND COMPRISED OF LOTS 20 TO 24 AND LOT 25 (EXCEPT THAT PART OF LOT 25 LYING WEST OF THE CENTER OF THE PARTY WALL OF THE BUILDING NOW STANDING ON THE DIVIDING LINE BETWEEN LOTS 25 AND 26), TOGETHER WITH THE PROPERTY AND SPACE LYING BELOW SAID HORIZONTAL PLANE HAVING AN ELEVATION OF 119.30 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 118.13 FEET ABOVE CHICAGO CITY DATUM

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(AND WHICH PLANE COINCIDES WITH THE LOWEST SURFACE OF THE ROOF SLAB OF THE 8 STORY BUILDING SITUATED ON SAID PARCEL OF LAND) AND LYING WITHIN THE BOUNDARIES PROJECTED VERTICALLY UPWARD OF THE SOUTH 17.96 FEET OF AFORESAID PARCEL OF LAND, ALL IN THE SUBDIVISION OF THE WEST 394 FEET OF BLOCK 32, (EXCEPT THE EAST 14 FEET OF THE NORTH 80 FEET THEREOF), IN KINZIE'S ADDITION TO CHICAGO IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 26017897 TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

PARCEL 2: EASEMENT FOR THE BENEFIT OF LOT 25 OF THE RIGHT TO MAINTAIN PARTY WALLS AS ESTABLISHED BY AGREEMENT BETWEEN EDWIN B. SHELDON AND HEATON CWSLEY RECORDED AUGUST 11, 1892 AS DOCUMENT 1715549 ON THAT PART OF LOTS 25 AND 26 IN KINZIE'S ADDITION AFORESAID OCCUPIED BY THE WEST 1/2 OF THE PARTY WALL, IN COOK COUNTY, ILLINOIS.

PARCEL 3: EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS DATED OCTOBER 1, 1981 AND RECORDED OCTOBER 2, 1981 AS DOCUMENT 26017894 AND AS CREATED BY DEED RECORDED AS DOCUMENT 26017895.

The parties hereto hereby execute this affidavit in order to induce the buyers to purchase and the title company to insure said property and hereby agree to protect, defend, indemnify and hold all parties relying on this affidavit and its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or arising directly or indirectly out of this affidavit and/or the performance hereof.

Affiant further agrees to investigate, handle, respond to, provide, defend any such claims, etc. at its sole expense and agrees to bear all other costs and expenses related thereto, even if it (claims, etc.) is groundless, false or fraudulent.

\*\*\* THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY \*\*\*

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I have read the above affidavit and state that all the statements contained therein are true.

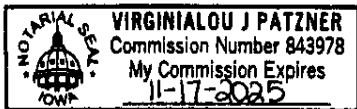
That the undersigned is at least eighteen years of age;

Further Affiant sayeth not.

*Donald L Decker*  
 (Signature of Affiant)  
 Decker Investments, Inc.  
 By Donald L. Decker

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY THAT, Donald L. Decker and Decker Investments, Inc., are personally known to me to be the same person(s) whose names are subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that (he/she/they) signed, sealed, and delivered the said instrument as (his/her/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 Notarial Seal this 17 day of July, 2023.



*Virginia Lou J. Patzner*  
 Notary Public

This Instrument was prepared by:  
 Ferrentino & Associates, LLC  
 8409 West Cermak Road  
 North Riverside IL 60546

Future Tax Bills to:

*243 E. Erie St #1710*  
*Chicago IL 60611*

After recording return document to:

*243 E. Erie St Unit 1710*  
*Chicago, IL 60611*

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*Exhibit*

11-22-1994 03:50PM FROM O'CONNOR/KELLY TO 15152461474 P.81  
LEGAL FORMS February, 1985

WARRA / DEED  
Statutory (ILLINOIS)  
(Individual to Corporation)

CAUTION: Consult a lawyer before using or acting under this form. Neither the purchaser 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  
Robert M. Biesiada  
Margaret A. Biesiada, his wife

City of Chicago County of Cook  
State of Illinois for and in consideration of  
Ten (\$10.00) DOLLARS,  
and other valuable consideration  
in hand paid, CONVEY S and WARRANT S to

Decker Investments, Inc.  
233 East Erie #1710  
Chicago, IL 60611

(The Above Space For Recorder's Use Only)

a corporation created and existing under and by virtue of the Laws of the State of IOWA  
having its principal office at the following address 3584 Fifth Avenue South,  
Fort Dodge, Iowa 50501 the following described Real Estate situated in the County of  
Cook in the State of Illinois, to wit:

See attached Legal Description.

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Law of the State of Illinois.

Permanent Real Estate Index Number(s): 17-10-203-027-1090  
Address(es) of Real Estate: 233 East Erie #1710, Chicago, Illinois 60611

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_

PLEASE PRINT OR TYPE NAME(S) BELOW SIGNATURE(S)  
\_\_\_\_\_ (SEAL) Robert M. Biesiada (SEAL)  
\_\_\_\_\_ (SEAL) Margaret A. Biesiada (SEAL)

State of Illinois, County of Cook ss. I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Robert M. Biesiada & Margaret A. Biesiada

IMPRESS SEAL HERE personally known to me to be the same person S whose name S subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that S 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 28th day of November 19 94

Commission expires \_\_\_\_\_ 19\_\_ NOTARY PUBLIC

This instrument was prepared by William J O'Connor 53 W Jackson Blvd Suite 1252 Chicago, IL 60604

MAIL TO: Bill Fairbanks (Name)  
317 6th Ave. Suite 1200 (Address)  
Des Moines, Iowa 50309-4110 (City, State and Zip)

SEND SUBSEQUENT TAX BILLS TO:  
Donald L. Decker (Name)  
P.O. Box 415 (Address)  
Fort Dodge, Iowa 50501 (City, State and Zip)

OFFICE OF THE CLERK OF COOK COUNTY, ILLINOIS

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Property of Cook County Clerk's Office

## CHICAGO TITLE INSURANCE COMPANY RESIDENTIAL COMMITMENT FOR TITLE INSURANCE SCHEDULE A

YOUR REFERENCE: DECKER/BILL O'CONNOR

ORDER NO.: 1401 007532598 DB

EFFECTIVE DATE: OCTOBER 07, 1994

1. POLICY OR POLICIES TO BE ISSUED:

OWNER'S POLICY: ALTA OWNERS RESIDENTIAL 1987  
AMOUNT: \$87,500.00  
PROPOSED INSURED: DONALD L. DECKER

2. THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS COMMITMENT AND COVERED HEREIN IS A FREE SIMPLE UNLESS OTHERWISE NOTED.

3. TITLE TO SAID ESTATE OR INTEREST IN SAID LAND IS AT THE EFFECTIVE DATE VESTED IN  
ROBERT M. BISSADA.

4. MORTGAGE OR TRUST DEED TO BE INSURED:

NONE

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CHICAGO TITLE INSURANCE COMPANY  
 RESIDENTIAL COMMITMENT FOR TITLE INSURANCE  
 SCHEDULE A (CONTINUED)

ORDER NO.: 1401 007532598 DB

## 5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

## PARCEL 1:

UNIT NUMBER 1710 IN THE STREETERVILLE CENTER CONDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

ALL OF THE PROPERTY AND SPACE LYING ABOVE AND EXTENDING UPWARD FROM A HORIZONTAL PLANE HAVING AN ELEVATION OF 119.30 FEET ABOVE CHICAGO CITY DATUM (AND WHICH IS ALSO THE LOWER SURFACE OF THE FLOOR SLAB OF THE NINTH FLOOR, IN THE 26 STORY BUILDING SITUATED ON THE PARCEL OF LAND HEREINAFTER DESCRIBED) AND LYING WITHIN THE BOUNDARIES PROJECTED VERTICALLY UPWARD OF A PARCEL OF LAND COMPRISED OF LOTS 20 TO 24 AND LOT 25 (EXCEPT THAT PART OF LOT 25 LYING WEST OF THE CENTER OF THE PARTY WALL OF THE BUILDING NOW STANDING ON THE DIVIDING LINE BETWEEN LOTS 25 AND 26), TOGETHER WITH THE PROPERTY AND SPACE LYING BELOW SAID HORIZONTAL PLANE HAVING AN ELEVATION OF 119.30 FEET ABOVE CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 118.13 FEET ABOVE CHICAGO CITY DATUM (AND WHICH PLANE COINCIDES WITH THE LOWEST SURFACE OF THE ROOF SLAB OF THE 3 STORY BUILDING SITUATED ON SAID PARCEL OF LAND) AND LYING WITHIN THE BOUNDARIES PROJECTED VERTICALLY UPWARD OF THE SOUTH 17.96 FEET OF AFORESAID PARCEL OF LAND, ALL IN THE SUBDIVISION OF THE WEST 394 FEET OF BLOCK 32, (EXCEPT THE EAST 14 FEET OF THE NORTH 80 FEET THEREOF), IN KINZIE'S ADDITION TO CHICAGO IN SECTION 17, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 26017897 TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

## PARCEL 2:

EASEMENT FOR THE BENEFIT OF LOT 25 OF THE RIGHT TO MAINTAIN PARTY WALL AS ESTABLISHED BY AGREEMENT BETWEEN EDWIN B. SHELDON AND HEATON OWSLEY RECORDED AUGUST 11, 1892 AS DOCUMENT 1715549 ON THAT PART OF LOTS 25 AND 26 IN KINZIE'S ADDITION AFORESAID OCCUPIED BY THE WEST 1/2 OF THE PARTY WALL, IN COOK COUNTY, ILLINOIS.

## PARCEL 3:

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS DATED OCTOBER 1, 1981 AND RECORDED OCTOBER 2, 1981 AS DOCUMENT 26017894 AND AS CREATED BY DEED RECORDED AS DOCUMENT 26017895.

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## CHICAGO TITLE INSURANCE COMPANY RESIDENTIAL COMMITMENT FOR TITLE INSURANCE SCHEDULE B

ORDER NO.: 1401 007532598 DB

1. WE SHOULD BE FURNISHED A PROPERLY EXECUTED ALTA STATEMENT AND, UNLESS THE LAND INSURED IS A CONDOMINIUM UNIT, A SURVEY IF AVAILABLE. MATTERS DISCLOSED BY THE ABOVE DOCUMENTATION WILL BE SHOWN SPECIFICALLY.
2. NOTE FOR INFORMATION: THE COVERAGE PROVIDED BY THIS COMMITMENT AND ANY POLICY ISSUED PURSUANT HERETO SHALL NOT COMMENCE PRIOR TO THE DATE ON WHICH ALL CHARGES PROPERLY BILLED BY THE COMPANY HAVE BEEN FULLY PAID.
- A 3.
- TAXES FOR THE YEAR 1994.  
1994 TAXES ARE NOT YET DUE OR PAYABLE.
- PERMANENT INDEX NUMBER: 17-10-203-027-1090.
- NOTE: 1993 FIRST ESTIMATED INSTALLMENT AMOUNTING TO \$622.27 IS PAID.
- NOTE: 1993 FINAL INSTALLMENT AMOUNTING TO \$654.19 IS PAID.
- B 4. MORTGAGE DATED DECEMBER 6, 1993 AND RECORDED DECEMBER 21, 1993 AS DOCUMENT NO. 03050975 MADE BY ROBERT M. BIESIADA TO NORTHERN TRUST COMPANY TO SECURE AN INDEBTEDNESS IN THE AMOUNT OF \$66,000.00.
- THIS EXCEPTION WILL BE WAIVED UPON RECEIPT OF A PAYOFF LETTER FROM THE LENDER OR CURRENT NOTE HOLDER AND OUR PAYOFF PURSUANT TO THAT LETTER. THE PAYOFF LETTER SHOULD BE ORDERED IMMEDIATELY AND BROUGHT TO CLOSING.
- IN THE EVENT THIS MORTGAGE OR TRUST DEED HAS BEEN PAID IN FULL, A PROPERLY EXECUTED RELEASE FROM THE LENDER OR NOTE HOLDER OR A HOLD HARMLESS LETTER FROM A TITLE COMPANY SHOULD BE PRESENTED AT CLOSING.
- C 5. THE WARRANTY DEED FROM DONALD J. MARCOTTE TO ROBERT M. BIESIADA RECORDED APRIL 29, 1985 AS DOCUMENT NO. 27528132 MAY BE DEFECTIVE IN THAT IT IS NOT IN PROPER FORM. SAID INSTRUMENT SHOULD BE CORRECTED AND RECORDED, OR A NEW INSTRUMENT IN PROPER FORM SHOULD BE OBTAINED AND PLACED OF RECORD, AND A 'DATE DOWN' OF THIS COMMITMENT SHOULD BE ORDERED TO COVER THE DATE OF RECORDING. THIS COMMITMENT IS SUBJECT TO SUCH FURTHER EXCEPTIONS, IF ANY, AS MAY THEN BE DEEMED NECESSARY.
- D 6. IF APPLICABLE, THE SPOUSE OF THE PARTY IN TITLE SHOULD JOIN IN THE CONVEYANCE OR MORTGAGE FOR THE PURPOSE OF RELEASING HOMESTEAD.
- E 7. THE RECORDING OF ANY DEED OR OTHER INSTRUMENT OF CONVEYANCE OF THE LAND, OR ASSIGNMENT OF THE BENEFICIAL INTEREST UNDER A LAND TRUST, THE TRANSFER OF REAL



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CHICAGO TITLE INSURANCE COMPANY  
 RESIDENTIAL COMMITMENT FOR TITLE INSURANCE  
 SCHEDULE B (CONTINUED)

ORDER NO.: 1401 007532598 DB

ESTATE BY SALE OF PARTIAL INTERESTS, SALE OF STOCK IN A CORPORATION OR SIMILAR METHODS, OR TRANSFER OF A LEASEHOLD INTEREST UNDER A LEASE WHICH PROVIDES FOR A TERM OF 30 OR MORE YEARS, CONSIDERING ANY OPTIONS TO RENEW OR EXTEND WHETHER OR NOT ANY PORTION OF THE TERM HAS EXPIRED, MAY BE SUBJECT TO REAL ESTATE TRANSFER TAXES LEVIED BY THE CITY OF CHICAGO AND IS SUBJECT TO:

- (1) PRIOR APPROVAL BY THE WATER COMMISSIONER AND
- (2) EITHER CERTIFICATION OF EXEMPTION FROM THE CITY BUILDING REGISTRATION ORDINANCE OR ATTACHMENT OF EITHER A CERTIFICATION OF REGISTRATION OR A RECEIPT FROM THE DEPARTMENT OF BUILDINGS SHOWING THAT THE BUILDING HAS BEEN REGISTERED BY THE PURCHASER. IN THE ABSENCE OF SUCH APPROVAL, THE RECORDER OF DEEDS IS REQUIRED BY STATE LAW TO REFUSE TO RECORD OR REGISTER INSTRUMENTS OF CONVEYANCE THAT ARE NOT IN COMPLIANCE WITH SUCH TAX REQUIREMENTS.

- F 8. LIEN IN FAVOR OF THE CITY OF CHICAGO TO WHICH THE LAND WILL BECOME SUBJECT IN THE EVENT THAT A DEED OF CONVEYANCE THEREOF IS RECORDED OR AN ASSIGNMENT OF THE BENEFICIAL INTEREST THEREIN OR OTHER DOCUMENT OF TRANSFER IS GIVEN TO A TRANSFERREE WITHOUT HAVING APPLIED THERETO THE REVENUE STAMPS REQUIRED BY CH. 3-33 OF THE MUNICIPAL CODE, EFFECTIVE MARCH 1, 1993, AND RECORDED AS DOCUMENT NO. 93062509.
- G 9. (A) TERMS, PROVISIONS, COVENANTS, CONDITIONS AND OPTIONS CONTAINED IN AND RIGHTS AND EASEMENTS ESTABLISHED BY THE DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED OCTOBER 2, 1981 AS DOCUMENT 26017897
- (B) LIMITATIONS AND CONDITIONS IMPOSED BY THE 'CONDOMINIUM PROPERTY ACT.'
- H 10. UPON ANY CONVEYANCE OR MORTGAGE OF THE LAND, A STATEMENT FROM THE SECRETARY OF THE BOARD OF MANAGERS THAT THERE ARE NO UNPAID ASSESSMENT LIENS ARISING BY REASON OF THE NONPAYMENT OF ASSESSMENTS SHOULD BE FURNISHED.
- NOTE: THE STATEMENT SHOULD COVER THE RECORDING DATE OF THE MORTGAGE OR, IF TITLE IS TO BE CONVEYED, THE RECORDING DATE OF THE DEED, WHICHEVER DATE IS LATER.
- J 11. UPON ANY CONVEYANCE OF THE PREMISES, WE SHOULD BE FURNISHED A PROPERLY EXECUTED ESTOPPEL CERTIFICATE AS PROVIDED FOR IN ARTICLE XVIII OF THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS MADE BY AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 11, 1980 AND KNOWN AS TRUST NUMBER 51534 RECORDED OCTOBER 2, 1981 AS DOCUMENT 26017894 AND THIS COMMITMENT IS SUBJECT TO SUCH FURTHER EXCEPTIONS AS MAY THEN BE DEEMED NECESSARY.
- J 12. PARTY WALL AGREEMENT DATED AUGUST 11, 1892 AS DOCUMENT 1715549 MADE BY EDWIN B. SILDON WITH HEATON OWBLEY RELATING TO A PARTY WALL ON THE LINE BETWEEN LOT 25 AND OTHER PROPERTY NOT NOW IN QUESTION.

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CHICAGO TITLE INSURANCE COMPANY  
 RESIDENTIAL COMMITMENT FOR TITLE INSURANCE  
 SCHEDULE B (CONTINUED)

ORDER NO.: 1401 007532598 DB

(AFFECTS PARCEL 2)

- K 13. ENCROACHMENT OF TWO CONCRETE CANOPIES OVER THE NORTH LINE OF THE LAND ONTO ERIE STREET, APPROXIMATELY 12 1/2 FEET AND ENCROACHMENT OF STEPS OVER THE NORTH LINE OF THE LAND ONTO ERIE STREET APPROXIMATELY .04 TO .05 FEET AND ENCROACHMENT OF PARTY WALL ALONG WEST SIDE OF THE LAND OVER THE NORTH LINE ONTO ERIE STREET .19 FEET.
- L 14. PARTY WALL RIGHTS OF THE OWNERS OF THE COMMERCIAL PROPERTY RELATING TO A PARTY WALL BETWEEN THE CONDOMINIUM PROPERTY AND THE COMMERCIAL PROPERTY ESTABLISHED BY THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED OCTOBER 2, 1981 AS DOCUMENT 26017894 MADE BY AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 11, 1980 AND KNOWN AS TRUST NUMBER 51534 AND AS DISCLOSED BY SURVEY ATTACHED TO THE DECLARATION OF CONDOMINIUM RECORDED OCTOBER 2, 1981 AS DOCUMENT 26017897.
- M 15. PERPETUAL EASEMENTS IN, TO, OVER AND UPON PORTIONS OF THE RESIDENTIAL PROPERTY IN FAVOR OF THE COMMERCIAL PROPERTY AS SET FORTH AND CREATED IN ARTICLE III IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED OCTOBER 2, 1981 AS DOCUMENT 26017894 DESCRIBED AS FOLLOWS:
- (A) A NON-EXCLUSIVE EASEMENT IN AND TO ALL STRUCTURAL MEMBERS, COLUMNS AND BEAMS AND OTHER SUPPORTING COMPONENTS LOCATED WITHIN OR CONSTITUTING A PART OF THE RESIDENTIAL PROPERTY FOR THE SUPPORT OF:
- (I) THE COMMERCIAL BUILDING (AND REPLACEMENTS THEREOF) AND
- (II) ANY FACILITIES LOCATED IN THE RESIDENTIAL PROPERTY WITH RESPECT TO WHICH THE OWNER OF THE COMMERCIAL PROPERTY IS GRANTED AN EASEMENT UNDER THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED AS DOCUMENT 26017894.
- (B) A NON-EXCLUSIVE EASEMENT FOR THE USE OF ALL FACILITIES LOCATED IN, ON OR ABOUT THE RESIDENTIAL PROPERTY AND CONNECTED TO FACILITIES LOCATED IN, ON OR ABOUT THE COMMERCIAL PROPERTY (AND REPLACEMENTS THEREOF) WHICH ARE NECESSARY TO PROVIDE THE COMMERCIAL PROPERTY WITH UTILITY OR OTHER SERVICES OR ARE OTHERWISE NECESSARY TO THE EFFICIENT OPERATION TO COMMERCIAL PROPERTY (EXCLUSIVE OF COMMERCIAL EASEMENT FACILITIES DESCRIBED IN SECTION 3.1 (D) THERETO) AND WHICH ARE USED BY THE OWNER OF THE RESIDENTIAL PROPERTY TO PERFORM ITS OBLIGATIONS UNDER SECTION 5.1 THEREIN DURING ANY PERIOD SUCH FACILITIES ARE IN THE POSSESSION AND CONTROL OF THE OWNER OF THE COMMERCIAL PROPERTY PURSUANT TO RIGHTS GRANTED IN SECTION 5.5 (A) OF THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED AS DOCUMENT 26017894.
- (C) AN EXCLUSIVE EASEMENT FOR THE MAINTENANCE OF ENCROACHMENTS IN THE EVENT AND TO THE EXTENT THAT, BY REASON OF THE ORIGINAL CONSTRUCTION OF THE BUILDING OR ANY RECONSTRUCTION THEREOF OR THE SUBSEQUENT SETTLEMENT OR SHIFTING OF ANY PART OF THE BUILDING, ANY PART OF THE COMMERCIAL BUILDING ENCROACHES OR SHALL HEREAFTER ENCROACH UPON ANY PART OF THE RESIDENTIAL PARCEL. SUCH EASEMENT FOR

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CHICAGO TITLE INSURANCE COMPANY  
 RESIDENTIAL COMMITMENT FOR TITLE INSURANCE  
 SCHEDULE B (CONTINUED)

ORDER NO.: 1401 007532598 DB

THE MAINTENANCE OF ENCROACHMENTS SHALL EXIST ONLY AS LONG AS THE ENCROACHING PORTION OF THE BUILDING SHALL REMAIN STANDING, PROVIDED, HOWEVER, THAT IN NO EVENT SHALL AN EASEMENT FOR ANY ENCROACHMENT BE CREATED IN FAVOR OF THE COMMERCIAL PROPERTY IF SUCH ENCROACHMENT UNREASONABLY INTERFERES WITH THE REASONABLE USE AND ENJOYMENT OF THE RESIDENTIAL PROPERTY BY THE OWNER OF THE RESIDENTIAL PROPERTY.

(D) A NON-EXCLUSIVE EASEMENT FOR THE USE OF FACILITIES ("COMMERCIAL EASEMENT FACILITIES") PRIMARILY BENEFITING THE OWNER OF THE COMMERCIAL PROPERTY OR NECESSARY FOR THE OWNER OF THE COMMERCIAL PROPERTY TO PERFORM ITS OBLIGATIONS UNDER SECTION 5.2 DESCRIBED THEREIN AND LOCATED IN THE RESIDENTIAL PROPERTY.

(E) A NON-EXCLUSIVE EASEMENT TO BE EXERCISED BY THOSE PERSONS WHO ARE ENTITLED PURSUANT TO EXHIBIT 8, THEREOF TO USE THE RECREATIONAL AREA AND FOR PEDESTRIAN INGRESS AND EGRESS UPON AND THROUGH THE 26TH FLOOR HALLWAYS OF THE BUILDING AND FOR USE OF THE RESIDENTIAL ELEVATORS, BOTH TO THE EXTENT REASONABLY NECESSARY FOR THE USE OF THE RECREATIONAL AREA.

(F) A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS BY PERSONS, MATERIAL AND EQUIPMENT OVER, ON, ACROSS AND THROUGH THE RESIDENTIAL PROPERTY TO THE EXTENT REASONABLY NECESSARY TO:

(G) PERMIT THE MAINTENANCE, REPAIR, REPLACEMENT, RESTORATION OR RECONSTRUCTION OF THE COMMERCIAL PROPERTY (II) FOR THE USE AND ENJOYMENT BY THE COMMERCIAL OWNER OF THE EASEMENTS GRANTED IN SECTION 2.2 THERETO AND FOR THE PURPOSES SET FORTH IN ARTICLE IV THEREOF OR (III) TO PERMIT INGRESS AND EGRESS TO AND FROM THE TOTAL PROPERTY DURING AN EMERGENCY SITUATION

(H) A NON-EXCLUSIVE EASEMENT TO USE THE PARAPET LOCATED ON THE 9TH AND 26TH FLOORS OF THE BUILDING AND THE EQUIPMENT SUPPORT BRACKETS LOCATED IN BEAMS AT THE 26TH FLOOR ROOF LEVEL, FOR THE PURPOSES OF WINDOW WASHING AND OTHER EXTERIOR MAINTENANCE OF THE COMMERCIAL BUILDING.

(I) A NON-EXCLUSIVE EASEMENT TO USE 50 PERCENT OF THE SPACE IN THE STORAGE AND EQUIPMENT ROOM DESIGNATED IN EXHIBIT K DESCRIBED THEREIN ON THE 25TH FLOOR OF THE RESIDENTIAL PROPERTY FOR THE PURPOSE OF STORING EQUIPMENT AND SUPPLIES IN SUCH ROOM

EACH EASEMENT WHICH IS HEREBY CREATED AND WHICH PROVIDES OR REQUIRES, FOR ITS ENJOYMENT, INGRESS AND EGRESS ON, OVER, ACROSS OR THROUGH THE RESIDENTIAL PROPERTY EXCEPT FOR EASEMENTS CREATED BY SECTIONS 3.1 (B), 3.1 (D) AND 3.1 (F), AS DESCRIBED AT B, D AND F HEREIN SHALL BE SUBJECT (EXCEPT IN AN EMERGENCY SITUATION) TO SUCH REASONABLE LIMITATIONS AS THE OWNER OF THE RESIDENTIAL PROPERTY MAY, FROM TIME TO TIME, IMPOSE WITH RESPECT TO THE ESTABLISHMENT OF LIMITED PATHS OF INGRESS AND EGRESS AND LIMITED HOURS OF THE DAY OR DAYS OF THE WEEK DURING WHICH SUCH EASEMENTS MAY BE USED TO PRECLUDE ANY UNREASONABLE INTERFERENCE WITH THE USE AND OPERATION OF THE RESIDENTIAL PROPERTY AND IN ORDER TO ASSURE THE SECURITY OF THE RESIDENTIAL PROPERTY.

- # 16. PROVISIONS CONTAINED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS MADE BY AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER

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CHICAGO TITLE INSURANCE COMPANY  
 RESIDENTIAL COMMITMENT FOR TITLE INSURANCE  
 (SCHEDULE B (CONTINUED))

ORDER NO.: 1401 007532598 DB

11, 1980 AND KNOWN AS TRUST NUMBER 51534 RECORDED OCTOBER 2, 1981 AS DOCUMENT 26017894 WHICH PROVIDES THAT THE NON-DEFAULTING OWNER SHALL HAVE A LIEN AGAINST THE PORTION OF THE PROPERTY OWNED BY THE DEFAULTING OWNER AND A LIEN AGAINST ANY INSURANCE PROCEEDS PAYABLE TO THE DEFAULTING OWNER UPON FAILURE OF THE DEFAULTING OWNER TO PAY OR DEMAND ANY SUM OF MONEY DUE THE NON-DEFAULTING OWNER PURSUANT TO THE PROVISIONS OF SAID DECLARATION; FURTHER, THAT SAID LIEN SHALL TAKE PRECEDENCE OVER ANY MORTGAGES OR OTHER ENCUMBRANCES CONSTITUTING A LIEN ON THE PORTION OF THE TOTAL PROPERTY OWNED BY THE DEFAULTING OWNER OTHER THAN A BONA FIDE MORTGAGE OR TRUST DEED WHICH IS A FIRST AND PRIOR LIEN AGAINST SUCH PORTION OF THE TOTAL PROPERTY AT THE TIME OF THE RECORDING OF THE NOTICE OF THE LIEN.

- 0 17. COVENANTS AND RESTRICTIONS CONTAINED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS MADE BY AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECLARATION 11, 1980 AND KNOWN AS TRUST NUMBER 51534 RECORDED OCTOBER 2, 1981 AS DOCUMENT 26017894 REGARDING THE OPERATION OF THE BUILDING.

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

- 0 18. ENCROACHMENT OF TWO STORY BRICK BUILDING LOCATED MAINLY ON THE LAND OVER THE SOUTH LINE THEREOF AND ONTO THE PUBLIC ALLEY ADJACENT BY 0.05 FEET AS DISCLOSED BY SURVEY ATTACHED AS EXHIBIT A TO THE DECLARATION RECORDED AS DOCUMENT 26017897.
- R 19. THIS COMMITMENT SHOULD NOT BE CONSTRUED AS INSURING THAT THE BOUNDARIES BETWEEN THE COMMON ELEMENTS ON THE 25TH FLOOR AND UNIT 2500 ARE ADEQUATELY SET FORTH ON EXHIBIT A TO THE DOCUMENT RECORDED AS DOCUMENT 26017895.
- S 20. PARTY WALL ALONG THE WEST LINE OF THE LAND AS DEPICTED ON THE SURVEY ATTACHED TO DECLARATION RECORDED AS DOCUMENT 26017897.
- T 21. TERMS, PROVISIONS AND CONDITIONS RELATING TO THE EASEMENT DESCRIBED AS PARCELS 2 AND 3 CONTAINED IN THE INSTRUMENT CREATING SUCH EASEMENT.
- B 22. RIGHTS OF THE ADJOINING OWNER OR OWNERS TO THE CONCURRENT USE OF THE EASEMENT.
- V 23. INFORMATIONAL NOTE:  
 TO SCHEDULE CLOSINGS IN OUR CHICAGO OFFICE, PLEASE CALL: (312)223-2800.  
 FOR CLOSING FIGURES IN OUR CHICAGO OFFICE, PLEASE CALL (312)223-2801.  
 TO FAX FIGURES TO OUR CHICAGO OFFICE, PLEASE DIAL (312)223-2815.

\*\* END \*\*

# UNOFFICIAL COPY

**WHITFIELD & EDDY, P.L.C.**  
ATTORNEYS AND COUNSELORS AT LAW  
317 SIXTH AVENUE, SUITE 1200  
DES MOINES, IOWA 50309-4110  
(515) 288-6041  
FAX (515) 246-1474

A. ROGER WITKE  
GARY GATELY  
TIMOTHY J. WALKER  
DAVID L. PHIPPS  
BENJAMIN B. ULLEN  
ROBERT L. FANTER  
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MARK V. HANSON  
MAUREEN ROACH TOBIN  
JEFFREY W. COURTER  
AUGUST B. LANDIS  
RICHARD J. KIRSCHMAN  
JOHN P. FATINO  
JASON M. CASINI  
ROSCOE A. RIES, JR.  
J. CAMPBELL HELTON

ALLEN WHITFIELD  
(1920-1984)  
RICHARD H. BUENNEKE  
JOHN C. EDDY  
HARLEY A. WHITFIELD  
DEAN DUTTON  
NANCY P. O'BRIEN  
OF COUNSEL  
RETIRED PARTNERS  
WALTER W. SELVY 1985  
ROY W. MEADOWS 1991

DIRECT DIAL NUMBER  
**246-5568**  
REFER TO OUR FILE NUMBER

May 1, 1996

Chicago Title Insurance Company  
171 North Clark Street  
Chicago, Illinois 60601

Re: Order No. 007532598  
Account No. 0466979-000  
Decker Investments, Inc. (Donald L. Decker)

On October 27, 1994, a commitment for title insurance was issued to Donald L. Decker, who was purchasing a condominium located at 233 East Erie in Chicago. That transaction was closed on or about November 23, 1994 with the assistance of the Seller's attorney, William J. O'Connor, who is located in Chicago.

In recent months, I have called to find out why a title insurance policy was not issued. The actual purchaser was Decker Investments, Inc., which is a company owned by Donald L. Decker. The Seller was Robert Biesiada. I have talked to Gabriel in your office, but, to my knowledge, no title policy has yet been issued.

Please again review your records and advise me at the earliest possible date as to the status of this title policy.

Very truly yours,

William L. Fairbank

WLF/dc

# UNOFFICIAL COPY

## DECKER INVESTMENTS, INC.

November 23, 1994

Mr. William J. O'Connor  
53 West Jackson Boulevard, Suite 1252  
Chicago, Illinois 60604

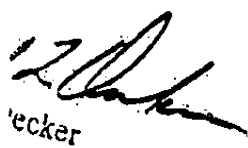
Re: 233 East Erie, No. 1710  
Chicago, Illinois  
Decker Investments, Inc.

Dear Mr. O'Connor:

In connection with the purchase by Decker Investments, Inc. of the above property, I am enclosing a check in the amount of \$78,187.05. You are to hold this check in your trust unit and disburse funds at the closing in accordance with the separate instructions which have received from our attorney, William Fairbank.

Enclosed are certain documents which have been signed on behalf of Decker Investments, Inc. If any further is required, please advise Mr. Fairbank or myself.

Sincerely,  
yours,



Decker

UNOFFICIAL COPY

WHITFIELD LAW

**WHITFIELD & EDDY, P.L.C.**  
**ATTORNEYS AND COUNSELORS AT LAW**  
 317 SIXTH AVENUE, SUITE 1200  
 DES MOINES, IOWA 50309-4110  
 (515) 288-6041  
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JOHN C. EDDY  
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 WILLIAM L. FAIRBANK  
 ROBERT G. FRIDBERG  
 JAKI K. SANDERSON  
 KEVIN M. RATTY JLOS  
 THOMAS H. BUPPE

THOMAS HENDERSON  
 GEORGE H. FRAMPTON  
 CHARLES E. GRIBBLE  
 MEGAN M. ANTENUCCI  
 WENDY CARLSON  
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 JEFFREY W. COURTER  
 AUGUST B. LANDIS  
 KENT Y. KELSEY  
 RICHARD J. KIRSCHMAN  
 JASON M. CASINI  
 NANCY P. O'BRIEN  
 PAMELA J. PRAGER

ALLEN WHITFIELD  
 (1928-1994)

DEAN BUTTON  
 OF COUNSEL

RETIRED PARTNERS  
 WALTER W. SELVY 1988  
 ROY W. MEADOWS 1991

DIRECT DIAL NUMBER  
 246-5568

REFER TO OUR FILE NUMBER

November 23, 1994

Mr. Donald L. Decker  
 Decker Truck Line, Inc.  
 P. O. Box 915  
 Fort Dodge, Iowa 50501

Re: 233 East Erie, No. 1710  
 Chicago, Illinois 60611

Dear Don:

Enclosed are the various documents I received from William O'Connor, the attorney for the sellers of the Chicago condominium. Also enclosed is a copy of my letter which I have telefaxed to him today.

Please call me as soon as possible today so we can go through the documents together and I can identify the various items that need to be signed by you.

I have not yet talked to Joe Glimco, so be thinking about how you want to contact him and make arrangements for him to do the inspection.

Very truly yours,

*Bill Fairbank*  
 William L. Fairbank

WLF/dc

VIA TELEFAX

Top of Cook County Clerk's Office

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WHITFIELD & EDDY, P.L.C.  
ATTORNEYS AND COUNSELORS AT LAW  
317 SIXTH AVENUE, SUITE 1200  
DES MOINES, IOWA 50309-4110  
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ROBERT L. FANTER  
BERNARD L. BRAETH, JR.  
RODNEY R. KUBAT  
WILLIAM L. FARDAKH  
ROBERT G. BRIDGES  
JANE R. SAMUELSON  
KEVIN M. REYNOLDS  
THOMAS H. BURKE

THOMAS HENDERSON  
GEORGE H. FRAMPTON  
CHARLES C. CRISBLE  
NEGAN M. ASTENUCCI  
WENDY CARLSON  
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BENT T. HELSY  
RICHARD J. KIRSCHMAN  
JASON M. CASINI  
NANCY P. O'BRIEN  
PAMELA J. PRAGER

ALLEN WHITFIELD  
(562-1964)  
—  
DEAN DUTTON  
OF COUNSEL  
—  
RETIRED PARTNERS  
WALTER W. SELVY 1986  
ROY W. MEADOWS 1981

November 23, 1994

DIRECT DIAL NUMBER  
246-5568  
REFER TO OUR FILE NUMBER

Mr. William J. O'Connor  
53 West Jackson Boulevard, Suite 1252  
Chicago, Illinois 60604

Re: 233 East Erie, No. 1710  
Chicago, Illinois 60611  
Decker Investments, Inc.

Dear Mr. O'Connor:

I have forwarded to Donald Decker, President of Decker Investments, Inc., the material which you sent to me late yesterday afternoon.

I am instructing Mr. Decker to forward to you a certified or cashier's check in the amount of \$83,937.05, to be held by you in your trust account for disbursement at the time of closing, which is expected to occur on Monday, November 28.

Although you did not mention it in your letter, I have also requested that Mr. Decker sign certain of the documents and forward them to you with the check. Specifically, I have asked him to sign the Real Property Transfer Tax Declaration form, the Real Estate Transfer Declaration, the Assessment Information, and the ALTA Coverage Policy Statement. I have also requested him to sign the Closing Statement.

I assume you will have all of these forms completed and also, to the extent applicable, signed by the sellers.

I am returning to you a copy of the Deed on which I have provided the missing information in the first paragraph. Please send a copy of the signed and notarized Deed to me, together with copies of all other fully-executed documents after the closing has taken place.

As you know, Mr. Decker does not plan to be present for the closing. He does, however,



# UNOFFICIAL COPY

WHITFIELD & EDDY, P.L.L.C.  
ATTORNEYS AND COUNSELORS AT LAW

Page 2  
November 23, 1994

want to have the condominium unit briefly inspected prior to closing to be sure it is vacant and in substantially the same condition as at the time of the making of the offer. As it now stands, Joe Glimco, an employee of Mr. Decker's company, will make arrangements with you to get a key early Monday morning and make that inspection. He will then notify you as soon as the inspection has been completed so the closing can still take place Monday morning.

Please call me today if you have any questions or will need anything else from Mr. Decker in connection with the closing. I will not be in my office on Friday, but, if I need to be reached after today, you can contact me at home at 515-277-0845.

Very truly yours,



William L. Fairbank

WLF/dc  
Enclosures

VIA TELEFAX - 312-663-3689

# UNOFFICIAL COPY

## DECKER INVESTMENTS, INC.

November 23, 1994

Mr. William J. O'Connor  
53 West Jackson Boulevard Suite 1252  
Chicago, Illinois 60604

Re: 233 East Erie, No. 1710  
Chicago, Illinois  
Decker Investments, Inc.

Dear Mr. O'Connor:

In connection with the purchase by Decker Investments, Inc. of the above property, I am enclosing a check in the amount of \$83,937.05. You are to hold this check in your trust account and disburse funds at the closing in accordance with the separate instructions which you have received from our attorney, William Fairbank.

Also enclosed are certain documents which have been signed on behalf of Decker Investments, Inc.

If anything further is required, please advise Mr. Fairbank or myself.

Very truly yours,

Donald L. Decker  
President

DLD/dc  
Enclosures

# UNOFFICIAL COPY

Property of Cook County Clerk's Office

WHITFIELD & EDDY, P.L.C.  
ATTORNEYS AND COUNSELORS AT LAW  
317 SIXTH AVENUE, SUITE 1200  
DES MOINES, IOWA 50309-4110

(515) 288-6041  
FAX (515) 248-1474

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ROBERT M. REZAKER  
ROBERT L. FANTER  
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JASON W. CASHI  
NANCY P. O'BRIEN  
PAMELA J. PRAGER

ALLEN WHITFIELD  
1-888-3884

DEAN DUTTON  
OF COUNSEL

RETIRED PARTNERS  
WALTER W. SELVY 1988  
ROY W. MEADOWS 1994

DIRECT DIAL NUMBER  
246-5568

REFER TO OUR FILE NUMBER

November 23, 1994

Mr. William J. O'Connor  
53 West Jackson Boulevard, Suite 1252  
Chicago, Illinois 60604

Re: 233 East Erie, No. 1710  
Chicago, Illinois 60611  
Decker Investments, Inc.

Dear Mr. O'Connor:

**IMPORTANT CHANGE:** After forwarding the various documents to Decker Investments today, I learned that the earnest money which was paid to Coldwell Banker was actually \$8,750, rather than \$3,000. Therefore, the check which will be sent by Decker Investments will be \$78,187.05.

Enclosed is a revised Closing Statement adjusting the figures to reflect the actual earnest money paid.

Very truly yours,

William L. Fairbank

WLF/dc  
Enclosures

VIA TELEFAX - 312-663-3689

UNOFFICIAL COPY

WILLIAM J. O'CONNOR, P.C.  
ATTORNEY AT LAW  
SUITE 1252  
53 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604  
(312) 665-3135  
FAX (312) 665-3689

November 22, 1994

Bill Fairbanks  
317 6th Ave.  
Suite 1200  
Des Moines, Iowa 50309-4110

RE: 233 East Erie #1710  
Chicago, IL 60611

Dear Mr. Fairbanks:

I am enclosing copies of the following documents for your review:

1. Warranty Deed
2. Affidavit of Title
3. Bill of Sale
4. State, County and City Real Estate Transfer Declaration
5. ALTA Statement
6. Northern Trust Company mortgage pay-off letter
7. Condominium Association Assessment letter
8. Insurance Certificate
9. Closing Statement

The only document which needs to be executed by you or Mr. Decker is the Closing Statement.

With regard to the certified check which you will send to me, I calculate the total due from your client as \$83,937.05. I have determined this as follows. The purchase price is \$87,500.00. That amount is reduced by the \$2,000.00 earnest money and the \$1,277.20 1994 tax credit (based upon 110%) for a total reduction of \$3,277.20, leaving a balance due to Seller of \$84,222.80.   
77,472.80      10,027.00

In addition to the \$83,222.80, your client has the following additional charges: City of Chicago Transfer Tax, \$656.25; Recording Deed, \$58.00.

78,187.05 Based upon the foregoing, I am requesting a certified check in the sum of \$83,937.05. Upon receipt of that amount, I will deliver the documents to the title company for recording and "later dating" of the title policy. I will also pay the items listed as Buyer's Credits on the Closing Statement.



UNOFFICIAL COPY

11/23/94 09:38 FAX 11/23/94 1474  
11-22-1994 03:38PM FROM O'CONNOR/KELLY TO 15152461474 P.03

WILLIAM J. O'CONNOR, P.C.

Please note that the Certificate of Insurance is listed in the name of Mr. Decker individually. I have ordered a new Certificate in the corporate name and will have it by November 28, 1994.

Please give me a call if you have any questions regarding any of the above. Thank you for your co-operation.

Very truly yours,



William J. O'Connor

WOC/scw

Enclosures

Property of Cook County Clerk's Office

11/23/94 09:38 FAX 515 248 1474  
11-22-1994 03:38PM FROM O'CONNOR/KELLY

UNOFFICIAL COPY

FIELD LAB TO

15152461474

008/022 P.04

State of Illinois )  
County of Cook ) ss.

I, \_\_\_\_\_  
a notary public in and for said County, in the State aforesaid, DO HERBY CERTIFY that \_\_\_\_\_

\_\_\_\_\_ personally known to me to be the same person \_\_\_\_\_ whose name \_\_\_\_\_ subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that \_\_\_\_\_ he \_\_\_\_\_ signed, sealed and delivered the said instrument as \_\_\_\_\_ free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

\_\_\_\_\_  
Notary Public  
Commission expires \_\_\_\_\_, 19\_\_\_\_\_

**BILL OF SALE**

Robert M. Blesiada

TO

Decker Investments, Inc.

Dated November 28, 1994

19

**GEORGE E. COLE**  
LEGAL FORMS

UNOFFICIAL COPY

11/23/94 09:30 FAX #11 28 1474

11-22-1994 03:38PM FROM O'CONNOR/KELLY

TO

15152461474

007/022

P.95

BILL OF SALE (Illinois)

June, 1993

LEGAL FORMS

CAUTION: Contact S.A. before using of adding under this form. All warranties, including merchantability and fitness, are excluded.

Seller, Robert M. Biessada

of Chicago, Illinois

in consideration of Ten dollars, receipt whereof is hereby acknowledged, does hereby sell, assign, transfer and set over to Buyer,

Decker Investments, Inc. of Fort Dodge, Iowa

the following described personal property to-wit:

Any and all items listed on the Real Estate Sales Contract, signed and dated by all parties on 10/23/94.

Property of Cook County Clerk's Office

Seller hereby represents and warrants to Buyer that Seller is the absolute owner of said property, that said property is free and clear of all liens, charges and encumbrances, and that Seller has full title, power and authority to sell said personal property and to make this bill of sale. *All warranties of quality, fitness, and merchantability are hereby excluded.*

If this bill of sale is signed by more than one person, all persons so signing shall be jointly and severally bound hereby.

IN WITNESS WHEREOF, Seller has signed and sealed this bill of sale at

this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[SEAL]

[SEAL]



11/23/84 09:43 FAX 312 266 1474  
11-23-1994 83 FROM O'CONNOR/KELLY

TO

15152461474

015/022  
P.13

UNOFFICIAL COPY

# Streeterville Center

Condominium Association  
233 East Erie Street • Chicago, Illinois 60611  
(312) 787-1883 FAX (312) 787-3907

November 1, 1994

To Whom It May Concern:

The assessments for unit #1710 in the amount of \$253.69 have been paid in full through November 1994. There are no other liens against this unit.

The water bills for Streeterville Center Condominium Association are paid through the above date and are always kept current. Our account number for billing is 0305-02-0021-3.

Streeterville Center Condominium Association has no right of first refusal.

The insurance agent for 233 East Erie is Mary Ann Burton at A.J. Horan. Her number is (312)236-9300.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



Diane Gutterman, CPM  
Property Manager

Property of Cook County Clerk's Office

11-22-1994 8:14 AM

**UNOFFICIAL COPY**

15152461474

017/022

P. 15

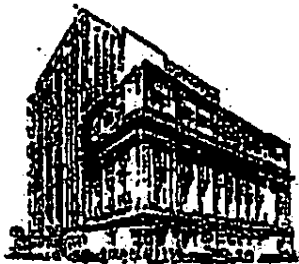
**CLOSING STATEMENT**

**SELLERS: ROBERT M. BIESIADA**  
**BUYERS: DECKER INVESTMENTS, INC.**  
**PROPERTY: 233 EAST ERIE #1710**  
**DATE: NOVEMBER 28, 1994**

	<b>Credit Buyers</b>	<b>Credit Sellers</b>
Purchase Price		\$ 87,500.00
Earnest Money	\$ 8,750.00	
1994 Real Estate Taxes (1404.10 ÷ 365; 332 days x \$3.847 per diem)	1,277.20	
Seller's Title Insurance	418.00	
Release Deed	23.00	
State Transfer Tax	87.50	
County Transfer Tax	43.75	
Water Certification (To William O'Connor)	10.00	
Balance of Broker's Commission (Coldwell Banker)	2,250.00	
<b>Subtotal</b>	<b>\$ 12,859.45</b>	<b>\$ 87,500.00</b>
<b>Cash to Balance</b>	<b>\$ 74,640.55</b>	
<b>TOTAL</b>	<b>\$ 87,500.00</b>	<b>\$ 87,500.00</b>

Robert. M. Biesiada

*[Signature]*  
 Decker Investments, Inc.



# THE NORTHERN TRUST COMPANY

FIFTY SOUTH LA SALLE STREET

CHICAGO, ILLINOIS 60675

TELEPHONE (312) 550-6000

November 17, 1994

Robert Biesiada  
233 W Erie St #1710  
Chicago, IL 60611

RE: Mortgage Loan No. 334619

Dear Mr Biesiada:

The balance due on the above captioned mortgage loan, as of November 28, 1994, is as follows:

Principal Balance (Paid thru 11/01/94)	\$ 65,388.68
Interest (27 days @ 6.5000%)	\$ 318.77
Release Fee	\$ 50.00
Total	\$ 65,757.43

Escrow Balance \$486.61

Interest is to be added at the rate of 11.81 per diem if payment will not reach us on the above date. We have cancelled the automatic deduction for your December 1, 1994 payment.

We suggest allowing four days interest if the check is mailed in the Chicago Metropolitan area, and six days if mailed outside the area.

Payment is to be made by Cashier's or Certified check, payable to the Northern Trust Company and mailed to The Northern Trust Company, Attn: Dina Trentacosti/L-5, 50 South LaSalle Street, Chicago, IL 60675. Please include your new address for the mailing of tax reporting information at year-end.

We appreciate your business, and hope you will contact us for any of your future home financial needs.

Very truly yours,  
*Dina Trentacosti*  
Personal Loan Services  
(312) 630-1833