

89595970

ASSIGNMENT

THIS ASSIGNMENT (this "Assignment") made this 1st day of December 1989, by RESOLUTION TRUST CORPORATION, RECEIVER FOR BENJAMIN FRANKLIN SAVINGS ASSOCIATION, a Texas savings and loan association, to and in favor of BENJAMIN FRANKLIN FEDERAL SAVINGS ASSOCIATION, a federal mutual savings and loan association having its principal place of business at 5444 Westheimer, Houston, Texas 77056.

WITNESSETH:

WHEREAS, on March 8, 1989, the Federal Home Loan Bank Board (the "Bank Board"), by Resolution No. 89-710P, appointed Federal Savings and Loan Insurance Corporation ("FSLIC") as Conservator for Benjamin Franklin Savings Association, Houston, Texas (the "Association"); and

WHEREAS, on June 29, 1989, FSLIC was appointed sole Receiver for the Association pursuant to Resolution No. 89-1668P adopted by the Bank Board on June 28, 1989, with surrender of possession of the Association to FSLIC as Receiver by letter dated June 29, 1989; and

WHEREAS, pursuant to that certain Acquisition Agreement dated June 29, 1989 (the "Acquisition Agreement"), and Resolution No. 89-1671P dated June 28, 1989, FSLIC, as Receiver for the closed Association, sold, conveyed, transferred and assigned to Benjamin Franklin Federal Savings Association a newly chartered federal mutual savings and loan association ("Benjamin Franklin Federal"), substantially all of the assets of the closed Association; and

WHEREAS, pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, effective as of August 9, 1989, Resolution Trust Corporation ("RTC") has succeeded to the position of FSLIC as Receiver for the closed Association; and

WHEREAS, pursuant to and in confirmation of the terms of the Acquisition Agreement, RTC, as Receiver for the closed Association, intends to transfer, assign, grant and convey to Benjamin Franklin Federal all of the notes held by the closed Association and the indebtedness evidenced thereby, together with all of the mortgages, liens and other rights, interests, documents and instruments securing or evidencing such notes and indebtedness (including, without limitation, those specifically identified in this Assignment);

NOW, THEREFORE, be it known that, for and in consideration of the foregoing premises and the sum of TEN DOLLARS (\$10) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

RESOLUTION TRUST CORPORATION, RECEIVER FOR BENJAMIN FRANKLIN SAVINGS ASSOCIATION, has granted, bargained, sold, assigned, conveyed, transferred and set over,

THIS INSTRUMENT WAS PREPARED BY AND UPON RECORDING SHOULD BE RETURNED TO:

Elizabeth D. Ward, Esq.  
Hebb & Gillin  
A Professional Corporation  
One State Street  
Hartford, Connecticut 06103



89595970  
89595970  
REC-01 RECORDING \$15.00  
#02555 FROM 8985 12/14/89 46:00  
#0299 # 89-595970  
COKK COUNTY RECORDER

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15 *[Signature]*

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and does hereby grant, bargain, sell, assign, convey, transfer and set over, unto the aforesaid **BENJAMIN FRANKLIN FEDERAL SAVINGS ASSOCIATION** the following instruments:

- (1) that certain Mortgage and Security Agreement from American National Bank and Trust Company of Chicago ("Trustee"), not individually but solely as trustee under Trust Agreement dated December 14, 1984, and known as Trust No. 63097 (the "Trust"), in favor of Security Capital Credit Corporation ("SCCC") dated December 27, 1984, and recorded on December 28, 1984, in the Office of the Recorder of Deeds in and for Cook County, Illinois, as Document No. 27386723, and in the Office of the Recorder of Deeds in and for Kane County, Illinois, as Document No. 1706725, which mortgage was assigned to the Association by a certain Assignment of Mortgage and Security Agreement and Assignment of Leases and Rents dated May 31, 1985, and recorded on August 6, 1985, in the Office of the Recorder of Deeds in and for Cook County, Illinois, as Document No. 85133826, and recorded August 8, 1985, in the Office of the Recorder of Deeds in and for Kane County, Illinois, as Document No. 1733154 (the "Assignment"), and modified by a certain Modification Agreement by and among Trustee, Provost Partners 85 and the Association dated June 11, 1986, and recorded June 16, 1986, in the Office of the Recorder of Deeds in and for Cook County, Illinois, as Document No. 86242565, and recorded June 16, 1986, in the Office of the Recorder of Deeds in and for Kane County, Illinois, as Document No. 1776244 (the "Modification");
- (2) that certain Assignment of Leases and Rents from Trustee and Provost Partners 84, the holder and owner of one hundred percent (100%) of the beneficial interest in the Trust, to SCCC, dated December 27, 1984, and recorded on December 28, 1984, in the Office of the Recorder of Deeds in and for Cook County, Illinois, as Document No. 27386724, and recorded on December 28, 1984, in the Office of the Recorder of Deeds in and for Kane County, Illinois, as Document No. 1706726, which Assignment of Leases and Rents was assigned to the Association by the Assignment, and modified by the Modification; and
- (3) any and all other documents or agreements relating to the indebtedness evidenced by that certain Amended and Restated Secured Promissory Note dated June 11, 1986, executed by the Trustee as trustee under a Trust Agreement dated December 14, 1984, and known as Trust No. 63096, and as trustee under the Trust and by Mark J. Home, not individually but solely as Trustee under a Trust Agreement dated December 14, 1984, and known as Provost Trust No. 1, in favor of the Association;

all relating to certain premises described in Schedule A attached hereto and made a part hereof.

**TOGETHER WITH** the note or notes described in and secured by the aforesaid mortgage or mortgages, all indebtedness and other claims evidenced or secured by the aforesaid note or notes or by any of the other instruments described in this Assignment, and any and all guaranties of all or any part of any such indebtedness or claims.

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TO HAVE AND TO HOLD the same unto the aforesaid Benjamin Franklin Federal Savings Association and its successors and assigns forever.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed as of the day and year first above written.

Attest:

**RESOLUTION TRUST CORPORATION,  
RECEIVER FOR BENJAMIN  
FRANKLIN SAVINGS ASSOCIATION**

By Robin E. Hamilton

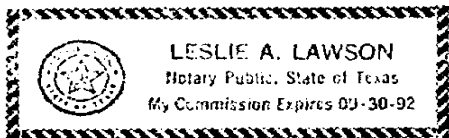
By Charles L. Duncan  
*Charles L. Duncan*, as Managing Agent  
for Resolution Trust Corporation, Receiver

Its

[CORPORATE SEAL]

STATE OF TEXAS            )  
  ) ss:  
COUNTY OF HARRIS        )

The foregoing instrument was acknowledged before me this 1st day of December, 1989, by Charles L. Duncan, Managing Agent, Resolution Trust Corporation, a federally chartered corporation, on behalf of the corporation.



Leslie A. Lawson

Commissioner of the Superior Court  
Notary Public  
My Commission Expires:

[SEAL]

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STATE OF ILLINOIS  
COUNTY OF COOK  
CLERK OF COURTS

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10/10/2024

## SCHEDULE A

## PARCEL ONE:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 35 WITH THE EASTERLY RIGHT OF WAY LINE OF STATE ROUTE 25; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 35, 1106.26 FEET; THENCE NORTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 24 MINUTES, 0 SECONDS TO THE LEFT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 195 FEET; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 85 DEGREES, 19 MINUTES, 0 SECONDS TO THE LEFT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 926.28 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROUTE 25; THENCE SOUTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE, 375.63 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ELGIN, KANE COUNTY, ILLINOIS.

## PARCEL TWO:

ALL THAT PART OF FRACTIONAL SECTION 6, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE COUNTY OF COOK, STATE OF ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH WEST CORNER OF FRACTIONAL SECTION 23; THENCE SOUTH ALONG THE WEST LINE A DISTANCE OF 25.9 FEET TO A POINT; THENCE TURNING AN ANGLE TO THE LEFT OF 89 DEGREES, 20 MINUTES, 00 SECONDS WITH THE SAID WEST SECTION LINE EXTENDED AND RUNNING EASTERLY A DISTANCE OF 275.42 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED LINE A DISTANCE OF 335.59 FEET TO A POINT; THENCE NORTHEASTERLY FOR A DISTANCE OF 26.62 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 6, SAID POINT BEING 320.34 FEET EAST OF THE EAST RIGHT OF WAY LINE OF DUNDEE ROAD (STATE HIGHWAY 25); THENCE WEST 320.34 FEET ALONG THE NORTH LINE OF SAID SECTION 6 TO THE EAST RIGHT OF WAY LINE OF SAID DUNDEE ROAD (STATE HIGHWAY 25) TO A POINT; THENCE SOUTHWESTERLY ALONG THE EAST LINE OF DUNDEE ROAD (STATE HIGHWAY 25) FOR A DISTANCE OF 29.8 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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