

# UNOFFICIAL COPY

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7. This Agreement is executed by BOULEVARD BANK NATIONAL ASSOCIATION, not personally but solely as Trustee under Trust Agreement dated March 1, 1990 and known as Trust No. 9217 in the exercise of the power and authority conferred upon and vested in it as such Trustee. All the terms,

6. This certificate is made for the purpose of better enabling the legal holder or holders of the Note to sell, pledge or otherwise dispose of the same, freely at any time, and so as to insure the purchaser or purchasers, pledgee or pledges thereof against any claim or defense thereto by the maker thereof, its successors and assigns.

5. In addition to and to secure payment of the Note, Borrower has executed a certain Mortgage and Security Agreement dated as of April 1, 1990, and recorded or to be recorded in the office of the Recorder of Deeds of Cook County, Illinois, relating to certain property located therein, as described in Exhibit "A" attached hereto, in favor of Lender. The Mortgage and the Note are, as of the date hereof, free from all defenses, both in law and in equity, and any person purchasing the Note or otherwise acquiring any interest therein may do so in reliance upon the matters herein recited.

4. The undersigned have indicated their willingness to enter into this transaction by executing or directing the execution of, as applicable, all necessary documentation relating to the loan.

3. Beneficiary is the owner of 100% of the beneficial interest and power of direction in said Trust No. 9217.

2. Borrower is borrowing from Lender the sum of SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$700,000.00) as provided in the Note dated April 1, 1990 (the "Note") executed by Borrower in connection with the aforescribed loan (hereinafter referred to as the "loan").

1. The individuals executing this document on behalf of Beneficiary are fully familiar with the facts and circumstances surrounding the within referred to transaction.

The undersigned, BOULEVARD BANK NATIONAL ASSOCIATION, not personally or individually, but as Trustee under Trust Agreement dated March 1, 1990 and known as Trust No. 9217 and SEDGWICK ASSOCIATES LIMITED PARTNERSHIP, an Illinois limited partnership ("Beneficiary"), hereby represent to BOULEVARD BANK NATIONAL ASSOCIATION (hereinafter referred to as the "Lender"), as follows:

WAIVER OF DEFENSES  
AND ESTOPPEL CERTIFICATE

90154059

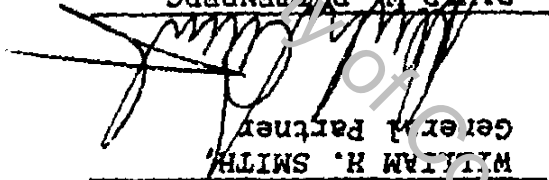
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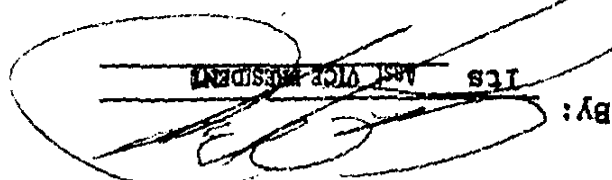
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MZM0204.AGR

General Partner  
DAVID W. RUTENBERG,

By:   
General Partner  
WILLIAM H. SMITH,

SEDGWICK ASSOCIATES LIMITED  
PARTNERSHIP, an Illinois  
limited partnership

By:   
its Vice President

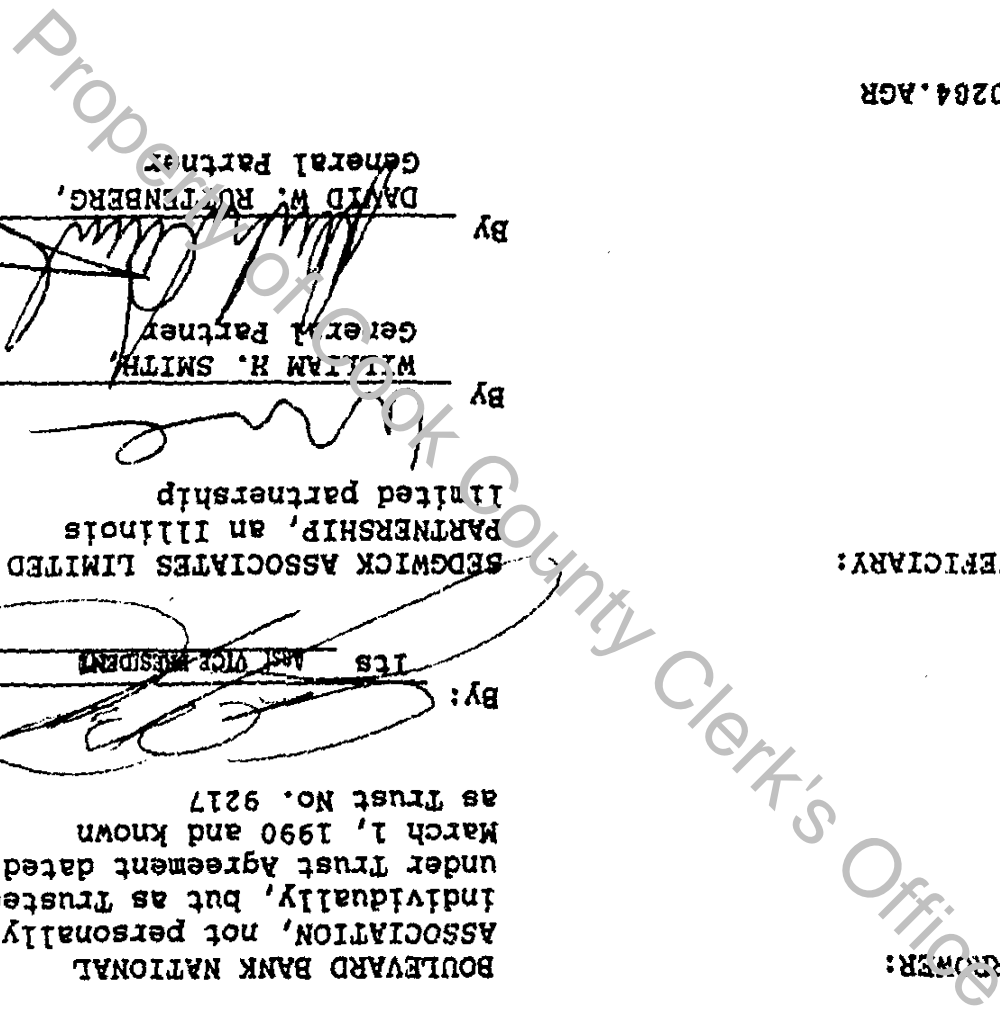
BOULEVARD BANK NATIONAL  
ASSOCIATION, not personally or  
individually, but as Trustee  
under Trust Agreement dated  
March 1, 1990 and known  
as Trust No. 9217

BENEFICIARY:

BORROWER:

DATED: April 4, 1990

provisions, stipulations, covenants and conditions to be  
performed by BOULEVARD BANK NATIONAL ASSOCIATION are  
undertaken by it solely as Trustee, as aforesaid, and not  
individually, and all statements herein made are made on  
information and belief and are to be construed accordingly,  
and no personal liability shall be asserted or be enforceable  
against BOULEVARD BANK NATIONAL ASSOCIATION by reason of any  
of the terms, provisions, stipulations, covenants and/or  
statements contained in this Agreement.



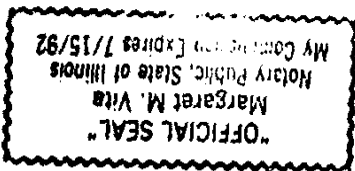
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-3-



My Commission Expires:

*Margaret M. Vita*  
Notary Public

day of April, A.D., 1990.

GIVEN under my hand and Notarial Seal this  
forth.

Trustee as aforesaid, for the uses and purposes therein set  
forth; and the said ~~Secretary~~ <sup>ASST. VICE PRESIDENT</sup> then and there acknowledged  
that as custodian of the seal of said Bank he/she did affix  
said Seal to said instrument as his/her own free and volun-  
tary act and as the free and voluntary act of said Bank as  
Trustee as aforesaid, for the uses and purposes therein set  
act and as the free and voluntary act of said Bank, as

delivered the said instrument as their own free and voluntary  
this day in person and acknowledged that they signed and  
and ~~ASST. VICE PRESIDENT~~ and Secretary, respectively, appeared before me

names are subscribed to the foregoing instrument as such  
who are personally known to me to be the same persons whose  
tion, and ~~LOUISE HILDEBRAND~~ <sup>ASSISTANT TRUST OFFICER</sup> Secretary of said Bank,  
President, of Boulevard Bank National Associa-

CERTIFY, that ALEX J. BERESOFF  
and for said County, in the state aforesaid, DO HEREBY  
I, MARGARET M. VITA, a Notary Public in

STATE OF ILLINOIS )  
COUNTY OF COOK )  
SS: )

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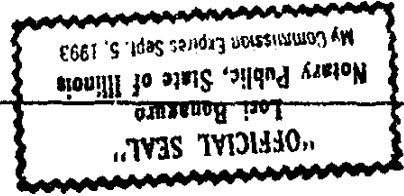
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63075106

Notary Public  
*Lois Donaguro*



My Commission Expires:

I, *Lois Donaguro*, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that WILLIAM H. SMITH AND DAVID W. RUTTENBERG, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument appeared before me this day in person and acknowledged that they signed and delivered the said instrument in their capacity as general partners of Sedgwick Associates Limited Partnership, an Illinois limited partnership (the "Partnership") as their own free and voluntary act and as the free and voluntary act of the partnership for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this *17th* day of *April*, A.D., 1990.

STATE OF ILLINOIS )  
COUNTY OF COOK )  
SS: )

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*Handwritten signature*

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CHICAGO ILLINOIS

44TH FLOOR

ONE IBM PLAZA

SENDER'S BLOCK

MICHAEL MARSHALL

COOK COUNTY RECORDER

12546 + G \* -90-154059

149999 TRAN 1174 04/05/90 11:17:00

DEPT-01 RECORDING \$16.00

MAIL TO

AND

PREPARED BY

MZM00382.XHA

SECRET ADDRESS:

2651 N. Halsted,  
Chicago, Illinois

14-28-302-004;  
14-28-302-005; and  
14-28-302-006

PERMANENT INDEX NO.:

Lots 12, 13, 14 and 15 in Block 2 in the subdivision of  
outlot "B" of Wrightwood, being a subdivision of the  
southwest quarter of section 28, Township 40 North, Range 14,  
East of the Third Principal Meridian, in Cook County,  
Illinois.

EXHIBIT A



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