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90332269

## ASSIGNMENT

**THIS ASSIGNMENT** (this "Assignment") made as of August 9, 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. 89-71 OP, 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 and the previous actions of the parties thereto, RTC, as Receiver for the closed Association, intends to confirm and ratify such actions and, as a matter of public record, 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 or relating thereto (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 for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged:

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

Eric W. Johnson, Esq.  
Hebb & Gittlin  
A Professional Corporation  
One State Street  
Hartford, Connecticut 06103

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Box 276

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**RESOLUTION TRUST CORPORATION, RECEIVER FOR BENJAMIN FRANKLIN SAVINGS ASSOCIATION**, has granted, bargained, sold, assigned, conveyed, transferred and set over, and does hereby grant, bargain, sell, assign, convey, transfer and set over, unto the aforesaid **BENJAMIN FRANKLIN FEDERAL SAVINGS ASSOCIATION** all of its right, title and interest in and to the following instruments:

1. Mortgage and Security Agreement from American National Bank and Trust Company of Chicago ("Trustee"), not individually but as Trustee under a Trust Agreement dated November 2, 1984, and known as Trust No. 61260 (the "Trust"), in favor of Security Capital Credit Corporation ("SCCC"), dated and recorded on December 31, 1985, in the Office of the Recorder of Deeds in and for Cook County, Illinois, as Document No. 85344008, which mortgage was assigned to the Association by a certain Assignment of Mortgage and Security Agreement and Assignment of Leases and Rents dated and recorded on December 31, 1985, in said Office of the Recorder of Deeds as Document No. 85344010, which mortgage was further assigned to Aetna Life Insurance Company ("Aetna") by a certain Assignment of Mortgage and Security Agreement and Assignment of Leases and Rents dated September 15, 1986, and recorded on September 25, 1986, in said Office of the Recorder of Deeds as Document No. 86437569, which mortgage was further assigned to the Association by a certain Assignment of Mortgage and Security Agreement and Assignment of Leases and Rents dated January 5, 1989, and recorded on February 6, 1989, in said Office of the Recorder of Deeds as Document No. 89056144;
2. Assignment of Leases and Rents from Trustee and Focus Partners Limited Partnership ("Beneficiary"), the holder and owner of one hundred percent (100%) of the beneficial interest in the Trust, to SCCC, dated and recorded on December 31, 1985, in said Office of the Recorder of Deeds as Document No. 85344009, which Assignment of Leases and Rents was assigned to the Association by the hereinabove described Assignment of Mortgage and Security Agreement and Assignment of Leases and Rents recorded as Document No. 85344010, which Assignment of Leases and Rents was further assigned to Aetna by the hereinabove described Assignment of Mortgage and Security Agreement and Assignment of Leases and Rents recorded as Document No. 86437569, which Assignment of Leases and Rents was further assigned to the Association by the hereinabove described Assignment of Mortgage and Security Agreement and Assignment of Leases and Rents recorded as Document No. 89056144;
3. UCC-1 Financing Statement naming Trustee as Debtor, SCCC as Secured Party and Association as Assignee, filed January 1, 1986, in the Office of the Illinois Secretary of State, under File No. 2089760;
4. UCC-1 Financing Statement naming Beneficiary as Debtor, SCCC as Secured Party and the Association as Assignee, filed January 1, 1986, in said Office of the Secretary of State, under File No. 2089759;
5. UCC-2 Financing Statement naming Trustee as Debtor, SCCC as Secured Party and the Association as Assignee, recorded on January 2, 1986, in said Office of the Recorder of Deeds as Document No. 86-00259;
6. UCC-2 Financing Statement naming Beneficiary as Debtor, SCCC as Secured Party and the Association as Assignee, recorded on January 2, 1986, in said Office of the Recorder of Deeds as Document No. 86-00260; and
7. Any and all other documents or agreements relating to the indebtedness evidenced by that certain Secured Promissory Note in the original principal sum of Two Million Nine Hundred Thousand Dollars (\$2,900,000), dated December 31, 1985, made and executed by Trustee in favor of SCCC;

all relating to certain premises described in Schedule A attached hereto and incorporated herein by this reference.

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TOGETHER WITH the note described in and secured by the aforesaid mortgage, all indebtedness and other claims evidenced or secured by the aforesaid note 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.

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.

Witness:

RESOLUTION TRUST CORPORATION,  
RECEIVER FOR BENJAMIN FRANKLIN  
SAVINGS ASSOCIATION

*Shirley Farris*

By *Robert W. Lowe*  
Robert W. Lowe  
as Managing Agent for Resolution Trust  
Corporation, Receiver

*John Gray*

ADDRESS:  
5444 Westheimer  
Houston, Texas 77056

STATE OF TEXAS            )  
  ) ss: Houston  
COUNTY OF HARRIS        )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of July, 1990, by *Robert W. Lowe*, Managing Agent for Resolution Trust Corporation, a federally chartered corporation, Receiver for Benjamin Franklin Savings Association, on behalf of the Receiver

*Marilyn Noto*  
Notary Public

My Commission Expires:

[SEAL]

*July 26, 1992*



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## SCHEDULE A

THAT PART OF THE SOUTH EAST 1/4 SECTION 19, TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE SOUTH EAST 1/4 OF SECTION 19, AFORESAID, 1832.28 FEET WEST OF THE SOUTH EAST CORNER THEREOF; THENCE NORTH AT RIGHT ANGLES THERETO, A DISTANCE OF 429.76 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE NORTHERN ILLINOIS TOLL HIGHWAY; THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 755.95 FEET TO A POINT IN THE WEST LINE OF THE SOUTH EAST 1/4 OF SECTION 19, AFORESAID, 178.45 FEET NORTH OF THE SOUTH WEST CORNER OF SAID SOUTH EAST 1/4; THENCE SOUTH ALONG THE WEST LINE OF SAID SOUTH EAST 1/4 FOR A DISTANCE OF 178.45 FEET TO THE SOUTH WEST CORNER THEREOF; THEN EAST ALONG THE SOUTH LINE OF SAID SOUTH EAST 1/4, A DISTANCE OF 712.58 FEET TO THE POINT OF BEGINNING.

*TD # 12-19-400-111 rP  
11500 W. Melrose Ave  
Franklin Park, Ill*

HYALFORD CL 09108  
ONE STATE STREET  
MERRILLVILLE  
INDIANA 46369

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RETURN TO:  
HERB & GITLIN  
ONE STATE STREET  
HARTFORD, CT 06102  
ATTN: P.A. DRAGNI