

UNOFFICIAL COPY

92140137

ASSIGNMENT OF JUDGMENT

This Assignment of Judgment ("Assignment") is made as of this 27th day of January, 1992 by Resolution Trust Corporation as receiver for Benjamin Franklin Federal Savings Association to and for the benefit of Hyperion Credit Capital Partners L.P. ("Hyperion").

WHEREAS, Benjamin Franklin Savings Association loaned American National Bank and Trust Company of Chicago, not individually but as Trustee under Trust Agreement dated December 14, 1984 and known as Trust No. 63096 and under Trust Agreement dated December 14, 1984 and known as Trust No. 63097, and Mark J. Horne, not individually but as Trustee under Trust Agreement dated December 14, 1984 and known as Provest Trust No. 1 ("Horne"), \$6,750,000.00 as evidenced by that certain Amended and Restated Secured Promissory Note dated June 11, 1986 ("Note") and that certain Mortgage and Security Agreement dated December 27, 1984 ("Mortgage"); and

WHEREAS, American National Bank and Trust Company of Chicago and others defaulted on their obligations under the Note and Mortgage; and

WHEREAS, Resolution Trust Corporation as Conservator for Benjamin Franklin Federal Savings Association commenced a mortgage foreclosure action against American National Bank of Chicago and other interested parties in the United States District Court for the Northern District of Illinois, Eastern Division, entitled Resolution Trust Corporation as Conservator for Benjamin Franklin

[Loan #116]

92140137

27⁵⁰

UNOFFICIAL COPY

Federal Savings Association v. American National Bank of Chicago,
T/U/T #63097, et al., Case No. 91 C 1886, (the "Action"); and

WHEREAS, the District Court entered a Judgment of Foreclosure ("Judgment") in the Action on September 27, 1991; and

WHEREAS, the Resolution Trust Corporation in its capacity as receiver for Benjamin Franklin Federal Savings Association (the "Receiver"), has succeeded to the interests of Resolution Trust Corporation as conservator for Benjamin Franklin Federal Savings Association in the action and the Judgment;

WHEREAS, the Receiver wishes to assign its interest in the Judgment to Hyperion;

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficient of which is hereby acknowledged, the Receiver gives, grants, assigns, orders and transfers all of its right, title or interest in and to the Action and Judgment and in all sums of money or property that may be obtained by means thereof, or in or as a result of any proceedings had thereon to Hyperion as of the date first above written.

IN WITNESS WHEREOF, the Receiver has duly executed this Assignment.

RESOLUTION TRUST CORPORATION, in its
capacity as receiver for Benjamin
Franklin Federal Savings Association

By: _____

Albert E. Magilly, III
Attorney-in-Fact

H:\PS\WEBBERM\90585.1

[Loan #116]

2

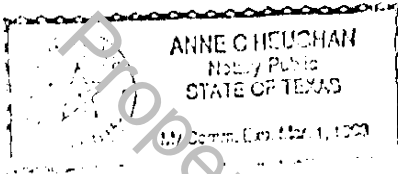
COOK COUNTY CLERK'S OFFICE
10/1/91

UNOFFICIAL COPY

STATE OF Texas

COUNTY OF Harris

This instrument was acknowledged before me on February 11, 1992, by Albert E. Magill, III, attorney-in-fact of the Resolution Trust Corporation, an instrumentality of the United States, as Receiver for Benjamin Franklin Federal Savings Association, on behalf of said corporation.



Anne C. Heluchan
Notary Public, State of Texas

My Commission Expires: 3/1/93

This instrument prepared by:
Resolution Trust Corporation
2223 West Loop South
Houston, Texas 77027

Return Recorded Document to:
Stroock & Stroock & Lavan
3300 Southeast Financial Center
200 South Biscayne Boulevard
Miami, Florida 33131-2385



02/12/92, 5:21pm
10068553

9211 137

Property of Cook County Clerk's Office

UNOFFICIAL COPY

9 2 1 4 0 1 3 7

LEGAL DESCRIPTION

TO

ASSIGNMENT OF JUDGMENT

91 C 1886

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, 925.28 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROUTE 25; THENCE SOUTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE, 353.63 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 6; 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 225.42 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.

C/K/A 1581-85 Dundee Avenue, Elgin, Illinois

P.I.N. 06-06-100-001 (Cook) and 03-35-400-006 (Kane)

9211-137