

UNOFFICIAL COPY

1992 APR -7 PM 12:10

92231923

92231923

Pool No. 5
Loan No. 116A
Location: Office of the Recorder of Deeds, Cook County, Illinois
Assignment 3 of 4

ASSIGNMENT OF NON-AFFILIATED MORTGAGE LOAN

Resolution Trust Corporation, in its capacity as Receiver for Benjamin Franklin Federal Savings Association ("Assignor"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby absolutely sells, transfers, assigns, delivers, sets-over and conveys to Hyperion Credit Capital Partners L.P., a Delaware limited partnership ("Assignee"), without recourse:

The deed of trust or mortgage loan identified on Exhibit "A" attached hereto (the "Deed of Trust Loan"), including the promissory note and all liens, security interests, financing statements and guaranties securing the payment of the Deed of Trust Loan including without limitation the Deed of Trust or Mortgage and any other documents recorded in the real property records of the jurisdiction in which such real property is located. Such recorded documents include, without limitation, the documents described on Exhibit "B" attached hereto. The real property originally encumbered by liens securing the Deed of Trust Loan is described on Exhibit "C".

Assignee's mailing address is as follows:

Hyperion Credit Capital Partners L.P.
c/o Salvatore A. Ranieri, Esq.
520 Madison Avenue, 10th Floor
New York, New York 10022

73-42-33962

4/18/88

92231923

UNOFFICIAL COPY

TO HAVE AND TO HOLD the Deed of Trust Loan (including the promissory note, and all liens, security interests, financing statements and guaranties securing payment of the Deed of Trust Loan), together with all and singular the rights and privileges thereunto in any wise belonging unto Assignee, its successors and assigns, forever.

DATED: January 27, 1992.

WITNESSES

RESOLUTION TRUST CORPORATION, IN ITS CAPACITY AS RECEIVER FOR BENJAMIN FRANKLIN FEDERAL SAVINGS ASSOCIATION

Marla Byrne
Name: MARLA BYRNE

By: Albert E. Magill, III
Albert E. Magill, III
Attorney-in-Fact

Erin Hewlett
Erin Hewlett

ATTEST:

Name: April D. Gaynor
Attorney-in-Fact
April D. Gaynor

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared Albert E. Magill, III, attorney-in-fact of the Resolution Trust Corporation, acting in its capacity as Receiver for Benjamin Franklin Federal Savings Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and as the act and deed of said corporation.

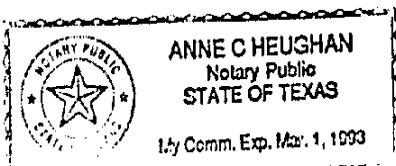
GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 27th day of January, 1992.

SEAL

Anne C. Heughan
Notary Public in and for the State of Texas

Anne C. Heughan
Printed Name of Notary

My commission expires: 3/1/93



92231923

UNOFFICIAL COPY

This instrument was prepared by:

Philip A. Creed, Esq.
McCarthy and Levin
100 West Monroe, Suite 2000
Chicago, Illinois 60603

After recording, return to:

Stroock & Stroock & Lavan
Southeast Financial Center, 33rd Fl.
200 South Biscayne Boulevard
Miami, Florida 33131-2385
Attention: Mr. Arnold Shevin

BOX 833 - TH

12479.71078
H:\PS\HURSTB\69452.1

92231923

UNOFFICIAL COPY

Pool No. 5
Loan No. 116A

EXHIBIT "A"

1. AMENDED AND RESTATED SECURED PROMISSORY NOTE dated June 11, 1986, executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Trust No. 63096, and under a Trust Agreement dated December 14, 1984, and known as Trust No. 63097, and MARK J. HORNE, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Provost Trust No. 1, and payable to the order of BENJAMIN FRANKLIN SAVINGS ASSOCIATION in the original principal sum of \$6,750,000.00.

H:\PS\HEWLETTE\83036.1\14

Cook County Clerk's Office

92231923

UNOFFICIAL COPY

Pool No. 5

Loan No. 116A

Filing Location: (1) Office of the Recorder of Deeds, Rock Island County, Illinois;
(2) Office of the Recorder of Deeds, Kane County, Illinois;
(3) Office of the Recorder of Deeds, Cook County, Illinois; and
(4) Register's Office of Kenosha County, Wisconsin

EXHIBIT "B"

Rock Island County, Illinois

1. MORTGAGE AND SECURITY AGREEMENT dated December 27, 1984, executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Trust No. 63096, for the benefit of SECURITY CAPITAL CREDIT CORPORATION, as recorded in Book 1067, Page 221, as Document No. 85-00709, in the Office of the Recorder of Deeds of Rock Island County, Illinois.

2. ASSIGNMENT OF LEASES AND RENTS dated December 27, 1984, executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Trust No. 63096, and PROVEST PARTNERS 84, an Illinois limited partnership, the holder and owner of 100% of the beneficial interest in the aforesaid trust, for the benefit of SECURITY CAPITAL CREDIT CORPORATION, as recorded in Book 1067, Page 223, as Document No. 85-00711, in the Office of the Recorder of Deeds of Rock Island County, Illinois.

3. MODIFICATION AGREEMENT dated June 11, 1985, executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Trust No. 63096, PROVEST PARTNERS 85, an Illinois limited partnership, formerly known as Provest Partners 84, the holder and owner of 100% of the beneficial interest in the aforesaid trust, and BENJAMIN FRANKLIN SAVINGS ASSOCIATION, recorded as Document No. 86-09784, in the Office of Recorder of Deeds of Rock Island County, Illinois.

UNOFFICIAL COPY

Kane County, Illinois:

1. MORTGAGE AND SECURITY AGREEMENT dated December 27, 1984, executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Trust No. 63097, for the benefit of SECURITY CAPITAL CREDIT CORPORATION, recorded as Document No. 1706725, in the Office of the Recorder of Deeds of Kane County, Illinois.

2. ASSIGNMENT OF LEASES AND RENTS dated December 27, 1984, executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Trust No. 63097, and PROVEST PARTNERS 84, an Illinois limited partnership, the holder and owner of 100% beneficial interest in the aforesaid trust, for the benefit of SECURITY CAPITAL CREDIT CORPORATION, recorded as Document No. 10706726, in the Office of the Recorder of Deeds of Kane County, Illinois.

3. MODIFICATION AGREEMENT dated June 11, 1986, executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Trust No. 63097, and PROVEST PARTNERS 85, an Illinois limited partnership, formerly known as Provest Partners 84, the holder and owner of 100% of the beneficial interest in the aforesaid trust, and BENJAMIN FRANKLIN SAVINGS ASSOCIATION, recorded as Document No. 1776244 in the Office of the Recorder of Deeds of Kane County, Illinois.

Cook County, Illinois:

1. MORTGAGE AND SECURITY AGREEMENT dated December 27, 1984, executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Trust No. 63097, for the benefit of SECURITY CAPITAL CREDIT CORPORATION, recorded as Document No. 27386723, in the Office of the Recorder of Deeds of Cook County, Illinois.

UNOFFICIAL COPY

2. ASSIGNMENT OF LEASES AND RENTS dated December 27, 1984, executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Trust No. 63097, and PROVEST PARTNERS 84, an Illinois limited partnership, the holder and owner of 100% of the beneficial interest of the aforesaid trust, for the benefit of SECURITY CAPITAL CREDIT CORPORATION, recorded as Document No. 27386724, in the Office of the Recorder of Deeds of Cook County, Illinois.

3. MODIFICATION AGREEMENT dated June 11, 1986, executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Trust No. 63097, and PROVEST PARTNERS 85, an Illinois limited partnership, formally known as Provest Partners 84, the holder and owner of 100% of the beneficial interest in the aforesaid trust, and BENJAMIN FRANKLIN SAVINGS ASSOCIATION, recorded as Document No. 86242565, in the Office of the Recorder of Deeds of Cook County, Illinois.

Kenosha County, Wisconsin:

1. MORTGAGE AND SECURITY AGREEMENT dated December 27, 1984, executed by MARK J. HORNE, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Provest Trust No. 1, for the benefit of SECURITY CAPITAL CREDIT CORPORATION, as recorded in Records Volume 1178, Page 543, in the Register's Office of Kenosha County, Wisconsin.

2. ASSIGNMENT OF LEASES AND RENTS dated December 27, 1984, executed by MARK J. HORNE, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Provest Trust No. 1, and PROVEST PARTNERS 84, an Illinois limited partnership, the holder and owner of 100% of the beneficial interest of the aforesaid trust, for the benefit of SECURITY CAPITAL CREDIT CORPORATION, as recorded in Records Volume 1178, Page 626, in the Register's Office of Kenosha County, Wisconsin.

UNOFFICIAL COPY

3. MODIFICATION AGREEMENT dated June 11, 1986, executed by MARK J. HORNE, not individually but as trustee under a Trust Agreement dated December 14, 1984, and known as Provest Trust No. 1, and PROVEST PARTNERS 85, an Illinois limited partnership, formerly known as Provest Partners 34, the holder and owner of 100% of the beneficial interest in the aforesaid trust, and BENJAMIN FRANKLIN SAVINGS ASSOCIATION, as recorded in Records Volume 1225, Page 432, in the Register's Office of Kenosha County, Wisconsin.

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Pool No. 5
Loan No. 116

EXHIBIT "C"
Page 1 of 3

Parcel - Kenosha County, Wisconsin

A parcel of land located in the NE 1/4 of Section 12, T1N, R21E, Town of Bristol, Kenosha County, Wisconsin, described as follows: Commencing at the Northeast corner of said Section 12, thence N88°-37'-10"W along the North line of said Section 467.73 feet; thence S44°-05'-40"E 85.57 feet to the place of beginning; thence continue S44°-05'-40"E 171.05 feet; thence S0°-25'-50"W 360.00 feet; thence N89°-34'-10"W 90.00 feet; thence S0°-25'-50"W 45.00 feet; thence N89°-34'-10"W 95.00 feet; thence S0°-25'-50"W 185.00 feet; thence N89°-34'-10"W 484.41 feet; thence N0°-25'-50"E 744.74 feet to the South line of the Right of way of Wis. State Highway No. 50; thence S88°-37'-10"E 300.00 feet; thence S1°-22'-50"W 27.00 feet; thence S88°-37'-10"E 249.97 feet to the place of beginning, together with all of those easements which are beneficial and appurtenant to the above premises as described in the Warranty Deed in Trust from Ralph S. Zahm and Marion M. Zahm, his wife, to The First National Bank of Kenosha, as Trustee of its Trust No. V-2389, dated January 18, 1965, and recorded January 20, 1965, as Document No. 470873, in Volume 691, pages 513-16, in the office of the Register of Deeds of Kenosha County, Wisconsin, excepting therefrom Certified Survey Map No. 645, recorded in the office of the Register of Deeds for Kenosha County, Wisconsin, on February 1, 1979, in Volume 1039 of Records, on pages 479-80, as Document No. 647884, Together with the following easements:

1. A perpetual easement over the following parcel for the purpose of laying, constructing, installing, operating and maintaining a sewer main, together with the right of ingress and egress to said described parcel at any and all times for the purpose of maintaining said sewer. Said parcel is described as follows, to-wit:

A parcel of land located in Section 12, T1N, R21E, Kenosha County, Wisconsin, 25 feet in width, the centerline described as follows: Commencing at the Northeast corner of said Section 12; thence N88°-37'-10"W along the North line of said Section 467.73 feet; thence S44°-05'-40"E 256.62 feet; thence S0°-25'-50"W 360.00 feet; thence N89°-34'-10"W 12.50 feet to the place of beginning of the center line of said 25 foot wide easement; thence S0°-25'-50"W 2088.2 feet; thence N88°-50'-20"W 22.90 feet; thence S0°-09'-30"W 1318.39 feet; thence N88°-49'W 580 feet to the place of ending of said easement.

2. A perpetual easement over the following parcel for the purpose of laying, constructing, installing, operating and maintaining a sewage treatment plant, together with the right of ingress and egress to said described parcel at any and all times for the purpose of maintaining said sewage treatment plant. Said parcel is described as follows, to-wit:

A parcel of land located in Section 12, T1N, R21E, Kenosha County, Wisconsin, Commencing at the Northeast corner of said Section 12; thence N88°-37'-10"W along the North line of said Section 467.73 feet; thence S44°-05'-40"E 256.62 feet; thence S0°-25'-50"W 360.00 feet; thence N89°-34'-10"W 12.50 feet; thence S0°-25'-50"W 2088.2 feet; thence N88°-50'-20"W 22.90 feet; thence S0°-09'-30"W 1318.39 feet; thence N88°-49'W 580 feet to the place of beginning of said easement, thence continue N88°-49'W 75 feet; thence N1°-11'E 380 feet; thence S88°-49'E 285 feet; thence S1°-11'W 380 feet; thence N88°-49'W 210 feet to the place of beginning of said easement.

3. A perpetual easement over the following parcel for the purpose of laying, constructing, installing, operating and maintaining a sewer main, together with the right of ingress and egress to said described parcel at any and all times for the purpose of maintaining said sewer. Said parcel is described as follows, to-wit:

A parcel of land located in Section 12, T1N, R21E, Kenosha County, Wisconsin, 25 feet in width, the center line described as follows: Commencing at the Northeast corner of said Section 12; thence N88°-37'-10"W along the North line of said Section 467.73 feet; thence S44°-05'-40"E

5/22/2009

UNOFFICIAL COPY

Protol No. 5
Loan No. 116

EXHIBIT "C"

Page 2 of 3

256.62 feet; thence $50^{\circ}-25'-50''W$ 360.00 feet; thence $N89^{\circ}-34'-10''W$ 12.50 feet; thence $50^{\circ}-25'-50''W$ 2088.2 feet; thence $N88^{\circ}-50'-20''W$ 22.90 feet; thence $50^{\circ}-09'-30''W$ 1318.39 feet; thence $N88^{\circ}-49'W$ 580 feet to the place of beginning of the center line of said 25 foot wide easement; thence continue $N88^{\circ}-49'W$ 1215 feet; thence $N78^{\circ}-50'W$ 630 feet to the place of ending of said easement.

Tax parcel No. 264-B-1

Parcel - Kane County, Illinois

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 65 DEGREES, 19 MINUTES, 0 SECONDS TO THE LEFT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 926.20 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, ILLINOIS, TAX PARCEL NO. 03-35-400-006 1583 AND 1585 DUNDEE AVE., ELGIN, IL
Parcel - Cook 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 275.62 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 26.6 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.

#35-4-121-121-0125-1

12121 75th STREET, KENOSHA, IL

12231923

UNOFFICIAL COPY

Pool No. 5
Loan No. 116

EXHIBIT 'C'
Page 3 of 3

Parcel - Rock Island County, Illinois

A part of Outlots Three (3), Four (4), Five (5), Eight (8), Nine (9), Ten (10) and Eleven (11) and that part of a vacated township road lying between said Outlots Three (3), Four (4) and Five (5), and Outlots Eight (8), Nine (9) and Ten (10) in Valley View Place, an addition situated in Coal Valley Township, more particularly described as follows:

Beginning at a point of 50 Feet West and 413.70 Feet North of the Southeast corner of Outlot 8 in said Valley View Place; thence North $0^{\circ} 1'$ West parallel to and 50 Feet West of the East line of Outlots Eight (8) and Five (5), a distance of 552.90 feet to the Southerly right of way line of FA Route 138; thence North $68^{\circ} 51'$ West a distance of 241.88 Feet, along the South right of way line of said FA Route 138; thence North $50^{\circ} 44'$ West a distance of 243.9 feet along the South right of way line of said FA Route 138; thence South $36^{\circ} 59'$ West a distance of 367.7 feet; thence curving to the left on the arc of a circle whose radius is 739.04 feet a distance of 442.71 feet, said arc being subtended by a chord which bears South $19^{\circ} 49' 15''$ West a distance of 436.15 Feet; thence South $2^{\circ} 39' 30''$ West a distance of 88.0 Feet; thence South $83^{\circ} 49'$ East a distance of 787.80 Feet to the place of beginning; situated in Rock Island County, Illinois.

#340 - L Airport Road, Moline, IL

Rock Island County Clerk's Office

92231923