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## DECLARATION REGARDING MERGER

THIS DECLARATION REGARDING MERGER is dated July 1, 1993 and is made by Connecticut General Life Insurance Company, a Connecticut corporation, on behalf of its Separate Account R ("CGLIC").

### RECITALS:

. DEPT-01 RECORDING 035.50  
. T#3333 TRAN 8397 07/21/93 14:57:00  
. 45963 \* -93-565067  
. COOK COUNTY RECORDER

WHEREAS, CGLIC holds that certain Mortgage dated November 2, 1984 and recorded November 14, 1984 as Document Number 27336646 made by LaSalle National Bank, a national banking association, as Trustee under Trust Agreement dated August 9, 1982 and known as Trust Number 105019, to Connecticut General Life Insurance Company, to secure an indebtedness of \$7,750,000.00 (the "Mortgage").

WHEREAS, pursuant to that certain Trustee's Deed dated as of July 1, 1993 by and between LaSalle National Trust, N.A., formerly known as LaSalle National Bank, a national banking association, Chicago, Illinois, as Trustee under the provisions of a Trust Agreement dated the 9th day of August, 1982, and known as Trust Number 105019 and CGLIC, CGLIC acquired an undivided forty-four percent (44%) interest in and to the real property described in Exhibit A attached hereto (the "Real Property"), subject to an undivided twenty percent (20%) share of the indebtedness secured by the Mortgage (the "Mortgage Indebtedness"), and further subject to the other matters set forth in Exhibit B; and

WHEREAS, pursuant to that certain Special Warranty Deed dated as of July 1, 1993 by 800 Exchange Corporation, an Illinois corporation, to CGLIC, CGLIC acquired an undivided fifty-six percent (56%) interest in and to the Real Property, subject to eighty percent (80%) of the Mortgage Indebtedness, and further subject to the other matters set forth in Exhibit B.

### DECLARATION:

CGLIC hereby declares that it now holds an undivided one hundred percent (100%) interest in and to the Real Property, subject to one hundred percent (100%) of the Mortgage Indebtedness, and further subject to the other matters set forth in Exhibit B. CGLIC further declares that its intention is that its interest as holder of the Mortgage shall not be merged into its ownership interest in and to the Real Property and that the Mortgage shall continue to exist as a lien upon the Real Property.

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IN WITNESS WHEREOF, CGLIC has executed this Declaration  
Regarding Merger as of the date first above written.

CONNECTICUT GENERAL LIFE INSURANCE  
COMPANY, a Connecticut corporation,  
on behalf of its Separate Account R

By: CIGNA INVESTMENTS, INC.,  
a Delaware corporation

By *James H. Rogers*  
Its James H. Rogers, Vice President

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STATE OF CONNECTICUT )  
 ) SS.  
COUNTY OF Hartford )

I, Barbara T. Dressler, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that James H. Rogers, personally known to me to be the Vice President of CIGNA INVESTMENTS, INC., a Delaware corporation, as authorized agent for CONNECTICUT GENERAL LIFE INSURANCE COMPANY, a Connecticut corporation, on behalf of its Separate Account R, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument as such Vice President of said corporation, as authorized agent for CONNECTICUT GENERAL LIFE INSURANCE COMPANY, as his/her free and voluntary act and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 1st day of ~~June~~ <sup>July</sup>, 1993.

Barbara T. Dressler

Notary Public  
Barbara T. Dressler

My Commission Expires:  
9/30/97

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

Stephen B. Bell, Esq.  
GOLDBERG, KOHN, BELL, BLACK,  
ROSENBLOOM & MORITZ, LTD.  
55 East Monroe Street  
Suite 3900  
Chicago, Illinois 60603



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## EXHIBIT 'A'

### LEGAL DESCRIPTION OF REAL PROPERTY

#### PARCEL 1:

LOTS 2, 3, AND 4 IN BLOCK 16, IN EVANSTON, IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

THE NORTH 1/2 OF LOT 7 AND ALL OF LOT 8 IN BLOCK 16 IN EVANSTON, IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 3:

RIGHTS FOR THE MAINTENANCE, OPERATION AND CONSTRUCTION OF AN UNDERGROUND TUNNEL TOGETHER WITH ACCESS THERETO CONNECTING PARCELS 1 AND 2 AS CREATED BY DECLARATION OF EASEMENT RECORDED JULY 15, 1983 AS DOCUMENT NUMBER 26690751.

#### Permanent Tax

Identification Nos.: 11-18-127-009  
11-18-127-010  
11-18-127-018

Common Address: The Northwest corner of the intersection of Church Street and Orrington Avenue, Evanston, Illinois (1710 Orrington Avenue)

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**EXHIBIT "B"**  
**'PERMITTED' TITLE EXCEPTIONS**  
(Page One of Four)

1. Real estate taxes and assessments for the year 1992 and subsequent years not yet due and payable.
2. Acts done or suffered by the Connecticut General Life Insurance Company or any party claiming by, through or under Connecticut General Life Insurance Company.
3. Mortgage dated November 2, 1984 and recorded November 14, 1984 as Document Number 27336646 made by LaSalle National Bank, a national banking association, as Trustee under Trust Agreement dated August 9, 1982 and known as Trust Number 105019, to Connecticut General Life Insurance Company, to secure an indebtedness of \$7,750,000.00
4. Assignment of Rents dated November 2, 1984 and recorded November 14, 1984 as Document Number 27336647, made by LaSalle National Bank, a national banking association, as Trustee under Trust Agreement dated August 9, 1982 and known as Trust Number 105019, and filed as Document Number 84U38313.
5. Security interest of Connecticut General Life Insurance Company, under a Financing Statement executed by LaSalle National Bank, a national banking association, as Trustee under Trust Agreement dated August 9, 1982 and known as Trust Number 105019, and filed as Document Number 84U38313.
6. Security interest of Connecticut General Life Insurance Company, under a Financing Statement executed by Orrington Hotel Associates and filed as Document Number 84U38314.
7. Easement and Hold Harmless Agreement dated July 1, 1983 and recorded February 4, 1985 as Document Number 27430082, the City of Evanston, an Illinois Municipal Corporation, its successors and/or assigns does hereby grant to Jupiter-Orrington Corporation ("Grantee"), an Illinois corporation, its successors and assigns, for twenty (20) years from date of passage of Evanston City Council Ordinance 60-0-83, an easement right of way in, upon, under and across portion of the North-South Public Alley between Clark, Sherman, Orrington and Church the terms, conditions and restrictions as contained therein.

Note: Assignment dated November 14, 1984 and recorded February 4, 1985 as Document Number 27430083, Jupiter-Orrington Corporation ("Assignor") hereby assigns to LaSalle National Bank as Trustee under Trust Number 105019, its successors and assigns ("Assignee") all of Assignor's right, title and interest in, to and under that certain Easement and Hold Harmless

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**EXHIBIT "B"**  
**"PERMITTED" TITLE EXCEPTIONS**  
(Page Two of Four)

Agreement dated July 1, 1983 and recorded February 4, 1985 as Document Number 27430082 (the "Easement") between the City of Evanston, an Illinois municipal corporation and Assignor, providing for an easement across the portion of the North-South Public Alley between Clark, Sherman, Orrington and Church Streets.

8. Covenants and restrictions contained in Warranty Deed recorded June 1, 1886 as Document 722066 relating to the manufacture, selling, or giving away of intoxicating liquors on the land and that no gambling, etc. shall be carried on Lot 4 and the South Half of Lot 3, aforesaid.

Note: Said instrument contains no provision for a forfeiture or reversion of title in case of breach of condition.

Note: The provision for reverter is released by instrument recorded October 16, 1933 as Document 11300516.

Note: The intoxicating drink restriction contained in Document 722066 and reaffirmed and modified by Document 11300516 is released, waived, discharged, abrogated and terminated by instrument dated August 18, 1982 and recorded August 26, 1982 as Document 26333231.

(Affects Parcel 1)

9. Covenants and restrictions contained in Warranty Deed recorded October 7, 1924 in Book 20117, Page 93 as Document 8620321, relating to manufacture, selling or giving away of intoxicating liquors on the land and that no gambling, etc., shall be carried on Lot 2 and the North 1/2 of Lot 3 aforesaid.

Note: Said instrument contains a provision for forfeiture or reversion of title in case of breach of condition.

Note: The provision for reverter is released by instrument recorded October 16, 1933 as Document 11300517.

Note: The intoxicating drink restriction contained in Document 8620321 and re-affirmed and modified by Document 11300517 is released, waived, discharged, abrogated and terminated by instrument dated August 18, 1982 and recorded August 26, 1982 as Document 26333230.



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**EXHIBIT "B"**  
**"PERMITTED" TITLE EXCEPTIONS**  
(Page Three of Four)

10. Term, provisions, and conditions relating to the easement described as Parcel 3 in Exhibit "A" contained in the instrument creating such easement.
11. Rights of the adjoining owner and owners to the concurrent use of the easement described as Parcel 3 in Exhibit "A".
12. Memorandum of Lease dated September 12, 1984 and recorded February 19, 1985 as Document Number 27447203 made by LaSalle National Bank, a national banking association, as Trustee under Trust Agreement dated August 9, 1982 and known as Trust Number 105019, Lessor, and McDonald's Corporation, a Delaware Corporation, Lessee, and rights of all parties claiming thereunder.

Note: The option to extend the term for successive periods aggregating 20 years.

Note: Supplement to Lease dated January 23, 1985 and recorded February 19, 1985 as Document Number 80083294, the date upon which the original term of the Lease shall expire is April 1, 2005..

(Affects Parcel 1 and Parcel 2)

13. Covenant Not To Compete dated January 23, 1985 and recorded February 19, 1985 as Document Number 27447204.

Note: That during the term of the Lease between Lessor and Lessee, Lessor shall not except with the written consent of Lessee first had and obtained grant a lease, to any person to engage in a Burger King, Wendy's Burger Chef or similar fast food type restaurant within a radius of one (1) mile from the premises covered by this Lease, the terms, conditions, and restrictions as contained therein.

14. Rights of tenants under existing unrecorded leases, including renewal options, and of all parties claiming by, through or under them.
15. Encroachment of the overhang and canopy located mainly on said land over on the land east and adjoining and of signs located mainly on the land over on the land North and adjoining, as disclosed by survey made by B.H. Suhr and Company, dated September 17, 1984, Order Number 84-1465.

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**EXHIBIT "B"**  
**'PERMITTED' TITLE EXCEPTIONS**  
(Page Four of Four)

16. Encroachment of the cornice located mainly on said land over on the land ease and adjoining and adjoining by about 1 foot, as disclosed by Survey made by B.H. Suhr and Company, dated September 17, 1984, Order Number 84-1465.
17. Encroachment of the eaves located mainly on said land over on the land ease and adjoining and adjoining by about 2 feet, as disclosed by Survey made by B.H. Suhr and Company, dated September 17, 1984, Order Number 84-1465.
18. Encroachment of the 2 story brick building located mainly on said land North and adjoining by about 0.04 feet, as disclosed by Survey made by B.H. Suhr and Company, dated September 17, 1984, Order Number 84-1465.
19. Encroachment of the Northeast corner of the building situated on Lots 7 and 8 of the land, over and upon the alley east and adjoining the land, 0.06 feet as disclosed by Survey made by B.H. Suhr and Company, dated September 17, 1984, Order Number 84-1465.
20. Encroachment of 2 story brick section of hotel building 0.04 feet North of the North line of the land at the Northwest corner of said building, as disclosed by Survey made by B.H. Suhr and Company, dated September 17, 1984, Order Number 84-1465.
21. Encroachment of the 4 story brick garage building 0.10 to 0.18 feet west of the west line of the land, as disclosed by Survey made by B.H. Suhr and Company, dated September 17, 1984, Order Number 84-1465.

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