



UNOFFICIAL COPY

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

93609992

The following information is provided pursuant to the Responsible Property Transfer Act of 1988

For Use By County

Seller: LaSalle National Trust, N.A./ Trust No. 109523 & not personally as trustee under

Recorder's Office

Buyer: LaSalle National Trust, N.A./ Trust No. 109523 & not personally as trustee under

County

Date

Document No.:

Doc. No.

Vol. _____ Page _____

Rec'd by: _____

I. PROPERTY IDENTIFICATION:

A. Address of property: 200 Fencil Lane Hillside

Hillside

Proviso

Proviso

Proviso

Street 240 Fencil Lane Hillside or Village

Permanent Real Estate Index No.: 15-17-304-065; 15-17-304-096; 15-17-304-075;
15-17-304-076 and 15-17-304-095

B. Legal Description:

Section _____ Township _____ Range _____

Enter or attach current legal description in this area:

See Attached Legal Description

COOK COUNTY, ILLINOIS
FILED FOR RECORD

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Prepared by: Gregory Martin

name

Return to: JEFFREY W. HORWITZ

220 Fencil Lane, Hillside, IL

address

135 S. LA SALLE STREET - #3805
Chicago, IL 60603

address

LIABILITY DISCLOSURE

Transferees and transferees of real property are advised that their ownership or other control of such property may render them liable for any environmental clean-up costs whether or not they caused or contributed to the presence of environmental problems associated with the property.

C. Property Characteristics:

Lot Size See Attached Acreage _____

Check all types of improvement and uses that pertain to the property:

Apartment building (6 units or less)

Industrial building (with offices)

Commercial apartment (over 6 units)

Farm, with buildings

Store, office, commercial building

Other, specify _____

II. NATURE OF TRANSFER:

Yes No

A. (1) Is this a transfer by deed or other instrument of conveyance? _____

(2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust? _____

(3) A lease exceeding a term of 40 years? _____

(4) A mortgage or collateral assignment of beneficial interest? _____

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74-47-038 d 2
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B. (1) Identify Transferor:

Name and Current Address of Transferor
LaSalle National Trust, N.A. 135 S. LaSalle, Chgo, Illinois 109523
under Trust #109523 dated 3/5/85
Name and Address of Trustee if this is a transfer of beneficial interest of a land trust. Trust No.

(2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

Gregory Martin, Treasurer, Creative Automation Company, 220 Fencil Lane, Hillside, IL 60162
Name, Position (if any), and address Telephone No.
708/449-2800

C. Identify Transferee:

Name and Current Address of Transferee

III. NOTIFICATION

Under the Illinois Environmental Protection Act, owners of real property may be held liable for costs related to the release of hazardous substances.

1. Section 22.2(f) of the Act states:

"Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois as a result of a release or substantial threat of a release of a hazardous substance:

(1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance;

(2) Any person who at the time of disposal, transport, storage or treatment of a hazardous substance owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance;

(3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances owned, controlled or possessed by such person at a facility there is a release or substantial threat of a release of such hazardous substances; and

(4) Any person who accepts or accepted any hazardous substances for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of a release of a hazardous substance."

2. Section 4(q) of the Act states:

"The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance. Such notice shall include the identified response action and an opportunity for such person to perform the response action."

3. Section 22.2(k) of the Act states:

"If any person who is liable for a release or substantial threat of release of a hazardous substance fails without sufficient cause to provide removal or remedial action upon or in accordance with a notice and request by the agency or upon or in accordance with any order of the Board or any court, such person may be liable to the State for punitive damages in an amount at least equal to, and not more than 3 times, the amount of any costs incurred by the State of Illinois as result of such failure to take such removal or remedial action. The punitive damage imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section and in addition to any other penalty or relief provided by this Act or any other law."

4. Section 22.18(a) of the Act states:

"Notwithstanding any other provision or rule or law, except as provided otherwise in subsection (b), the owner or operator, or both, of an underground storage tank shall be liable for all costs of preventive action, corrective action and enforcement action incurred by the State of Illinois as a result of a release or a substantial threat of release of petroleum from an underground storage tank."

5. The text of the statutes set out above is subject to change by amendment. Persons using this form may update it to reflect changes in the text of the statutes cited, but no disclosure statement shall be invalid merely because it sets forth an obsolete or superseded version of such text.

IV. ENVIRONMENTAL INFORMATION

Regulatory Information During Current Ownership

1. Has the transferor ever conducted operations on the property which involved the generation, manufacture, processing, transportation, treatment, storage or handling of "hazardous substances", as defined by the Illinois Environmental Protection Act? This question shall not be applicable for consumer goods stored or handled by a retailer in the same form, approximate amount, concentration and manner as they are sold to consumers, provided that such retailer does not engage in any commercial mixing (other than paint mixing or tinting of consumer sized containers), finishing, refinishing, servicing, or cleaning operations on the property.

Yes _____ No

2. Has the transferor ever conducted operations on the property which involved the processing, storage or handling of petroleum, other than that which was associated directly with the transferor's vehicle usage?

Yes _____ No

UNOFFICIAL COPY**PARCEL 1:**

THE NORTH 26.00 FEET OF LOT 12 AND LOT 11 (EXCEPTING FROM SAID LOT 11 THAT PART THEREOF DESCRIBED AS FOLLOWS:: COMMENCING AT A POINT ON THE WEST LINE OF SAID LOT 11, SAID POINT BEING 734.11 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 10; THENCE EAST ALONG A LINE DRAWN PERPENDICULARLY TO THE WEST LINE OF SAID LOT 11, A DISTANCE OF 268.45 FEET; THENCE NORTH PARALLEL WITH SAID WEST LINE TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 11; THENCE WEST ALONG THE NORTH LINE OF SAID LOT TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 11, TO THE PLACE OF BEGINNING), ALL IN HILLSIDE CONGRESS EXECUTIVE PARK, A SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 6, 1966 AS DOCUMENT NUMBER 20016140.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1, AS CREATED BY GRANT DATED OCTOBER 11, 1976 AND RECORDED NOVEMBER 16, 1976 AS DOCUMENT NUMBER 23712832 FROM WALLACE BUSINESS FORMS, INC., A DELAWARE CORPORATION TO WILFRED A. BOETTCHER AND DOROTHY E. BOETTCHER, HIS WIFE, TO CONSTRUCT, RECONSTRUCT, MAINTAIN, USE AND OPERATE A RAILROAD SPUR TRACK FOR SWITCHING PURPOSES AND FOR THE INGRESS AND EGRESS OF RAILROAD CARS AND LOCOMOTIVES OVER THE FOLLOWING DESCRIBED PARCEL OF LAND:

THAT PART OF LOT 14 IN HILLSIDE CONGRESS EXECUTIVE PARK SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH THAT PART OF THE SOUTHWEST 1/4 OF SECTION 17, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 14; THENCE NORTH ALONG THE EAST LINE THEREOF, 1562.761 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH 66 DEGREES 52 MINUTES 25 SECONDS WEST ALONG THE NORTHEASTERLY LINE OF SAID LOT, AND ALONG THE NORTHWESTERLY EXTENSION OF SAID NORTHEASTERLY LINE, (SAID NORTHWESTERLY EXTENSION BEING ALSO THE SOUTHWESTERLY LINE OF GOLF LANE AS DESCRIBED PER DOCUMENT NUMBER 16733018) A DISTANCE OF 204.724 FEET; THENCE SOUTH 23 DEGREES 07 MINUTES 35 SECONDS WEST ALONG A LINE PERPENDICULAR TO SAID SOUTHWESTERLY LINE, A DISTANCE OF 1.00 FEET; THENCE SOUTH 66 DEGREES 52 MINUTES 25 SECONDS EAST ALONG A LINE PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID GOLF LANE, 104.687 FEET; THENCE SOUTHEASTERLY 256.19 FEET ALONG THE ARC OF A CIRCLE OF 440.7 FEET RADIUS, CONVEX TO THE NORTHEAST (WHOSE CHORD BEARS SOUTH 16 DEGREES 39 MINUTES 13.5 SECONDS EAST) TO THE POINT OF INTERSECTION WITH A LINE DRAWN 20.0 FEET (MEASURED PERPENDICULARLY) WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT 14; THENCE SOUTH ALONG SAID PARALLEL LINE 1086.261 FEET; THENCE SOUTHWESTERLY 305.416 FEET ALONG THE ARC OF A CIRCLE 373.406 FEET RADIUS, CONVEX TO THE SOUTHEAST AND TANGENT TO THE LAST DESCRIBED COURSE, TO THE POINT OF INTERSECTION WITH A LINE DRAWN 1.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF LOT 14; THENCE SOUTH 89 DEGREES 44 MINUTES 40 SECONDS WEST ALONG SAID PARALLEL LINE, 24.68 FEET TO THE POINT OF INTERSECTION WITH A LINE DRAWN PERPENDICULARLY TO THE SOUTH LINE OF SAID LOT 14, THROUGH A POINT ON SAID SOUTH LINE 162.771 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 00 DEGREES 15 MINUTES 20 SECONDS EAST ALONG SAID

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PERPENDICULAR LINE, 1.00 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT; THENCE NORTH 89 DEGREES 44 MINUTES 40 SECONDS EAST ALONG SAID SOUTH LINE 162.771 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

240 Fencl Lane - Parcel 3 - 249' x 182' x 212' x 280'

PARCEL 3:

LOT 13 (EXCEPT THE NORTH 86.55 FEET THEREOF) IN HILLSIDE CONGRESS EXECUTIVE PARK, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 6, 1966 AS DOCUMENT 20016140, IN COOK COUNTY, ILLINOIS.

220 Fencl Lane Parcels 4, 5 and 6 - 359 x 280

PARCEL 4:

LOT 12 (EXCEPT THE NORTH 26.00 FEET THEREOF AND EXCEPT THE SOUTH 87 FEET THEREOF, SAID 87 FEET AS MEASURED ALONG THE WEST LINE OF SAID LOT 12) IN HILLSIDE CONGRESS EXECUTIVE PARK, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 6, 1966 AS DOCUMENT NUMBER 20016140, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

THAT PART OF LOT 12 IN HILLSIDE CONGRESS EXECUTIVE PARK, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 6, 1966 AS DOCUMENT NUMBER 20016140, IN COOK COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 12 WHICH IS 7.00 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 12; THENCE NORTHERLY ALONG THE WEST LINE OF LOT 12, A DISTANCE OF 80.00 FEET; THENCE EASTERLY ALONG A LINE WHICH IS THE NORTH LINE OF THE SOUTH 87.00 FEET OF LOT 12 (SAID SOUTH 87.00 FEET AS MEASURED ALONG THE WEST LINE OF SAID LOT 12), A DISTANCE OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

THE NORTH 86.55 FEET OF LOT 13 AND THE SOUTH 87.00 FEET OF LOT 12, AS MEASURED ALONG THE WEST LINE OF SAID LOT 12 (EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 12, WHICH IS 7.00 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 12; THENCE NORTHERLY ALONG THE WEST LINE OF LOT 12 A DISTANCE OF 80.00 FEET, THENCE EASTERLY ALONG A LINE WHICH IS THE NORTH LINE OF THE SOUTH 87.00 FEET OF LOT 12 (SAID SOUTH 87.00 FEET AS MEASURED ALONG THE WEST LINE OF SAID LOT 12) A DISTANCE OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE TO THE POINT OF BEGINNING) ALL IN HILLSIDE CONGRESS EXECUTIVE PARK, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 6, 1966 AS DOCUMENT NO. 20016140 IN COOK COUNTY, ILLINOIS.

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3. Has the transferor ever conducted operations on the property which involved the generation, transportation, storage, treatment or disposal of "hazardous or special wastes", as defined by the federal Resource Conservation and Recovery Act and the Illinois Environmental Protection Act?

Yes _____ No X

4. Are there any of the following specific units (operating or closed) at the property which are or were used by the transferor to manage waste, hazardous wastes, hazardous substances or petroleum?

	YES	NO		YES	NO
Landfill	_____	<u>X</u>	Injection Wells	_____	<u>X</u>
Surface Impoundment	_____	<u>X</u>	Wastewater Treatment Units	_____	<u>X</u>
Land Treatment	_____	<u>X</u>	Septic Tanks	_____	<u>X</u>
Waste Pile	_____	<u>X</u>	Transfer Stations	_____	<u>X</u>
Incinerator	_____	<u>X</u>	Waste Recycling Operations	_____	<u>X</u>
Storage Tank (Above Ground)	_____	<u>X</u>	Waste Treatment Detoxification	_____	<u>X</u>
Storage Tank (Underground)	_____	<u>X</u>	Other Land Disposal Area	_____	<u>X</u>
Container Storage Area	_____	<u>X</u>			

If there are "YES" answers to any of the above items and the transfer is other than a mortgage or collateral assignment of beneficial interest, attach a site plan which identifies the location of each unit, such site plan to be filed with the Environmental Protection Agency along with this disclosure document.

5. Has the transferor ever held any of the following in regard to this real property?

- a. Permits for discharges of wastewater to waters of the State. Yes _____ No X
- b. Permits for emissions to the atmosphere. Yes _____ No X
- c. Permits for any waste storage, waste treatment or waste disposal operation. Yes _____ No X

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works? Yes _____ No X

7. Has the transferor taken any of the following actions relative to this property?

- a. Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act. Yes _____ No X
- b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1976. Yes _____ No X
- c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes _____ No X

8. Has the transferor or any facility on the property or the property been the subject of any of the following State or federal governmental actions?

- a. Written notification regarding known, suspected or alleged contamination on or emanating from the property. Yes _____ No X
- b. Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered. Yes _____ No X
- c. If item b. was answered by checking Yes, then indicate whether or not the final order or decree is still in effect for this property. Yes _____ No _____

9. Environmental Releases During Transferor's Ownership

- a. Has any situation occurred at this site which resulted in a reportable "release" of any hazardous substances or petroleum as required under State or federal laws? Yes X No _____
- b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? Yes X No _____
- c. If the answers to questions (a) and (b) are Yes, have any of the following actions or events been associated with a release on the property?

- X Use of a cleanup contractor to remove or treat materials including soils, pavement or other surficial materials
- _____ Assignment of in-house maintenance staff to remove or treat materials including soils, pavement or other surficial materials
- _____ Designation, by the IEPA or the IESDA, of the release as "significant" under the Illinois Chemical Safety Act
- _____ Sampling and analysis of soils
- _____ Temporary or more long-term monitoring of groundwater at or near the site
- _____ Impaired usage of an on-site or nearby water well because of offensive characteristics of the water
- _____ Coping with fumes from subsurface storm drains or inside basements, etc.
- _____ Signs of substances leaching out of the ground along the base of slopes or at other low points on or immediately adjacent to the site

10. Is the facility currently operating under a variance granted by the Illinois Pollution Control Board? Yes _____ No X

11. Is there any explanation needed for clarification of any of the above answers or responses? 200 Fencil Lane, Hillside, Illinois, was acquired with an empty tank which was removed in 1988.

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B. SITE INFORMATION UNDER OTHER OWNERSHIP OR OPERATION

1. Provide the following information about the previous owner or any entity or person the transferor leased the site to or otherwise contracted with for the management of the site or real property:

Name: Various

Type of business/ Office/warehouse
or property usage _____

2. If the transferor has knowledge, indicate whether the following existed under prior ownerships, leaseholds granted by the transferor, other contracts for management or use of the facilities or real property:

	YES	NO		YES	NO
Landfill	_____	_____ <u>X</u> _____	Injection Wells	_____	_____ <u>X</u> _____
Surface Impoundment	_____	_____ <u>X</u> _____	Wastewater Treatment Units	_____	_____ <u>X</u> _____
Land Treatment	_____	_____ <u>X</u> _____	Septic Tanks	_____	_____ <u>X</u> _____
Waste Pile	_____	_____ <u>X</u> _____	Transfer Stations	_____	_____ <u>X</u> _____
Incinerator	_____	_____ <u>X</u> _____	Waste Recycling Operations	_____	_____ <u>X</u> _____
Storage Tank (Above Ground)	_____	_____ <u>X</u> _____	Waste Treatment Detoxification	_____	_____ <u>X</u> _____
Storage Tank (Underground)	_____ <u>X</u> _____	_____	Other Land Disposal Area	_____	_____ <u>X</u> _____
Container Storage Area	_____	_____ <u>X</u> _____			

SEE RIDER ATTACHED HERETO AND MADE A PART HEREOF

V. CERTIFICATION

A. Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

LaSalle National Trust, N.A., successor trustee to LaSalle National Bank, as trustee as afore-said and not personally

By: [Signature]
signature Bank Senior
its Vice President

type or print name
TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

B. This form was delivered to me with all elements completed on _____ 19 _____

LaSalle National Trust, N.A., successor trustee to LaSalle National Bank, as trustee as afore-said and not personally

By: [Signature]
signature Senior
its Vice President

type or print name
TRANSFEEE OR TRANSFEREES (or on behalf of Transferee)

C. This form was delivered to me with all elements completed on _____ 19 _____

The First National Bank of Chicago

By: [Signature]
signature ATTORNEY
MICHAEL WOLFE, its Vice President

type or print name
LENDER

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(Ch. 30, par. 906)

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It is further agreed by the parties hereto that whenever and wherever the provisions of this Agreement contains any reference to the right of the party to be indemnified, saved harmless, or reimbursed by Land Trustee for any acosts, claims, loss, fines, penalties, damage or expenses of any nature, including without limitation, Attorney's Fees, arising in any way out of the execution of this instrument or the relationship of the parties under this instrument, then such obligation, if any, shall be construed to be only a right of reimbursement in favor of a party out of the trust estate held under Trust No. 109523, from time to time, so far as the same may reach; and in no case shall any claim of liability or right of reimbursement be asserted against LaSalle National Trust, N.A., successor trustee to LaSalle National Bank individually, all such personal liability, if any, being hereby expressly waived; and this agreement shall extend to and inure for the benefit of the parties hereto, their respective successors and assigns and all parties claiming by, through and under them. In event of conflict between the terms of this rider and of the Agreement to which it is attached, or any question of apparent or claimed liability or obligation resting upon the said trustee, the Exculpatory Provisions of the rider shall be controlling.

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the representations, covenants, undertakings, warranties, and agreements herein made on the part of the Trustee while in form purporting to be the representation, covenants, undertakings, warranties, and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal representations, covenants, undertakings, warranties, and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee, and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the LaSalle National Trust, N.A., successor trustee to LaSalle National Bank, on account of this instrument or on account of any representation, covenant, undertaking, warranty, or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released. The Trustee make no personal representations as to nor shall it be responsible for the existence, location or maintenance of the chattels herein described, if any..

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