

# UNOFFICIAL COPY

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## ASSIGNMENT OF RENTS AND LEASES

KNOW ALL MEN BY THESE PRESENTS, that RALPH GESUALDO, FRANK GESUALDO, and PARKWAY BANK & TRUST COMPANY, as Trustees under Trust Agreement dated October 1, 1988 and known as Trust No. 9036 in order to secure a loan to MAURO AUTO GROUP, INC. of ONE MILLION SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$1,750,000.00), executed a mortgage of even date herewith, mortgaging to FIRST BANK SOUTHEAST, N.A., hereinafter referred to as the Mortgagee, the following described real estate:

Lots 10, 11 and 12 in the Resubdivision of Blocks 1 and 2 in White's Addition to Evanston, being a subdivision of part of Section 19, Township 41 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Property address: 1001-1011 Chicago Avenue, Evanston, Illinois  
P.L.N.: 11-19-214-027, Volume: 058

WHEREAS, MAURO AUTO GROUP, INC. by its duly authorized agents, has executed a Note evidencing an indebtedness to FIRST BANK SOUTHEAST, N.A. in the principal sum of ONE MILLION SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$1,750,000.00);

WHEREAS, said FIRST BANK SOUTHEAST, N.A. is the holder of said Mortgage and Note secured thereby;

WHEREAS, the above described property is the subject property of a certain Lease Agreement dated December 30, 1992 and reflecting RALPH GESUALDO and GREGORY GESUALDO as the Lessors;

WHEREAS, said Mortgagee is the holder of said mortgage and the Note secured thereby.

NOW THEREFORE, in order to further secure said indebtedness, and as part of the consideration of said transaction, the undersigned hereby assign, transfer and set over unto the Mortgagee, and/or its successors and assigns, all the rents now due or which may hereafter become due under or by virtue of any lease, either oral or written, or any letting of, or any agreement for the use or occupancy of any part of the premises herein described, which may have been heretofore or may be hereafter made or agreed to, or which may be made or agreed to by the Mortgagee under the power herein granted, it being the intention hereby to establish an absolute transfer and assignment of all such leases and agreements and all the avails hereunder unto the Mortgagee, and especially those certain leases and agreements now existing upon the property hereinabove described.

The undersigned do hereby irrevocably appoint the Mortgagee the agent of the undersigned for the management of said property, and do hereby authorize the Mortgagee to let and re-let said

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and delivered the said Instrument as a free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this 29 day of April, 19 93.

*Cary J. Hunter*  
NOTARY PUBLIC

(SEAL)

*Frank G. Gesualdo*  
FRANK GESUALDO

STATE OF Wisconsin )  
COUNTY OF Kenosha )

: SS

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that FRANK GESUALDO personally known to me to be the same person(s) whose name(s) in/are subscribed to the foregoing Instrument, appeared before me this day in person, and acknowledged that (s)he/they signed, sealed and delivered the said Instrument as a free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this 29 day of April, 19 93.

*Cary J. Hunter*  
NOTARY PUBLIC

(SEAL)

*Gregory Gesualdo*  
GREGORY GESUALDO

STATE OF Wisconsin )  
COUNTY OF Kenosha )

: SS

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that GREGORY GESUALDO personally known to me to be the same person(s) whose name(s) in/are subscribed to the foregoing Instrument, appeared before me this day in person, and acknowledged that (s)he/they signed, sealed and delivered the said Instrument as a free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this 29 day of April, 19 93.

*Cary J. Hunter*  
NOTARY PUBLIC

THIS ASSIGNMENT OF RENTS, is executed by Parkway Bank And Trust Company, not personally but as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. Nothing herein or in said Trust Deed or Mortgage or in said Note or Notes contained shall be construed as creating any liability of Parkway Bank And Trust Company personally to pay the said Note or Notes or any interest that may accrue thereon, or any indebtedness accruing thereunder or hereunder, or to perform any agreement or covenant either express or implied herein or therein contained, all such liability, if any, being expressly waived by Assignee and by anyone now or hereafter claiming any right or security hereunder. So far as Parkway Bank And Trust Company, personally, is concerned, the Assignee hereunder or the legal holder or holders of said Note or Notes and the owner or owners of any indebtedness accruing hereunder or anyone making any claim hereunder shall look solely to the trust property herein described and to the rents hereby assigned for the payment thereof, by the enforcement of the lien hereby and by said Trust Deed or Mortgage created, in the manner herein and in said Trust Deed or Mortgage and Note or Notes provided.

IN WITNESS WHEREOF, Parkway Bank And Trust Company, not personally but as Trustee as aforesaid, has caused these presents to be signed by its Vice-President-Trust Officer, and its corporate seal to be hereunto affixed and attested by its Assistant Cashier, at the place and on the date first above written.

**PARKWAY BANK AND TRUST COMPANY**

as Trustee as aforesaid and not personally.

BY: *[Signature]*  
Asst. Vice-President-Trust Officer

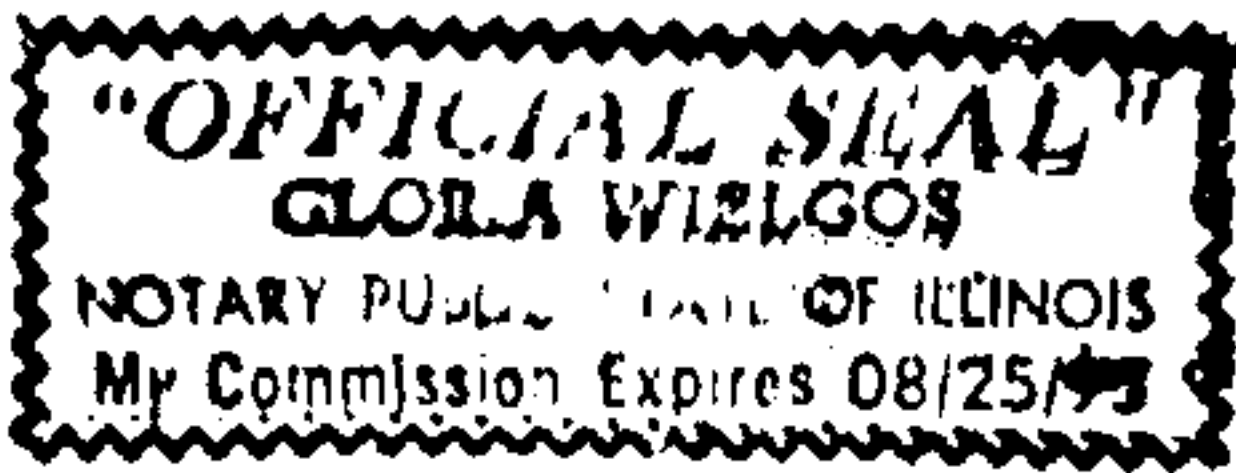
ATTEST: *[Signature]*  
Assistant Trust Officer

Property of Cook County Clerk's Office

STATE OF ILLINOIS }  
COUNTY OF COOK }

I, the undersigned  
a Notary Public in and for said County, in the State aforesaid, Do Hereby Certify, that  
Diane Y. Peszynski Asst. Vice-President-Trust Officer

of Parkway Bank And Trust Company, Jo-Ann Kubinski,  
Assistant Cashier of Parkway Bank And Trust Company, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice-President-Trust Officer, and Assistant Cashier, respectively, appeared before me this day in person and acknowledged that they signed and delivered the foregoing instrument as their own free and voluntary act and as the free and voluntary act of said Bank, as Trustee as aforesaid, for the uses and purposes therein set forth; and the said Assistant Cashier then and there acknowledged that he, as custodian of the corporate seal of said Bank, did affix the corporate seal of said Bank to said instrument as his own free and voluntary act and as the free and voluntary act of said Bank as aforesaid, for the uses and purposes therein set forth.



GIVEN under my hand and Notarial Seal this 3rd  
May A.D. 1993  
*[Signature]*  
Notary Public

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under attached  
make a page

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MAIL TO  
BOX 283

here and there

Prepared By: VELLA, SPARKMAN & ALTAMORE, P.C.  
401 West State Street, Suite 800  
Rockford, IL 61101  
(815) 965-7979  
Return To: First Bank Southeast, N.A.  
Attn: Lisa Wiegart  
10005 Northwestern Avenue  
Franksville, WI 53126

Property of Cook County Clerk's Office

PREPARED BY:  
VELLA, SPARKMAN & ALTAMORE, P.C.  
401 West State Street, Suite 800  
Rockford, Illinois 61101  
(815) 965-7979

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NOTARY PUBLIC

GIVEN under my hand and Notary seal this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

I, the undersigned, a Notary Public in and for said county, in the State of \_\_\_\_\_, DO HEREBY CERTIFY that PARKWAY BANK AND TRUST COMPANY, an Trustee under Trust Agreement dated October 1, 1988 and known as Trust No. 9036 personally known to me to be the same person (s) whose name (s) is/are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that (s)he/they signed, sealed and delivered the said instrument as a free and voluntary act, for the use and purposes therein set forth.

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )  
SS \_\_\_\_\_ )

PARKWAY BANK AND TRUST COMPANY,  
an Trustee under Trust Agreement,  
dated October 1, 1988 and known  
as Trust No. 9036

(SEAL)