

# UNOFFICIAL COPY

94364491

COOK COUNTY, ILLINOIS  
FILED FOR RECORD

94364491

APR 22 PM 1:40  
**THE TRUSTEES OF MELLON PARTICIPATING MORTGAGE TRUST COMMERCIAL PROPERTIES SERIES 85/10**, a Massachusetts business trust, having its principal place of business and chief executive office c/o Mellon/McMahan Real Estate Advisors, Inc., 444 Market Street, Suite 2100, San Francisco, California 94111

TO

**AURORA SPC, INC.**, a Maryland corporation, having its principal place of business at 210 West Pennsylvania Avenue, Suite 610, Towson, Maryland 21204

\_\_\_\_\_  
**TRANSFER AND ASSIGNMENT**  
(Orland Square)

\_\_\_\_\_  
Dated as of April 15, 1994

Location: 151st Street and LaGrange (Rt. 46), Orland Park, Illinois

Permanent Tax No. 27-10-300-012

PREPARED BY AND RECORD AND RETURN TO:

Thomas L. Totten, Esquire  
Piper & Marbury  
36 South Charles Street  
Baltimore, Maryland 21201

94364491

**BOX 333-CTI**

LF 1  
1991  
19 - 10330369

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

9 4

## TRANSFER AND ASSIGNMENT (Orland Square)

Dated as of April 15, 1994

FOR VALUE RECEIVED, the undersigned, THE TRUSTEES OF MELLON PARTICIPATING MORTGAGE TRUST COMMERCIAL PROPERTIES SERIES 85/10, a Massachusetts business trust, acting in its capacity as lender and as agent for the Participants (as defined in the Loan Purchase Agreement described hereinbelow), ("Assignor") does hereby transfer, assign and convey unto AURORA SPC, INC., a Maryland corporation ("Assignee"), without recourse, and, except as expressly provided in that certain Loan Purchase Agreement between Assignor and Aurora Capital, Inc. ("Aurora") dated as of December 1, 1993, as amended by that First Amendment to Loan Purchase Agreement dated as of January 31, 1994, by that Second Amendment to Loan Purchase Agreement dated as of February 28, 1994, by that Third Amendment to Loan Purchase Agreement dated as of March 15, 1994 and by that Fourth Amendment to Loan Purchase Agreement dated as of March 31, 1994 (collectively, the "Loan Purchase Agreement," which Loan Purchase Agreement, and all of its right, title and interest therein, Aurora has assigned to Assignee by that Assignment and Assumption of Loan Purchase Agreement dated as of the date hereof), without representation or warranty, the following relating to the property described on Exhibit A attached hereto:

(a) that certain Mortgage dated as of October 31, 1985 and recorded as Instrument Number 85261587 in Cook County, Illinois initially given to the undersigned by Chicago Title and Trust Company, as trustee under Trust Agreement dated June 15, 1985, and known as Trust No 1086100, and Illinois Partners Limited Partnership, a Maryland limited partnership, formerly known as Six Anchors Limited Partnership, as amended and restated by that certain Amended and Restated Mortgage effective as of January 1, 1993 but dated as of September 28, 1993 and recorded as Instrument Number 93820405 in Cook County, Illinois, together with the indebtedness secured thereby, the real and personal property described therein, and all right, title, interest, privileges and powers of Assignor and the Participants in and to said property and in or under said Mortgage;

(b) that certain Assignment of Lease dated as of October 31, 1985 and recorded as Instrument Number 85261589 in Cook County, Illinois among Assignor, Chicago Title and Trust Company, as trustee under Trust Agreement dated June 15, 1985, and known as Trust No 1086100, and Illinois Partners Limited Partnership, a Maryland limited partnership, formerly known as Six Anchors Limited Partnership, as amended by that certain Amended and Restated Mortgage effective as of January 1, 1993 but dated as of September 28, 1993 and recorded as Instrument Number 93820406 in Cook County, Illinois, together with the indebtedness secured thereby, the real and personal property described therein, and all right, title, interest, privileges and powers of Assignor and the Participants in and to said property and in or under said Assignment of Lease and Amended and Restated Mortgage; and

(c) that certain Subordination, Non-Disturbance and Attornment Agreement dated as of October 31, 1985 and recorded as Instrument Number 85261590 in Cook County, Illinois among Assignor and CPS Realty Partnership, an Illinois general partnership, and all right, title, interest, privileges and powers of Assignor and the Participants in or under said Subordination, Non-Disturbance and Attornment Agreement.

- 1 -

# UNOFFICIAL COPY

9 4

This Transfer and Assignment shall be binding upon the undersigned, its successors, legal representatives and assigns, and shall inure to the benefit of AURORA SPC, INC., its successors, legal representatives and assigns. The assignment of the aforementioned documents hereby "without recourse" shall not be deemed to be a limitation of any rights Assignee may have under the Loan Purchase Agreement against Assignor as a result of any breach by Assignor of its representations and warranties thereunder.

IN WITNESS WHEREOF, the undersigned acting by and through its duly authorized officers has caused this Transfer and Assignment to be executed under seal on this 30 day of March, 1994

THE TRUSTEES OF MELLON PARTICIPATING MORTGAGE TRUST COMMERCIAL PROPERTIES SERIES 85/10, a Massachusetts business trust

By: \_\_\_\_\_  
Name: John F. Ryan  
Title: Trustee

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

) ss:  
)

On this the \_\_\_\_ day of March, 1994, before \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself to be the \_\_\_\_\_ of THE TRUSTEES OF MELLON PARTICIPATING MORTGAGE TRUST COMMERCIAL PROPERTIES SERIES 85/10, a Trust, and that he, as such \_\_\_\_\_ being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Trust by himself as \_\_\_\_\_

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public in and for said State

\_\_\_\_\_  
Print Name

My commission expires:

*Property of Cook County Clerk's Office*

94364491

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5193

UNOFFICIAL COPY

State of California

County of San Francisco

On 3-30-94 before me, Debbie Choy Wayne, Notary Public,  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared John McMahon  
NAME(S) OF SIGNER(S)

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to ~~me~~ within instrument and acknowledged to me ~~that~~ he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Debbie Choy Wayne  
SIGNATURE OF NOTARY

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

(Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document)

- INDIVIDUAL
- CORPORATE OFFICER(S)  
President  
TITLE(S)
- PARTNER(S)  LIMITED  GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

94364491

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)  
Trustees of Mellon  
Participating Mortgage  
Trust Commercial  
Properties Series 85/1

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

TITLE OR TYPE OF DOCUMENT Transfer & Assignment

NUMBER OF PAGES \_\_\_\_\_ DATE OF DOCUMENT \_\_\_\_\_

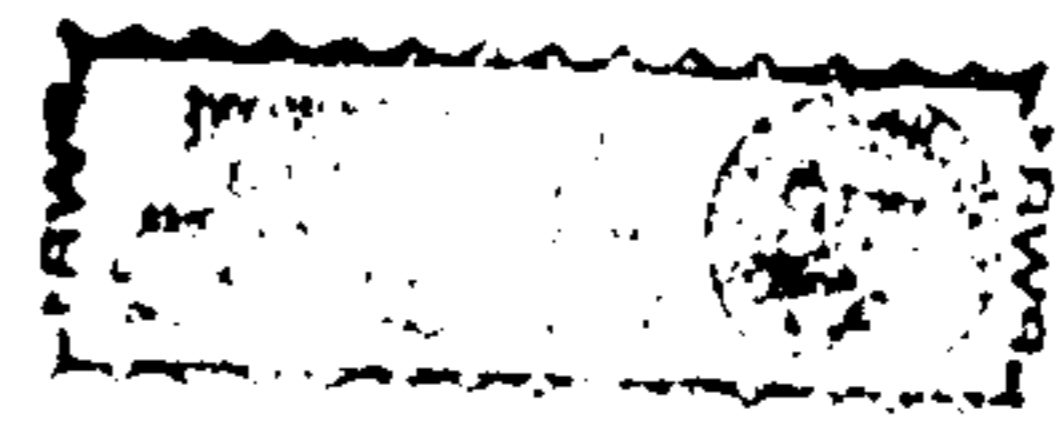
SIGNER(S) OTHER THAN NAMED ABOVE \_\_\_\_\_

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form



UNOFFICIAL COPY

Property of Cook County Clerk's Office



2011-01-01

UNOFFICIAL COPY

96th Avenue 15th Street  
 Orland Park, Illinois  
 Cook County  
 PIN 27-10-300-012

## PARCEL 1:

A TRACT OF LAND IN THE SOUTH 1/2 OF SECTION 10, TOWNSHIP 26 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING ON THE WEST LINE OF SAID SECTION 10 A DISTANCE OF 1274.60 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 10; THENCE NORTH 00 DEGREES 01 MINUTES 40 SECONDS EAST 104.00 FEET ALONG THE WEST LINE OF SAID SOUTH 1/2; THENCE SOUTH 89 DEGREES 58 MINUTES 20 SECONDS EAST 50.40 FEET; THENCE SOUTH 77 DEGREES 59 MINUTES 09 SECONDS EAST 40.93 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 20 SECONDS EAST 331.61 FEET; THENCE SOUTH 83 DEGREES 35 MINUTES 28 SECONDS EAST 156.17 FEET; THENCE DUE EAST 513.84 FEET; THENCE SOUTH 30 DEGREES WEST 31.75 FEET; THENCE DUE EAST 65.60 FEET; THENCE SOUTH 79 DEGREES 42 MINUTES 36 SECONDS EAST 64.98 FEET; THENCE NORTH 45 DEGREES EAST 25.15 FEET; THENCE SOUTH 44 DEGREES 59 MINUTES 00 SECONDS EAST 80.59 FEET; THENCE NORTH 45 DEGREES 04 MINUTES 08 SECONDS EAST 56.63 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 25 SECONDS EAST 248.71 FEET; THENCE SOUTH 46 DEGREES 57 MINUTES 32 SECONDS WEST 55.89 FEET; THENCE SOUTH 46 DEGREES 54 MINUTES 17 SECONDS EAST 30.09 FEET; THENCE SOUTH 45 DEGREES WEST 331.20 FEET; THENCE DUE SOUTH 475.24 FEET; THENCE SOUTH 26 DEGREES 32 MINUTES 47 SECONDS WEST 45.50 FEET TO A POINT ON CURVE; THENCE NORTHWESTERLY ON A CURVE CONVEX TO THE SOUTH WEST HAVING A RADIUS OF 1536.30 FEET; AN ARC DISTANCE OF 320.54 FEET AND A CHORD BEARING OF NORTH 57 DEGREES 28 MINUTES 38 SECONDS WEST TO A POINT OF COMPOUND CURVE; THENCE NORTHWESTERLY ON A CURVE CONVEX TO THE SOUTH WEST HAVING A RADIUS OF 1414.59 FEET, AN ARC DISTANCE OF 296.39 FEET AND A CHORD BEARING OF NORTH 45 DEGREES 30 MINUTES WEST TO A POINT OF COMPOUND CURVE; THENCE NORTHWESTERLY ON A CURVE CONVEX TO THE SOUTH WEST HAVING A RADIUS OF 1979.66 FEET, AN ARC DISTANCE OF 576.12 FEET AND A CHORD BEARING OF NORTH 31 DEGREES 02 MINUTES 04 SECONDS WEST TO A POINT; THENCE SOUTH 67 DEGREES 25 MINUTES 52 SECONDS WEST 12.50 FEET TO A POINT ON CURVE; THENCE NORTHWESTERLY ON A CURVE CONVEX TO THE NORTH EAST HAVING A RADIUS OF 30 FEET, AN ARC DISTANCE OF 35.29 FEET AND A CHORD BEARING OF NORTH 56 DEGREES 16 MINUTES 12 SECONDS WEST TO A POINT OF TANGENT; THENCE NORTH 89 DEGREES 58 MINUTES 20 SECONDS WEST 285.74 FEET; THENCE SOUTH 78 DEGREES 01 MINUTES 15 SECONDS WEST 40.86 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 20 SECONDS WEST 50.83 FEET TO THE PLACE OF BEGINNING ALL IN COOK COUNTY, ILLINOIS

## PARCEL 2:

THE RECIPROCAL AND NON-EXCLUSIVE RIGHTS, EASEMENTS AND PRIVILEGES OF USE, EGRESS, INGRESS, PARK UTILITY AND OTHER PURPOSES CREATED AND GRANTED AS AND APPURTENANCE TO PARCEL 1 ABOVE, TOGETHER WITH ALL THE RIGHTS, POWERS, PRIVILEGES AND BENEFITS ACCRUING TO THE OWNER OF SAID PARCEL 1, ITS SUCCESSORS, LEGAL REPRESENTATIVES AND ASSIGNS, AS CREATED, DEFINED AND LIMITED BY THAT CERTAIN EASEMENT AND OPERATING AGREEMENT DATED MARCH 15, 1976 AND RECORDED AUGUST 10,

94364491

UNOFFICIAL COPY

Orland

96th Avenue/151st Street  
Orland Park, Illinois  
Cook County

FIN 27-10-300-012

1976 AS DOCUMENT NUMBER 23591873, EXECUTED BY AND BETWEEN ORLAND PARK VENTURE, A JOINT VENTURE, MARSHALL FIELD AND COMPANY, A DELAWARE CORPORATION, SEARS, ROEBUCK AND COMPANY., A NEW YORK CORPORATION AND J. C. PENNY PROPERTIES, INC., A DELAWARE CORPORATION AS AMENDED BY DOCUMENT NUMBER 24240428 DATED SEPTEMBER 15, 1977 AND RECORDED DECEMBER 16, 1977 EXECUTED BY URBAN INVESTMENT AND DEVELOPMENT COMPANY, A DELAWARE CORPORATION, SUCCESSOR IN INTEREST TO ORLAND PARK VENTURE, MARSHALL FIELD AND COMPANY, A DELAWARE CORPORATION, SEARS, ROEBUCK AND COMPANY., A NEW YORK CORPORATION, J. C. PENNY PROPERTIES, INC., A DELAWARE CORPORATION AND CARSON PIRIE SCOTT AND COMPANY, A DELAWARE CORPORATION, IN, ON, OVER, UPON AND UNDER THE TRACT OF LAND DESCRIBED IN THE EASEMENT AND OPERATING AGREEMENT DATED MARCH 15, 1976 AND RECORDED AUGUST 10, 1976 AS DOCUMENT NUMBER 23591873 (EXCEPT THOSE PORTIONS OCCUPIED OR TO BE OCCUPIED BY BUILDINGS AND STRUCTURES), IN COOK COUNTY, ILLINOIS

Property of Cook County Clerk's Office

94364491