

# UNOFFICIAL COPY

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

TO

THE BANK OF NEW YORK, a New York banking corporation, as trustee, 101 Barclay St., Floor 12W, New York, New York 10286

TRANSFER AND ASSIGNMENT  
(Lincoln Mall)

Dated as of April 15, 1994

Location: Lincoln Highway/Cicero Avenue, Matteson, Illinois

Permanent Tax No. 31-22-300-023

PREPARED BY AND RECORD AND RETURN TO:

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

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COOK COUNTY, ILLINOIS  
FILED FOR RECORD

APR 22 PM 1:42

BOX 333 CTI

Property of Cook County Clerk's Office

1997

PM

17-5387369

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## TRANSFER AND ASSIGNMENT (Lincoln Mall)

Dated as of April 1<sup>st</sup>, 1994

FOR VALUE RECEIVED, the undersigned, AURORA SPC, INC., a Maryland corporation ("Assignor"), does hereby transfer, assign and convey unto THE BANK OF NEW YORK, a New York banking corporation, as trustee ("Mortgage Note Trust Trustee") under that certain IPLP Mortgage Note Trust Agreement dated as of the date hereof between Assignor and Mortgage Note Trust Trustee (the "Mortgage Note Trust Agreement"), without recourse, and except as expressly provided in the Mortgage Note Trust Agreement, 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 85261577 in Cook County, Illinois initially given to The Trustees of Mellon Participating Mortgage Commercial Properties Series 85/10 ("MPMT") by Chicago Title and Trust Company, as trustee under Trust Agreement dated June 15, 1985, and known as Trust No. 1085200, 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 93820410 in Cook County, Illinois, and as amended by that certain First Amendment to Amended and Restated Mortgage dated as of the date hereof and recorded or intended to be recorded in Cook County, Illinois prior hereto, together with the indebtedness secured thereby, the real and personal property described therein, and all right, title, interest, privileges and powers of Assignor in and to said property and in or under said Mortgage, as amended;

(b) that certain Assignment of Lease dated as of October 31, 1985 and recorded as Instrument Number 85261573 in Cook County, Illinois initially among MPMT, Chicago Title and Trust Company, as trustee under Trust Agreement dated June 15, 1985, and known as Trust No. 1085200, and Illinois Partners Limited Partnership, a Maryland limited partnership, formerly known as Six Anchors Limited Partnership, as amended by that certain Amendatory Agreement effective as of January 1, 1993 but dated as of September 28, 1993 and recorded as Instrument Number 93820411 in Cook County, Illinois, and as amended by that certain Second Amendatory Agreement dated as of the date hereof recorded or intended to be recorded in Cook County, Illinois prior hereto, together with the indebtedness secured thereby, the real and personal property described therein, and all right, title, interest, privileges and powers of Assignor in and to said property and in or under said Assignment of Lease and Amendatory Agreements; and

(c) that certain Subordination, Non-Disturbance and Attornment Agreement dated as of October 31, 1985 and recorded as Instrument Number 85261574 in Cook County, Illinois initially among MPMT and CPS Realty Partnership, an Illinois general partnership, and all right, title, interest, privileges and powers of the Assignor in or under said Subordination, Non-Disturbance and Attornment Agreement.

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EXHIBIT A  
UNOFFICIAL COPY  
(Description of Precisions)

Lincoln 1/1

Lincoln Highway/Cicero Avenue  
Matteson, Illinois  
Cook County  
PIN 31-22-300-023

**PARCEL 1:**

LOT 2 IN LINCOLN MALL, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

**PARCEL 2:**

THE RECIPROCAL AND NON-EXCLUSIVE EASEMENTS FOR INGRESS AND EGRESS, PARKING OF VEHICLES, PASSAGE AND ACCOMMODATION OF PEDESTRIANS, THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, RELOCATION AND REMOVAL OF STORM AND SANITARY SEWERS, WATER LINES AND GAS MAINS, ELECTRICAL POWER LINES, TELEPHONE LINES AND OTHER UTILITY LINES, STORM WATER RETENTION BASIN, FIRE PROTECTION WATER STORAGE TANK AND PUMPHOUSE FACILITIES, THE CONSTRUCTION, RECONSTRUCTION, ERECTION AND MAINTENANCE OF COMMON FOUNDATIONS, FOOTINGS, SUPPORTS, CANOPIES, ROOFS, BUILDING AND OTHER OVERHANGS, AWNINGS, ALARM BELLS, SIGNS, LIGHTS AND LIGHTING DEVICES, UTILITY VAULTS AND OTHER SIMILAR APPURTENANCES, AND FOR THE PURPOSE OF THE DEVELOPMENT AND CONSTRUCTION OR RECONSTRUCTION OF IMPROVEMENTS, CREATED AND GRANTED AS APPURTENANCES TO THE AFORESAID PARCEL 1, ALL CREATED, DEFINED AND LIMITED BY THAT CERTAIN RECIPROCAL CONSTRUCTION OPERATION AND EASEMENT AGREEMENT DATED MARCH 7, 1972 AND RECORDED ON MARCH 24TH 1972 AS DOCUMENT NUMBER 21846183 BY AND BETWEEN CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 4, 1971 AND KNOWN AS TRUST NUMBER 57420, CARSON PIRIE SCOTT AND COMPANY, A DELAWARE CORPORATION, J. C. FERDY PROPERTIES, INC., A DELAWARE CORPORATION, MONTGOMERY WARD DEVELOPMENT CORPORATION, A DELAWARE CORPORATION AND WIEBOLDT STORES, INC., AN ILLINOIS CORPORATION, IN, ON, OVER, UPON AND UNDER LOTS 2, 3, 4, 5 AND 6 IN LINCOLN MALL SUBDIVISION AFORESAID AS SHOWN ON THE PLAT PLAN ATTACHED TO SAID RECIPROCAL CONSTRUCTION OPERATION AND EASEMENT AGREEMENT

**PARCEL 3:**

THE RECIPROCAL AND NON-EXCLUSIVE EASEMENTS FOR INGRESS AND EGRESS AND FOR THE INSTALLATION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, RELOCATION AND REMOVAL OF STORM AND SANITARY SEWERS, WATER LINES AND GAS MAINS, ELECTRICAL POWER LINES, TELEPHONE LINES AND OTHER UTILITY LINES, CREATED AND GRANTED AS APPURTENANCES TO THE AFORESAID PARCEL 1, ALL CREATED, DEFINED AND LIMITED BY THE CERTAIN TOTAL SITE AGREEMENT DATED MARCH 7, 1972 AND RECORDED MARCH 24, 1972 AS DOCUMENT 21846182 BY AND BETWEEN CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 4, 1971 AND KNOWN AS TRUST NUMBER 57420, CARSON PIRIE SCOTT AND COMPANY, A DELAWARE CORPORATION, MONTGOMERY WARD DEVELOPMENT CORPORATION, A DELAWARE CORPORATION, WIEBOLDT STORES, INC., AN ILLINOIS CORPORATION, AND CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED JULY 30, 1971 AND KNOWN AS TRUST NUMBER 57855, IN, ON, OVER, UPON AND UNDER LOTS 1, 2, 4, 5, 8, 9, 10, 11 AND 12 IN LINCOLN MALL SUBDIVISION AFORESAID AS SHOWN ON THE PLOT PLAN ATTACHED TO THE SAID TOTAL SITE AGREEMENT

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