UNOFFICIAL COPY 94364503

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 Arril 6, 1994

Location: Lincoln Highway/Cicero Avenue, Matteson, Illinois

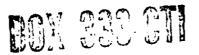
Permanent Tax No. 31-22-300-023

PREPARED BY AND RECORD AND RETURN TO:

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

94364503

For Doc 9966 BALT04A TLT:10373:1 04/07/94 21077-5



94364503

UNOFFICIAL COPY

TRANSFER AND ASSIGNMENT

(Lincoln Mall)

Dated as of April 6, 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

- that certain Mortgage dated as of October 31, 1985 and recorded as Instrument Number 85261571 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;
- 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 Varited 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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This Transfer and Assignment shall be binding upon the undersigned, its successors, legal representatives and assigns, and shall inure to the benefit of Mortgage Note Trust Trustee, 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 Mortgage Note Trust Trustee may have under the Mortgage Note Trust 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 officer has caused this Transfer and Assignment to be executed under seal on this 6 day of April. 1994

AURORA SPC, INC., a Maryland corporation

STATE OF NEW YORK

COUNTY OF NEW YORK

On this the 674 day of April, 1994, before me. Thorne I undersigned officer. personally appeared DUD B. TOWNSTAD, who acknowledged her/himself to be the Vice ARESIDENT of AURORA SPC, INC., a Maryland corporation, and that specific, as such officer being authorized so to do. executed the foregoing instrument for the purposes therein contained, by signing the name of the

corporation by her/himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my

TIMOTHY J HORMAN

My commission expires Public, State of New York No 31 4975020

Qualified in NY County Commission Expires Nov. 28, 1994

94364503

Lincoln Highway/Cicero Avenue Presis (8) PY

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 HORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2:

THE RECIPROCAL AND NON-EXCLUSIVE BASEMENTS FOR INGRESS AND EGRESS. PARKING OF VEHICLES, PASSAGE AND ACCOMMODATION OF PEDESTRIANS, THE INSTALLATION, OPERATION. MAINTENANCE, REPLACEMENT, RELOCATION AND REMOVAL OF STORM AND SANITARY SEWERS, MATER LINES AND GAS MAINS, BLECTRICAL POWER LINES, TELEPHONE LINES AND OTHER DILLITY LINES, STORM WATER RETENTION BASIN, PIRE PROTECTION WATER STORAGE TANK AND PUMPHOUSE ENCELITIES, THE CONSTRUCTION, RECONSTRUCTION, ERECTION AND MAINTENANCE OF COMMON FOUNDATIONS, POOTINGS, SUPPORTS, CANOPIES, ROOFS, BUILDING AND OTHER OVERHANGS, AWAINGS, ALARM BELLS, EIGHS, LIGHTS AND LIGHTING DEVICES, UTILITY VAULTS AND OTHER SIMILAR APPURTENANCES, AND FOR THE PURPOSE OF THE DEVELOPMENT AND CONSTRUCTION OF RECONSTRUCTION OF IMPROVEMENTS, CREATED AND GRANTED AS APPURTERANCES TO THE AFOREDESCRIBED PARCEL 1. ALL CREATED. DEFINED AND LIMITED BY THAT CERTRIN RECIPTOCIL CONSTRUCTION OPERATION AND EASEMENT AGREEMENT DATED MARCH 7, 1972 AND CASCADED ON MARCH 24TH 1972 AS DOCUMENT HUMBER 21846183 BY AND BETWEEN CHICAGO TITLE 2ND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTES UNDER TRUST AGREEMEND DATED JUNE 4, 1971 AND KNOWN AS TRUST NUMBER 57420, CARSON PIRIE SCOTT AND COMPART, A DELAWARE CORPORATION, J. C. PERNY PROPERTIES, INC., A DELAWARE CORPORATION, MONTGOMERY WARD DEVELOPMENT CORPORATION, A DELAWARE CORPORATION AND WIEBOLIST STORES, INC., AN ILLINOIS CORPORATION, IN, ON, OVER, UPON AND UNDER LOTS 1, 4. 5 AND 6 IN LINCOLN MALL Subdivision aforesaid as enown on the plat plan aith died to eath reciprocal CONSTRUCTION OPERATION AND EASEMENT AGREEMENT

PARCEL 3:

THE RECIPROCAL AND NON-EXCLUSIVE EASEMENTS FOR INCRESS AND EGRESS AND FOR THE installation, operation, brintenance, repair, replacement, relocation and REMOVAL OF STORM AND SANITARY SEVERS, WATER LINES AND GAS MAINS, SUPCTRICAL POWER LINES, TELEPHONE LINES AND OTHER UTILITY LINES, CREATED AND GRANTED AS APPURTENANCES TO THE APOREDESCRIBED PARCEL 1, ALL CREATED, DEFINED AND LIMITED BY THE CERTAIN TOTAL SITE AGREEMENT DATED MARCH 7, 1972 AND RECORDED MARCH 24, 2972 AS DOCUMENT 21846182 BY AND BETWEEN CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTES UNDER TRUST AGREEMENT DATED JUNE 4, 1971 AND ENOWN AS TRUST NUMBER 57420, CARSON PIRIE SCOTT AND COMPANY, A DELAVARE CORPORATION, MONIGORERY MARD DEVELOPMENT CORPORATION, A DELAMARE CORPORATION, WIEDOLDT STORES, INC., AM ILLINOIS CORPORATION, AND CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF MILINOIS, AS TRUSTES UNDER TRUST AGREEMENT DATED JULY 30, 1971 AND KNOWN AS TRUST HUMBER 57855, IN, OR, OVER, DPON AND UNDER LOTS 1, 3, 4, 5, 8, 9, 10, 11 AND 12 IN LINCOLM MALL EUBDIVISION APPRISAID AS SHOWN ON THE PLOT PLAN ATTACHED TO THE SAID TOTAL SITE AGREEMENT