

# UNOFFICIAL COPY

*3018 W. 76th St  
Chicago, IL 60623*

95231708

## TRUST AGREEMENT AND INDEMNITY

This Agreement dated as of January 31, 1994, is made by and between STEFAN PRASAL (hereinafter referred to as "Prasal") and HALINA DACIOW (hereinafter referred to as "Daciow").

### RECITALS

The parties have purchased property commonly known as 770 Yosemite Trail, Roselle, Illinois 60172 (hereinafter referred to as the "Residence"). Residence is legally described as follows:

Lot 129 in Trails Unit No. 3, being a Subdivision in the Southwest 1/4 of Section 35, Township 41 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded January 4, 1973 as Document 22176580 in Cook County, Illinois.

Permanent Index No. 07-35-314-002

The purchase price was partially paid from a loan secured by a first mortgage on the Residence to Amcore, Inc., in the amount of \$95,000.00 recorded as Document No. 93978096. The legal title to the Residence was conveyed to Prasal, however, Daciow shall be the beneficial owner of 50% of the Residence as a tenant-in-common.

Prasal, by accepting title and executing loan documents by himself, on record retains 100% liability for the loan to Amcore, Inc.

Daciow wishes to indemnify and hold harmless Prasal from all claims and losses arising out of this transaction.

NOW, THEREFORE, the Parties agree as follows:

95231708

1. Prasal and Daciow, as tenants-in-common, are the sole equitable owners of the Residence. Prasal holds legal title to 50% interest in the Residence as nominee for Daciow as tenant-in-common.
2. Prasal and Daciow undertaking:
  - a. Pay all sums required for the down payment;
  - b. Pay all costs relating to purchase and closing of purchase of the Residence;
  - c. Pay all costs and expenses relating to first mortgage to Amcore, Inc.;
  - d. Not to sell, mortgage or otherwise encumber title to the Residence or any interest therein without prior written consent of both parties unless guaranteed mortgage is paid off concurrently therewith;
  - e. Maintain insurance with Daciow as primary additional insured;

*H.D. ST* 

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

F. Fulfill all other requirements that they, as tenants-in-common of property, may have.

3. Prasal undertaking:

- a. Hold title for the benefit of Daciow to 50% interest as tenant-in-common, subject to indemnification provided under this Agreement;
- b. Convey 50% interest in title to Daciow by a Quit Claim Deed on written direction of Daciow, provided no claims are pending against them arising out of this transaction.

4. The parties shall have an obligation to file all income, profit or other tax reports or returns or pay such or any other taxes, including general real estate and all other taxes or charges payable with respect to the Residence and to the earnings, avails and proceeds of the Residence or based on their interest under this Agreement as tenants-in-common.

5. If Prasal shall make any advances or incur any expenses on account of the Residence or shall incur any expenses by reason of being made a party to any litigation in connection with this Agreement or the Residence or if Prasal shall be compelled to pay money on account of this Agreement or Residence, whether for breach of contract, injury to person or property, fines or penalties under any law, or otherwise, Daciow, on demand, shall pay to Prasal, with interest at the highest rate per annum permitted by law, one-half ( $\frac{1}{2}$ ) of the amount of all such expenses, advances or payments made by Prasal, plus all his expenses, including attorney's fees. Prasal shall not be obligated to convey, transfer or otherwise deal with Daciow's 50% interest in the Residence or any part of it until all of the payments, advances and expenses made or incurred by him shall have been paid back with interest.

6. Prasal may at any time convey or transfer 50% interest in the Residence to Daciow in accordance with her interest hereunder, and the conveyance may be recorded by Prasal and such recording shall constitute delivery of the conveyance or transfer to Daciow.

7. Prasal and Daciow shall have equal rights to possession, management, and control of the selling, renting, repairing, maintaining and handling of the Residence. Each party is not the agent of the other party for any purpose and do not have any authority to contract or to execute leases or do any other act for or in the name of the other party or to obligate the other party personally, except as provided in Paragraph 5 and as herein otherwise provided.

8. All notices required shall be in writing and shall be served on the parties at the mailing addresses indicated herein. In the event notice is served by mail, the date of mailing of the notice by registered mail or certified mail, return receipt requested, shall be the effective date of the notice.

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

9. In this Agreement the plural includes the singular and vice versa, and the masculine gender includes the feminine.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

*Stefan Prasal*  
STEFAN PRASAL

*Halina Daciow*  
HALINA DACIOW

Address:

Address:

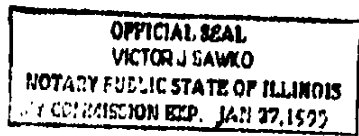
770 Yosemite Trail  
Roselle, Illinois 60172

770 Yosemite Trail  
Roselle, Illinois 60172

State of Illinois )  
County of Dupage ) ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that STEFAN PRASAL and HALINA DACIOW, are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledge that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including release and waiver of the right of homestead.

Given under my hand and official this 10th day of FEBRUARY, 1994.



*Victor J. Sawko*  
Notary Public

9523100

Prepared by:

VICTOR J. SAWKO  
228 E. Lake St., Suite #202  
Addison, Illinois 60101  
Phone: (708) 941-8880

. DEPT-01 RECORDING \$25.50  
. T#0004 TRAN 5161 04/06/95 14:14:00  
. #5388 LF \*-95-231708  
. COOK COUNTY RECORDER

UNOFFICIAL COPY

Property of Cook County Clerk's Office