

UNOFFICIAL COPY

96462051

18.50
74-013-1000-00-17796-1024200
1257-11P-8-96-462051
CODE BOOK RECORDER

This space for use by Recorder's Office.

ASSIGNMENT

95-1068

NBD BANK, an Illinois banking corporation (successor by merger to NBD Arlington Heights Bank f/k/a The Bank and Trust Company of Arlington Heights) (the "Assignor"), for and in consideration of the payment in hand of Ten and 00/100 Dollars and other good and valuable consideration, the receipt and sufficiency which hereby are acknowledged, hereby sells, assigns, conveys and otherwise transfers unto Nugent J. Vitallo (the "Assignee") all of its right, title and interest in and to a certain loan (the "Loan") from Assignor to Twenty-Ten Partners (together with its immediate and remote assignees and successors, the "Beneficiaries") and LaSalle National Bank, as Trustee under Trust No. 10-18230-08, dated May 10, 1971, and the documents and instruments (the "Loan Documents") evidencing and securing the Loan, including, without limitation, the documents and instruments identified and defined on Exhibit A appended to this Assignment, as well as all rights in and to the mortgage foreclosure action filed by the Assignee in Case No. 96 CH 646 vs. LaSalle National Bank as Trustee under Trust Agreement dated May 10, 1971, and known as Trust No. 10-18230-08, et al. and the right to continue such legal action in their stead. The Assignor states that such action is still pending and is not in default by the Assignor.

96462051

Assignor represents and warrants that it owns the Loan and the Loan Documents; that it has not sold, assigned, conveyed or otherwise transferred any interest in or to the Loan or the Loan Documents; and that it has full power and authority to execute and deliver this Assignment.

* Document number T3411998

AFFIDAVIT SUBMITTED

THIS INSTRUMENT PREPARED BY:

AFTER RECORDATION, RETURN TO:

David M. Lesser, Esq.
Katten Muchin & Zavis
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661
File No. 03076-004

William Diamant, Esq.
1119 East Ogden Avenue
Suite A
Hinsdale, Illinois 60521

35.50
TB

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

WARRANTY AS SET FORTH IN THE IMMEDIATELY PRECEDING SENTENCE AND CERTAIN ASSIGNMENT OF NOTE AND ALLONGE, DATED OF EVEN DATE, EXECUTED BY ASSIGNOR TO AND IN FAVOR OF ASSIGNEE, ASSIGNOR DOES NOT MAKE, AND HEREBY DISCLAIMS, ANY AND ALL REPRESENTATIONS AND WARRANTIES WHATSOEVER, WHETHER WRITTEN, ORAL, EXPRESS OR IMPLIED, REGARDING THE LOAN OR THE LOAN DOCUMENTS.

IN WITNESS WHEREOF, Assignor has caused this Assignment to be executed as of the 3rd day of June, 1996.

NBD BANK, an Illinois banking corporation

By: 

Name: Walter J. Rubiner

Title: First Vice President

ACCEPTANCE AND ASSUMPTION

The undersigned hereby accepts the foregoing Assignment and acknowledges the disclaimer or representations and warranties set forth therein. By accepting the foregoing Assignment, the undersigned hereby covenants and agrees that he shall indemnify, defend and hold harmless the Assignor of, from and against any and all losses, costs, claims, damages, liabilities and other obligations (including, without limitation, attorneys' fees) arising from, out of or in connection with the actual or alleged acts or omissions of Assignee arising from and after the date of this Assignment.

As a material inducement to Assignor to sell the Loan and the Loan Documents to the Assignee, the undersigned further acknowledge(s) and confirm(s) to Assignor as follows:

- (1) the undersigned have made their own independent investigation and review of the value, validity, enforceability and collectibility of the Loan and the Loan Documents and have not and are not relying upon any representation, warranty, indemnity or other statement by Assignor, whether written, oral, express or implied with respect thereto, except as may be expressly set forth in the foregoing Assignment and said Assignment of Note and Allonge;
- (2) as of the date hereof, the Loan and the Loan Documents are in default and the collection of any or all of the amounts owing thereunder, whether now due and payable or hereafter to become due and payable, may be impossible; and
- (3) the undersigned is acquiring the Loan and the Loan Documents for the purpose of investment and not with a view to the resale or other distribution thereof and have

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

no present intention of selling, negotiating or otherwise disposing of the Note.

Dated this thirteenth day of June, 1996.


NUGENT J. VITALLO

Property of Cook County Clerk's Office

96462051

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

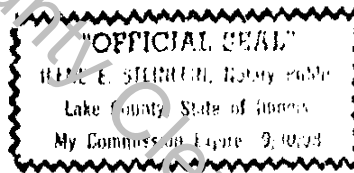
ACKNOWLEDGEMENT

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT WALTER J. RUBINER, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument and to be the First Vice President of NBD Bank, an Illinois bank-incorporation, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as the free and voluntary act of said bank-incorporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 14th day of June, 1996.

Jane E. Steinlein
Notary Public

My commission expires:



96462051

UNOFFICIAL COPY

Property of Cook County Clerk's Office

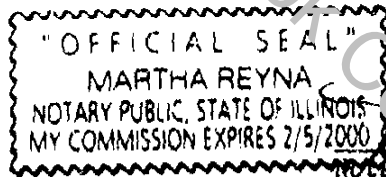
UNOFFICIAL COPY

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

ACKNOWLEDGEMENT

I, MARTHA REYNA, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT NUGENT VITALLO, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 11th day of June, 1996.



Martha Reyna
Notary Public

My commission expires:

96462051

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT A

SCHEDULE OF LOAN DOCUMENTS

1. Letter, dated December 10, 1984, from The Bank and Trust Company of Arlington Heights ("TBTCAH") to Twenty-Ten Partners.
2. Bond Purchase Agreement (and Certifications) by and among Village of Arlington Heights, Illinois (the "Village") Twenty-Ten Partners and TBTC~~A~~H [predecessor in interest to Seller], dated December 28, 1984. (Original not delivered by Assignor.)
3. Mortgage and Loan Agreement, dated December 1, 1984 and recorded in the Office of the Recorder of Deeds of Cook County, Illinois (the "Recorder's Office") on December 28, 1984 as Document No. LR3411998, by and among Twenty-Ten Partners and LaSalle National Bank, as Trustee under Trust Agreement dated May 10, 1971 and known as Trust No. 10-18230-08 ("Mortgagor"), and the Village, dated as of December 1, 1984 (the "Mortgage"), applicable to the real property legally described on Exhibit B appended to this instrument, and assigned to the Bank & Trust Company of Arlington Heights pursuant to the Agency Agreement and Assignment identified as Item 4 below. (Original not delivered by Assignor.)
4. Mortgage Note, dated December 28, 1984, made by Twenty-Ten Partners and Mortgagor and payable to the order of the Village, in the original principal amount of \$1,800,000, and endorsed by the Village to TBTC~~A~~H (the "Note").
5. Collateral Assignment to Secure Indebtedness, dated December 27, 1984, executed by Twenty-Ten Partners, accepted by TBTC~~A~~H and acknowledged by LaSalle National Bank.
6. Agency Agreement and Assignment by and between the Village and The Bank & Trust Company of Arlington Heights, as Fiscal Agent, dated as of December 1, 1984, and recorded in the Recorder's Office on December 28, 1984 as Document No. LR3411999. (Original not delivered by Assignor.)
7. Guaranty Agreement, dated as of December 1, 1984, executed by original partners of Twenty-Ten Partners, to and in favor of the Village and TBTC~~A~~H. (Photocopy and certain original counterpart signature pages delivered by Assignor.)
8. Chicago Title Insurance Company Construction Loan Policy #69-83-207, dated December 28, 1984.

96462051

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

9. \$1,800,000 Village of Arlington Heights, Illinois Economic Development Revenue Bond (Twenty-Ten Partners Project), Series 1984, issued December 28, 1984, by the Village to TBTCAH.
10. Assumption Agreement, dated December 30, 1986, by and among Richard J. Covelli ("RJC"), Susan P. Covelli ("SPC"), Arthur F. McManus ("AFM"), Susan T. McManus ("STM") and TBTCAH.
11. Personal Guaranty Agreement, dated December 30, 1986, executed by RJC, SPC, AFM and STM to and for the benefit of the Village and TBTCAH.
12. Assumption Agreement, dated October 23, 1987, by and among RJC, SPC, AFM, STM, 2010 Building Limited Partnership ("2010") Colonial Financial Services, Inc. ("Colonial") and TBTCAH.
13. Guaranty Agreement of 2010 and Colonial to the Village and The Bank and Trust Company of Arlington Heights, dated as of October, 1987, executed by 2010 and Colonial to and for the benefit of the Village and TBTCAH.
14. Collateral Assignment to Secure Indebtedness, dated October 23, 1987, executed by 2010, accepted by TBTCAH and acknowledged by LaSalle National Bank.
15. Collateral Assignment to Secure Indebtedness, dated January 8, 1987, executed by RJC and AFM, accepted by TBTCAH and acknowledged by LaSalle National Bank.
16. Opinion of McCarthy, Duffy, Niedhart & Snackard, dated December 27, 1984.
17. Opinion of Gardner Carton & Douglas, dated December 28, 1994, addressed to the City of Arlington Heights.
18. Opinion of Gardner Carton & Douglas, dated December 28, 1994, addressed to Twenty-Ten Partners, Village of Arlington Heights, and TBTCAH.
19. Opinion of Jack M. Siegel & Associates, Ltd., dated December 28, 1984.
20. Attorneys' Opinion, dated October 23, 1987, to TBTCAH from Greenberg, Keele, Lunn & Aronberg.
21. Attorneys' Opinion, dated October 23, 1987, to TBTCAH from Gardner, Carton & Douglas.

96462051

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT B

DESCRIPTION OF LAND

LOT ONE-----(1)

(except that part thereof conveyed to the People of the State of Illinois, Department of Transportation on February 23, 1994, recorded as Document Number 94176541 and falling within the following described parcel of land, beginning at the Northeast corner of said Lot 1; thence on an assumed bearing of South 7 degrees 13 minutes 20 seconds West along the Easterly line of said Lot 1 a distance of 12.00 feet; thence North 42 degrees 20 minutes 40 seconds West 15.56 feet to the North line of said Lot 1; thence North 88 degrees 03 minutes 19 seconds East along the said North line of Lot 1 a distance of 12.00 feet to the point of beginning.

AND

(except that part thereof granted as a temporary easement to the State of Illinois for the use of the Department of Transportation on February 23, 1994, recorded as Document No. 94176541 and falling within the following described parcel of land; beginning at the Southeast corner of said Lot 1; thence on an assumed bearing of South 88 degrees 03 minutes 19 seconds West along the Southerly line of said Lot 1 a distance of 25.32 feet to a point 25.00 feet normally distant Westerly of the Easterly line of said Lot 1; thence North 7 degrees 13 minutes 20 seconds East along a line 25.00 feet normally distant Westerly and parallel with the Easterly line of said Lot 1 a distance of 93.00 feet; thence South 88 degrees 39 minutes 43 seconds East 25.13 feet to the Easterly line of said Lot 1; thence South 7 degrees 13 minutes 20 seconds West along the said Easterly line of Lot 1, a distance of 93.56 feet to the point of beginning.

In Doctor's Subdivision, being a Subdivision of part of Lot 6 in the Subdivision of Joseph A. Barnes' Farm in Section 16, Township 41 North, Range 11 East of the First Principal Meridian, in Cook County, Illinois, according to the Plat thereof registered in the Office of the Registrar of Titles of Cook County, Illinois, on January 10, 1973, as Document No. 2790909.

Common Property Address: 2010 Arlington Heights Road
Arlington Heights, Illinois

Permanent Index Nos.: 08-16-200-070
08-16-200-071

96462051

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

OF ASSIGNMENT OF MORTGAGE

I, Mary B. Jones, as agent for the _____ (Assignor, Assignee) of the mortgage registered as document number T 3411995, being first duly sworn upon oath, states:

1. That notification was given to LA Salle Natl Bk As Trustee, at _____ who are the owners of record on _____ Certificate No. 1534801, and mortgagors on document no. 3411995, that the subject mortgage was being assigned.

2. That presentation to the Registrar of filing of the assignment of mortgage would cause the property to be withdrawn from the Torrens system and recorded with the Recorder of Deeds of Cook County.

96462051

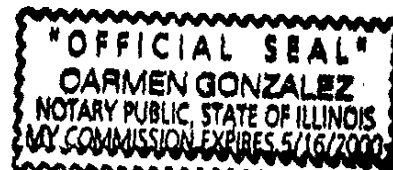
I, Mary B. Jones - Agent, declare under penalties of perjury that I have examined this form and that all statements included in this affidavit to the best of my knowledge and belief are true, correct, and complete.

Mary B. Jones
Affiant

Subscribed and sworn to before me by the said Agent this 17th day of June

19 06

Carmen Gonzalez
Notary Public



UNOFFICIAL COPY

Property of Cook County Clerk's Office

COOK COUNTY RECORDER

150299-96 * -96-462051

140013 IRAN 9461 06/17/96 10:56:00

DEPT-11 TORRENS \$35.50