

# UNOFFICIAL COPY

RECORDATION REQUESTED BY:

96546484

Joel S. Rothman  
Joel S. Rothman & Associates, Ltd.  
55 West Monroe Street  
Suite 3330  
Chicago, IL 60603

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WHEN RECORDED MAIL TO:

Joel S. Rothman  
Joel S. Rothman & Associates, Ltd.  
55 West Monroe Street  
Suite 3330  
Chicago, IL 60603

DEPT-01 RECORDING \$35.50  
T#0003 TRAN 2154 07/18/96 10:57:00  
#7587 : MC: \*-96-546484  
COOK COUNTY RECORDER

SEND TAX NOTICES TO:

Dr. and Mrs. Robert L. Franklin  
Unit 3608  
400 East Randolph Street  
Chicago, Illinois 60601

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

## DEED IN TRUST

THE GRANTORS, ROBERT L. FRANKLIN and KAY FRANKLIN, his wife, of the COUNTY OF PORTER and STATE OF INDIANA, for and in consideration of TEN AND 00/100 Dollars, and other good and valuable considerations in hand paid, Convey and Warrant unto KAY FRANKLIN and ROBERT L. FRANKLIN, GRANTEES, as Co-Trustees (hereinafter referred to as "said trustee," regardless of the number of trustees,) and unto all and every successor or successors in trust under the provisions of a trust agreement dated the 15th day of December, 1994, and known as KAY FRANKLIN REVOCABLE TRUST, the following described real estate in the COUNTY of COOK and STATE OF ILLINOIS to wit:

Unit No. 3608 as delineated on Survey of certain lots in the Plat of Lake Front Plaza, a subdivision of a parcel of land lying in accretions to fractional Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the Plat thereof recorded April 30, 1962, as Document No. 18461961, conveyed by Deed from Illinois Central Railroad Company to American National Bank and Trust Company of Chicago, as Trustee, under Trust No. 17460, recorded May 7, 1962, as Document No. 18467558, and also Supplemental Deed thereto recorded December 23, 1964, as Document No. 19341545, which survey is attached as Exhibit "A" to Declaration of Condominium made by American National Bank and Trust Company of Chicago, as Trustee, under Trust Agreement dated April 9, 1962, and known as Trust No. 17460, recorded in the Office of the Recorder of Cook County, Illinois as Document No. 22453315, together with an undivided .09406% interest in the property described in said Declaration of Condominium aforesaid (excepting the units defined and set forth in the Declaration of Condominium and Survey).

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Permanent Real Estate Index Number(s): 17-10-400-012-1864

Address(es) of real estate: 400 East Randolph Street, Unit 3608, Chicago, Illinois

TO HAVE AND TO HOLD the said premises with the appurtenances upon the trusts and for the uses and purposes herein and in said trust agreement set forth.

Full power and authority are hereby granted to said trustee to improve, manage, protect and subdivide said premises or any part thereof; to dedicate parks, streets, highways or alleys, to vacate any subdivision or part thereof, and to resubdivide said property as often as desired; to contract to sell; to grant options to purchase; to sell on any terms, to convey either with or without consideration, to convey said premises or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said trustee; to donate, to dedicate, to mortgage, pledge or otherwise encumber said property, or any part thereof; to lease said property, or any part thereof, from time to time, in possession or reversion, by leases to commence in praesenti or in futuro, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the terms of 99 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter; to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals; to partition or to exchange said property, or any part thereof, for other real or personal property; to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to said premises or any part thereof, and to deal with said property and every part thereof in all other ways and for such other

considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter

In no case shall any party dealing with said trustee in relation to said premises, or to whom said premises or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said trustee, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on said premises, or be obliged to see that the terms of this trust have been complied with, or obliged to inquire into the necessity or expediency of any act of said trustee, or be obliged or privileged to inquire into any of the terms of said trust agreement, and every deed, trust deed, mortgage, lease or other instrument executed by said trustee in relation to said real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of delivery thereof the trust created by this Indenture and by said trust agreement was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in said trust agreement or in some amendment thereof and binding upon all beneficiaries thereunder, (c) that said trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument, and (d) if the conveyance is made to a successor or successors in trust, that such successor successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of its, his or their predecessor in trust.

The interest of each and every beneficiary hereunder and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or other disposition of said real estate, and such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any title or interest, legal or equitable, in or to said real estate as such, but only an interest in the earnings, avails and proceeds thereof as aforesaid.

If the title to any of the above lands is now or hereafter registered, the Registrar of Titles is hereby directed not to register or note in the certificate of title or duplicate thereof, or memorial, the words "in trust," "upon condition," or "with limitations," or words of similar import, in accordance with the statute in such case made and provided.

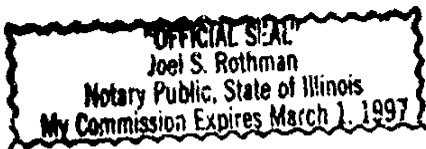
And the said grantor hereby expressly waive and release any or all right or benefit under and by virtue of any and all statutes of the State of Indiana, providing for the exemption of homesteads from sale on execution or otherwise.

In Witness Whereof, the grantor aforesaid have hereunto set their hands and seal this 17th day of July, 1996.

Robert L. Franklin (SEAL)  
Robert L. Franklin

Kay Franklin by Robert L. Franklin (SEAL)  
Kay Franklin

State of Illinois, County of Cook ss.



I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that ROBERT L. FRANKLIN and KAY FRANKLIN personally known to me to be the same person whose name subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 17th day of July, 1996  
Commission expires March 1, 1996  
Joel S. Rothman  
NOTARY PUBLIC

AFFIX "RIDERS" OR REVENUE STAMPS HERE BELOW

This conveyance of this property is exempt from the imposition of transfer tax in accordance with Ill. Rev. Stat. Chp. 120, Par. 1004, Section 9(c).

Joel S. Rothman  
Joel S. Rothman

July 17, 1996  
Date

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## GENERAL DURABLE POWER OF ATTORNEY OF KAY FRANKLIN

### ARTICLE I DESIGNATION OF AGENT

I, Kay Franklin, of P.O. Box <sup>85 K.F.</sup> 265, Beverly Shores, Indiana 46301, being a mentally competent adult, do hereby designate and appoint my husband, Robert Franklin, of P.O. Box 265, Beverly Shores, Indiana 46301, as my true and lawful Attorney-in-Fact, hereinafter sometimes referred to as my Agent, giving my Agent full authority and power to make financial, asset management, and personal decisions for me in my name, place, and stead as authorized in this document.

If my Attorney-in-Fact as hereinabove designated and appointed should die, become mentally or physically incapacitated, resign, refuse to act, become unavailable, or become legally separated or divorced from me (in the event my said Agent is my spouse), I then and do hereby designate and appoint the following, one at a time in the order named as my successor Attorney-in-Fact:

- First Successor: My son, Peter L. Franklin, 623 63rd, Oakland, California 94609;  
Second Successor: My daughter, Karen Franklin, 11020 2nd Avenue N.W., Seattle  
Washington 98177; and  
Third Successor: My daughter, Jennifer L. Franklin, 1589½ Selby, Apt. 14, St. Paul,  
Minnesota 55104.

### ARTICLE II REVOCATION OF PRIOR POWERS

I hereby revoke all powers of attorney, general and/or limited, heretofore granted by me as principal and terminate all agency relationships created under any such prior powers, including those of all successor agents named or contemplated therein, if any.

### ARTICLE III GENERAL ASSET AND FINANCIAL POWERS

My Attorney-in-Fact is authorized, in his or her sole and absolute discretion from time to time and at any time, with respect to any and all of my property and interests in property, real, personal, and mixed and matters affecting my financial interests by way of illustration and not intending any limitation, to do or perform the following:

1. Purchase, sell, mortgage, grant easements, convey, and lease any interest in real estate, wherever located, of which I may be the owner or have an ownership interest, now or hereafter; and perform all activities granted under I.C. 30-5-5-2.
2. Bargain for, contract concerning, buy, sell, encumber, and in any way and manner deal with my personal property for my support and the support of those persons to whom I owe an obligation of support; and perform all activities granted under I.C. 30-5-5-3.
3. Purchase, sell, dispose of, assign, and pledge notes, stocks, bonds, and securities and to exercise such voting rights as my ownership of any notes, stocks, bonds, and securities may entitle me, either in person or by proxy, and perform all activities granted under I.C. 30-5-5-4.
4. Make, draw, and endorse promissory notes, checks, bills of exchange, or other negotiable instruments to which I may be entitled under the Uniform Commercial Code and to exercise

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any right with regard to the same including the right to waive demand, presentment, protest, notice of protest, and notice of non-payment of all such instruments as well as the right to make deposits to and withdrawals from and to invest, reinvest, or renew any of my deposited checking, savings, certificate of deposits, or other accounts of whatever nature or wherever retained or deposited; to establish new or close out existing accounts of any nature pertaining to my funds and money; to utilize and expend any of my money from any such accounts, or if necessary to utilize my assets in the event my liquid funds are depleted or not readily available, for the payment of my just and lawful debts and bills, including the right to utilize my credit cards and charge accounts, in a manner that will best serve my financial interests according to the sole and absolute discretion of my said Attorney-in-Fact; to enter any lock box or safe deposit box in my name, and perform all banking activities granted under I.C. 30-5-5-5.

5. Discharge and perform any duty or liability, right, power, or privilege that the principal has under a partnership agreement; or take any action with regard to a sole proprietorship owned by the principal; and perform all actions granted under I.C. 30-5-5-6.

6. Purchase, maintain, surrender, collect, or cancel: (a) life insurance or annuities of any kind on my life or the life of any one in whom I have an insurable interest; (b) liability insurance protecting me and my estate against third party claims; (c) hospital insurance, medical insurance, Medicare supplement insurance, custodial care insurance, and disability income insurance for me or any of my dependents; and (d) casualty insurance insuring assets of mine against loss or damage due to fire, theft, or other commonly insured risk; to pay all insurance premiums, to select any options under such policies, to increase coverage under any such policy, to borrow against any such policy, to pursue all insurance claims on my behalf, to adjust insurance losses, and the foregoing powers shall apply to private and public plans, including but not limited to Medicare, Medicaid, SSI, and Worker's Compensation; and perform all activities granted under I.C. 30-5-5-7.

7. Represent and act for the principal in all matters affecting a trust, a probate, an estate, a guardianship, a custodianship, an escrow, or other fund out of which the principal is entitled or claims to be entitled as a beneficiary, and perform all activities granted under I.C. 30-5-5-8.

8. Make gifts to organizations and individuals on behalf of the principal and perform any other activities in accord with the provisions of I.C. 30-5-5-9.

9. Represent and act for the principal in all ways and in all matters affecting a fund in which the principal is a fiduciary and apply for and procure in the name of the principal letters of administration, letters testamentary, letters of guardianship, or any other type of judicial or administrative authority to act as a fiduciary; and perform all activities granted under I.C. 30-5-5-10.

10. Institute, supervise, prosecute, defend, represent me in, intervene in, abandon, compromise, arbitrate, settle, dismiss, and appeal from any and all legal, equitable, judicial or administrative hearings, actions, suits, proceedings, attachments, arrests, decedent, or guardianship estate matters, for the protection of my personal or financial interests involving me in any way, including, but not limited to, matters or proceedings with respect to claims by or against me arising out of property damages or personal injuries suffered or caused by me or under such circumstances that the loss resulting therefrom will or may be imposed on me and otherwise engage in litigation involving me, my property, or any interest of mine, including any property or interest or person for which or whom I have or may have any responsibility; and perform all activities granted under I.C. 30-5-5-11.

11. Perform acts necessary for maintaining the customary standard of living of the principal's spouse, children, and other persons customarily supported by the principal; and perform all activities granted under I.C. 30-5-5-12.

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12. Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States, a state, or a subdivision of a state to the principal; and perform all actions granted under I.C. 30-5-5-13.

13. Keep records, hire and discharge accountants and attorneys, represent the principal in all matters of taxation involving the Federal government, the government of any State or any local governmental unit, and to prepare, sign and file any documents or forms that may be required in any such tax matters; including my State and Federal Income Tax Returns, and to receive and respond to any correspondence from these taxing agencies; and perform all actions granted under I.C. 30-5-5-14.

14. Accept, renounce, or claim a legacy, bequest, devise, gift, or other property on behalf of the principal; establish a revocable trust for the benefit of the principal; and perform all actions granted under I.C. 30-5-5-15.

15. Employ or contract with all types of health care providers on the principal's behalf; consent to or refuse health care for the principal in accordance with I.C. 16-8-11 and I.C. 16-8-12; and perform all actions granted under I.C. 30-5-5-16 and I.C. 30-5-5-17.

16. To delegate authority to one (1) or more persons of any or all powers given my Attorney-in-Fact in accord with the provisions of I.C. 30-5-5-18.

17. To act as an alter ego of the principal with respect to all possible matters and affairs affecting the property owned by the principal can perform through an Attorney-in-Fact in accord with the provisions of I.C. 30-5-5-19.

18. To transfer any portion or all of my property to the then-acting trustee under a revocable trust established by me as grantor, with the transferred property to be added to the trust estate of such trust and to become subject to the terms and conditions thereof as such trust may have been heretofore or may hereafter be amended by me.

All the powers granted an Attorney-in-Fact under Indiana Code Sections 30-5-5-2 through 30-5-5-19 are granted to my Attorney-in-Fact, or the successor under this document.

## ARTICLE V THIRD PARTY RELIANCE

No person who relies in good faith upon any representations by or authority of my Attorney-in-Fact shall be liable to me, my estate, my heirs or assigns for recognizing such representations or authority.

## ARTICLE VI EFFECTIVE DATE AND TERMINATION

This power of attorney shall become effective upon the date hereof.

## ARTICLE VII NOMINATION OF GUARDIAN

In the event a judicial proceeding is brought to establish a guardianship over my person or property, I hereby nominate my Attorney-in-Fact hereinabove designated and appointed, to be my



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guardian. In the event that such individual dies, resigns, or is unable to serve, then I nominate my successor Attorney-in-Fact, as hereinabove designated and appointed, as my alternate guardian.

## ARTICLE VIII MISCELLANEOUS MATTERS

1. This durable power of attorney is intended to be valid and given full faith and credit in any jurisdiction or state in which it is presented.
2. My Attorney-in-Fact shall not be entitled to any compensation for services performed hereunder, but shall be entitled to reimbursement for all reasonable expenses incurred and paid, including transportation costs, as a result of carrying out any provisions of this instrument.
3. My Attorney-in-Fact, including the heirs, legatees, successors, assigns, personal representatives, and estate of my Attorney-in-Fact, acting in good faith hereunder, is hereby released and forever discharged from any and all liability (including civil, criminal, administrative, or disciplinary) and from all claims or demands of all kinds whatsoever by me or my heirs, legatees, successors, assigns, personal representatives, or estate arising out of the acts or omissions of my Attorney-in-Fact, except for willful misconduct or gross negligence.
4. My Attorney-in-Fact is authorized to make photocopies of this instrument as frequently and in such quantity as my Attorney-in-Fact shall deem appropriate. Each photocopy shall have the same force and effect as any original.
5. If any part or provision of this instrument shall be invalid or unenforceable, such part or provision shall be ineffective to the extent of such invalidity or unenforceability only, without affecting the remaining parts or provisions of this instrument in any way.
6. This instrument, and actions taken by my Attorney-in-Fact properly authorized hereunder, shall be binding upon me, my heirs, successors, assigns, legatees, guardians, and personal representatives.

IN WITNESS WHEREOF, I have hereunto executed this Durable Power of Attorney this 15<sup>th</sup>  
day of December, 1994

Kay Franklin  
Kay Franklin

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STATE OF INDIANA )  
                          ) SS.  
COUNTY OF La Porte )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Kay Franklin, who acknowledged the execution of the foregoing General Durable Power of Attorney this 15<sup>th</sup> day of December, 1998.

WITNESS my hand and Notarial Seal.

My Commission Expires

Sept. 9, 1998

Susan C. Blumenfeld  
Notary Public  
Printed: SUSAN C. BLUMENFELD  
Residing in La Porte County

SUSAN C BLUMENFELD  
NOTARY PUBLIC STATE OF INDIANA  
LA PORTE COUNTY  
MY COMMISSION EXP. SEPT 9, 1998

Property of Cook County Clerk's Office

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## STATEMENT BY GRANTOR AND GRANTEE

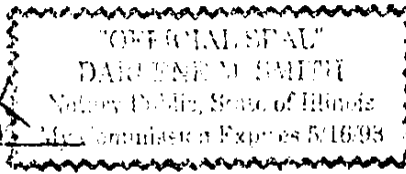
The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated: July 18, 1996

Signature: Joel S. Rothman  
Grantor or Agent

Subscribed and sworn to before me by the said Joel S. Rothman this 18th day of July, 1996.

Notary Public Dorlene M. Smith



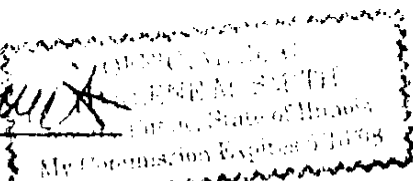
The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated: July 18, 1996

Signature: Joel S. Rothman  
Grantor or Agent

Subscribed and sworn to before me by the said Joel S. Rothman this 18th day of July, 1996.

Notary Public Dorlene M. Smith



NOTE: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

[Attach to deed or ABI to be recorded in Cook County, Illinois, if exempt under the provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.]

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