

# UNOFFICIAL COPY

## TRUSTEE'S DEED IN TRUST

(2348 to Albany #11-5273)

96976974

DEPT-01 RECORDING \$27.00  
 T#0003 TRAN 1040 12/27/96 16:53:00  
 #0954 # LM #-96-976974  
 COOK COUNTY RECORDER

Property of Cook County Clerk's Office

The above space for recorder's use only

THIS INDENTURE made this 27th day of December, 1996, between AMALGAMATED BANK OF CHICAGO, a corporation duly organized and existing as an Illinois Banking Corporation under the laws of the United States of America, and duly authorized to accept and execute trusts within the State of Illinois, not personally but as Trustee under the provisions of a deed or deeds in trust duly recorded and delivered to said national banking association in pursuance of a certain Trust Agreement, dated the 1st day of November, 1972, and known as Trust Number 2348, party of the first part, and Albany Bank and Trust Company, N.A., a National Banking Association, as Trustee under the provisions of a certain Trust Agreement, dated the 11th day of December, 1996, and known as Trust Number 11-5273, party of the second part.

WITNESSETH, that said party of the first part, in consideration of the sum of TEN AND NO/100 Dollars (\$10.00) and other good and valuable considerations in hand paid, does hereby transfer, convey, assign and quit-claim unto said party of the second part, the following described real estate situated in Cook County, Illinois, to-wit:

(i) An undivided 45% interest as tenant-in-common in, to and under the LEASEHOLD ESTATE created by that certain Indenture of Lease made by Gail R. Nutty and Katherine G. Nutty, to McCormick Management Company, an Illinois corporation, dated November 1, 1958, and recorded December 16, 1958, as Document 17405802, as heretofore amended from time to time, demising and leasing for a term of years beginning November 1, 1958, and ending October 31, 2057, the following described premises:

LOTS 1 AND 4 IN BLOCK 17 IN FRACTIONAL SECTION 15 ADDITION TO CHICAGO IN SECTION 15, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

(ii) An undivided 45% interest as tenant-in-common in the buildings and other improvements owned by the undersigned located on the real estate legally described above and commonly known as the Essex Inn, 800 South Michigan Avenue, Chicago, Illinois;

together with the tenements and appurtenances thereunto belonging.

Permanent Tax Number: 17-15-305-023-510  
 Property Address: 800 South Michigan Avenue.

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TO HAVE AND TO HOLD the said real estate with the appurtenances upon the trusts and for the uses and purposes herein and in said Trust Agreement set forth.

FULL POWER AND AUTHORITY is hereby granted to said Trustee to improve, manage, protect and subdivide said real estate or any part thereof, to dedicate parks, streets, highways or alleys, to vacate any subdivision or part thereof, and to resubdivide said real estate 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 real estate 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 real estate, or any part thereof, to lease said real estate, or any part thereof, from time to time, in possession or reversion, by leases to commence in present or in futuro, and upon

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I HEREBY DECLARE THAT THIS DEED REPRESENTS A TRANSACTION MADE UNDER THE PROVISIONS OF PARAGRAPH 1, SECTION 4, OF THE REAL ESTATE TRANSFER ACT.

*[Signature]*  
 Attorney for Grantor  
 Grantor *[Signature]*

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any terms and for any period or periods of time, not exceeding in the case of any single demise the term of 198 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 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 real estate or any part thereof, and to deal with said real estate 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, or any successor in trust, in relation to said real estate, or to whom said real estate or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said Trustee, or any successor in trust, be obliged to see to the application of any purchase money, rent or money borrowed or advanced on said real estate, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the authority, 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, or any successor in trust, 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 the 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 all amendments thereof, if any, and binding upon all beneficiaries thereunder, (c) that said Trustee, or any successor in trust, 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 or 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.

This conveyance is made upon the express understanding and condition that neither **AMALGAMATED BANK OF CHICAGO** individually or as Trustee, nor its successor or successors in trust shall incur any personal liability or be subjected to any claim, judgment, or decree for anything it or they or its or their agents or attorneys may do or omit to do in or about the said real estate or under the provisions of this Deed or said Trust Agreement or any amendment thereto, or for injury to person or property happening in or about said real estate, any and all such liability being hereby expressly waived and released. Any contract, obligations or indebtedness incurred or entered into by the Trustee in connection with said real estate may be entered into by it in the name of the then beneficiaries under said Trust Agreement as their attorney-in-fact, hereby irrevocably appointed for such purposes, or at the election of the Trustee, in its own name, as Trustee of an express trust and not individually (and the Trustee shall have no obligation whatsoever with respect to any such contract, obligations or indebtedness except only so far as the trust property and funds in the actual possession of the Trustee shall be applicable for the payment and discharge thereof). All persons and corporations, whosoever and whatsoever shall be charged with notice of this condition from the date of the filing for record of this Deed.

The interest of each and every beneficiary hereunder and under said Trust Agreement 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 any 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, the intention hereof being to vest in said **AMALGAMATED BANK OF CHICAGO**, as Trustee, the entire legal and equitable title in fee simple, in and to all of the real estate above described.

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

This deed is executed by the party of the first part, as Trustee, as aforesaid, pursuant to direction and in the exercise of the power above mentioned, including the authority to convey directly to the Trustee grantee named herein, and of every other power and authority thereunto enabling. This deed is made subject to the liens of all trust deeds and/or mortgages upon said real estate, if any, recorded or registered in said county.

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IN WITNESS WHEREOF, said party of the first part has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents and to be attested by one of its Officers, the day and year first above written.

AMALGAMATED BANK OF CHICAGO, as Trustee, as aforesaid, and not personally,

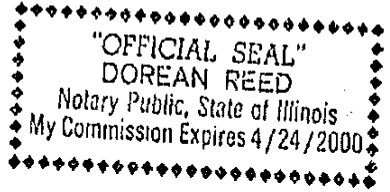
By: [Signature] Vice President  
Attest: Donna M. Casey Vice President/Trust Officer

STATE OF ILLINOIS )  
                                  )  
                                  ) ss.  
COUNTY OF COOK )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that the above named Officers of AMALGAMATED BANK OF CHICAGO, an Illinois Banking Corporation, personally known to me to be the same persons whose names subscribed to the foregoing instrument as such Officers, respectively, appeared before me, this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary acts, and as the free and voluntary act of said banking corporation, as Trustee, for the uses and purposes therein set forth, and a said Officer did also then and there acknowledge that, as custodian of the corporate seal of said banking corporation, did affix the said corporate seal of said corporation, as Trustee, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 27 day of December, 1996.

[Signature]  
Notary Public



THIS DOCUMENT PREPARED BY, AND  
AFTER RECORDING, PLEASE MAIL TO:  
Joshua D. Goldman, Esq.  
Sonnenschein Nath & Rosenthal  
8000 Sears Tower  
233 S. Wacker Drive  
Chicago, IL 60606-6404

Box 333

PROFESSIONAL COUNTY CLERK'S OFFICE

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## STATEMENT BY GRANTOR AND GRANTEE

The grantor or its agent affirms that, to the best of its 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: December \_\_, 1996.

Signature: AMALGAMATED BANK OF CHICAGO, not personally, but solely as trustee

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Subscribed and sworn to before me by the said \_\_\_\_\_ this \_\_\_\_\_ day of December, 1996.

Notary Public: \_\_\_\_\_

The grantee, or its 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: December 27, 1996.

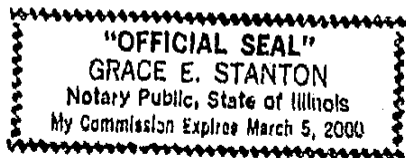
Signature: ALBANY BANK AND TRUST CO. N.A. not personally, but solely as trustee

By: [Signature]  
Name: GARY J. WORCESTER  
Title: SR. VICE PRESIDENT

This instrument is executed by ALBANY BANK & TRUST COMPANY N.A., not personally but solely as Trustee, as aforesaid. All the covenants, including but not limited to all environmental representations and conditions to be performed hereunder by ALBANY BANK & TRUST COMPANY N.A. are undertaken by it solely as Trustee, as aforesaid and not individually, and no personal liability shall be asserted or be enforceable against ALBANY BANK & TRUST COMPANY N.A. by reason of any of the covenants, statements, representations or warranties contained in this instrument.

Subscribed and sworn to before me by the said GARY A. WORCESTER, this 27th day of December, 1996.

Notary Public: [Signature]



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 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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