JUNIOR REAL ESTATE MORTGAGE

96370303

Document prepared by and after recording return to:

Robert F. Melone, Esquire Howard & Howard Attorney

201 E. Kennedy Blvd.

Suite 2000

Tampa, FL 33602

DEPT-01 RECORDING

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COOP COURTY RECORDER

#### JUNIOR REAL ESTATE MORTGAGE

This Mortgage made April 26, 1996, by CHICAGO TITLE AND TRUST COMPANY, not personally, but as Trustee of Trust No. 1091985 dated July 1, 1988, (hereinafter called the "Mortgagor"), to FIRST OF AMERICA BANK CORPORATION, (hereinafter called the "Mortgagee").

Mortgager mortgages and warrants of Mortgagee, Mortgagee's heirs and assigns forever, the following described land, situated in the County of  $\underline{\textit{Cook}}$ , State of Illinois and described in  $\underline{\text{Exhibit }} \Delta$ , attached hereto.

Provided always, that if Gurrie Rhoads, his or not heirs, legal representatives or assigns, pays to Mortgagee, his or her legal representatives or assigns, a certain promissory note in the original principal amount of two hundred thousand and No/160 Dollars (\$200,000) dated April 26, 1996, with interest prior to default at eight percent (8%) per year from date and shall pay all sums payable thereunder, and perform, comply with, and abide by all the stipulations, agreements, conditions and covenants of the promissory note, this Mortgage, and arail duly pay all taxes, all insurance premiums reasonably required, all costs and expenses including reasonable attorneys' fees that Mortgagee may incur in collecting money secured by the Mortgage and also enforcing this Mortgage by suit or otherwise, then this Mortgage and the estate hereby created shall cease and be nell and void. Mortgagor waives all rights of redemption and reinstatement as well as all rights under the Homestead exemption laws of the state of Illinois.

Executed on the day and year first above written.

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## SIGUINO EFFO CHARLES OF MORTGAGE

CHICAGO TITLE AND TRUST COMPANY, not personally, but as Trustee of Trust No. 1091985 dated July 1, 1988

By:	CLAUSE FOR SIGNATURE			
lts:	<del></del>			
STATE OF ALLINOIS ) SS.				
COUNTY OF)				
I, a Notary Public, in and for said C	County in the State aforesaid, do hereby certify that			
, personally i	known to be to be the same person whose name is			
subscribed to the foregoing document, 2000	ared before me this day in person and acknowledged			
that he/she signed and delivered the said in	strument as his/her free and voluntary act and deed			
for the uses and purposes therein set forth.	4hz.			
GIVEN under my hand a notarial se	al, this day of April, 1996.			

Notary Public

Property of Cook County Clerk's Office

EXECUT	'ION WIT	TH EXC	ULPATOF	RY CLAUSE FOR 1	THE CHIC	AGO TRU	IST COMP	ANY, TRUSTE	E UNDER
				ACHED TO THAT					
DATED	Apri	1 26	1996	TOWITH	FIRST	OF AMER	ICA BANK	CORPORATION	ON

It is expressly understood and agreed by and between the parties hereto, anything to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers sor ferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against The Chicago Trust Company, on account of this instrument or on account of any warranty, indemnity, representation, covenant or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

IN WITNESS WHEREOF. The Cricago Trust Company, not personally, but as Trustee as aforesaid, has caused these presents to be righted by its Assistant Vice President, and its corporate seal to be hereunto affixed and attested by its Assistant Secretary, the day and year first above written.

CATE April 26, 1996

CORPORATE

CATICAGO, ILLINOS

The Chicago Trust Company, as Trustee aforesaid and not personally,

Assistant Vice President

Assistant Secretary

COUNTY OF COOK

STATE OF ILLINOIS

), the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREFY CERTIFY, that the above named Assistant Vice Provident and

Assistant Secretary of The Chicago Trust Company, personally known to me to be the sains persons whose names are subscribed to the foregoing instrument as such Assistant Vice President and Assistant Secretary respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Company for the uses and purposes therein set forth; and the said Assistant Secretary then and there acknowledged that said Assistant Secretary, as custodian of the corporate seal of said Company, caused the corporate seal of said Company to be affixed to said instrument as said Assistant Secretary's own free and voluntary act and as the free and voluntary act of said Company for the uses and surraposes therein set forth.

SS

"OFFICIAL SEAL" Lynda S. Barrie Notary Public, State of Illinois My Colombiation Expires 4/2/98

Given under my hand and Notarial Seal this 26th day of April 1996.

Notarial Seal

Louda & Barie

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# 450220ga

## **UNOFFICIAL COPY**

### EXHIBIT "\_A\_"

#### LEGAL DESCRIPTION:

#### PARCEL 1:

COMMONWEALTH IN THE VILLAGE UNIT 1, A RESIDENTIAL PLANNED UNIT DEVELOPMENT, BEING A RESUBDIVISION IN PARTS OF THE EAST 1/2 OF THE NORTHWEST 1/4 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEFTOF RECORDED AS DOCUMENT NUMBER 92980475.

#### PARCEL 2:

COMMONWEALTH IN THE VILLEGE UNIT 2, A RESIDENTIAL PLANNED UNIT DEVELOPMENT, BEING A RESUBDIVISION IN PARTS OF THE EAST 1/2 OF THE NORTHWEST 1/4 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOP RECORDED AS DOCUMENT NUMBER 9240476.

#### PARCEL 3:

PART OF LOTS 1 AND 2 LYING SOUTHWESTERLY OF A LINE 66 FERT SOUTHWESTERLY OF, MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH A LINE EXTENDING ACROSS SAID LOTS, WHICH LINE INTERSECTS THE NORTH LINE OF LOT 1 AT A POINT 106.30 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT, WHICH LINE ALSO INTERSECTS THE EAST LINE OF LOT 2 AT A POINT 81.47 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT; LOT 3, EXCEPT TYPT PART THEREOF LYING NORTHEASTERLY OF A LINE WHICH INTERSECTS THE NORTH I WE THEREOF AT A POINT 46.97 FEET WEST OF THE NORTHEAST CORNER AND WHICH LINE ALSO INTERSECTS EAST LINE OF SAID LOT AT A POINT 80.77 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; LOT 4; THAT PART OF LOT 5 LYING EAST OF A LINE WICH INTERSECTS THE NORTH LINE OF LOT 10 AT A POINT 145.24 FEET EAST OF THE NORTHWEST CORNER THEREOF AND WHICH INTERSECTS THE SOUTH LINE OF LOT 5 AT A POINT 7.06 FEET EAST OF THE SOUTHWEST CORNER THEREOF; AND THAT PART OF LOTS 6, 7, 8, 9 AND 10 LYING EAST OF A LINE WHICH INTERSECTS THE NORTH LINE OF LOT 10 AT A 145,24 FEET EAST OF THE NORTHWEST CORNER THEREOF, AND WHICH POINT INTERSECTS THE SOUTH LINE OF LOT 5 AT A POINT 7.06 FEET EAST OF SOUTHWEST CORNER THEREOF; ALL IN BLOCK 13;

#### **ALSO**

THAT PART OF LOTS 1 AND 2 LYING EAST OF A LINE WHICH INTERSECTS THE NORTH LINE OF LOT 1 AT A POINT 24.25 FEET EAST OF THE NORTHWEST CORNER THEREOF AND WHICH INTERSECTS THE SOUTH LINE OF LOT 2 AT A POINT 86.78 FEET EAST OF THE SOUTHWEST CORNER THEREOF; AND THAT PART OF LOTS 3 AND 4 LYING EAST OF A LINE COMMENCING AT A POINT ON THE NORTH LINE OF LOT 3, 86.78 FEET EAST OF THE NORTHWEST CORNER OF LOT 3; THENCE SOUTHEASTERLY ALONG A LINE WHICH LINE

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FORMS AN ANGLE OF 104 DEGREES 14 MINUTES 00 SECONDS WITH THE NORTH LINE OF LOT 3 IN THE NORTHEAST QUADRANT OF THEIR INTERSECTION A DISTANCE OF FEET TO A POINT OF TANGENCY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5854.58 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 39.40 FEET TO A POINT ON THE SOUTH LINE OF LOT 4, THE TANGENT TO SAID CURVE AT THE POINT OF INTERSECTION WITH THE SOUTH LINE OF LOT 4 FORMING AN ANGLE OF DEGREES 50 MINUTES 54 SECONDS IN THE NORTHEAST QUARTER OF THEIR INTERSECTION, SAID POINT OF INTERSECTION BEING 154.04 PEET EAST OF SOUTHWEST CORNER OF LOT 4; THAT PART OF LOT 5 LYING EAST OF A LINE ACROSS SAID LOT, SAID LINE BEING A CURVE HAVING A RADIUS OF EXTENDING 5854.58 FEET, WHICH CURVE INTERSECTS THE NORTH LINE OF SAID LOT AT A POINT 154.04 FEET EAST OF THE NORTHWEST CORNER THEREOF AND WHOSE TANGENT AT THE POINT OF INTERSECTION WITH THE NORTH LINE THEREOF FORMS AN ANGLE OF DEGREES, 50 MINUTES AND 54 SECONDS IN THE NORTHEAST QUADRANT OF INTERSECTION, SAID CURVE ALSO INTERSECTS THE SOUTH LINE OF SAID LOT POINT 178.33 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT AND WHOSE TANGENT AT THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT FORMS AN ANGLE OF 102 DEGREES 48 MINUTES AND 58 SECONDS IN THE NORTHEAST QUADRANT OF THEIR INTERSECTION; ALL IN BLOCK 14;

#### ALSO

THAT PART OF LOT 4 LYING EAST OF A LINE EXTENDING ACROSS SAID LOT, SAID LINE BEING A CURVE HAVING A RADIUS OF 5854.58 FEET, WHICH CURVE INTERSECTS THE NORTH LINE OF LOT 4 AT A POINT 36.70 FEET WEST OF THE NORTHEAST CORNER SAID LOT AND WHOSE TANGENT AT THE POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT FORMS AN ANGLE OF 98 DEGREES 33 MINUTES 51 SECONDS IN NORTHEAST QUADRANT OF THEIR INTERSECTION, SAID CURVE ALSO INTERSECTS SOUTH LINE OF LOT 5 AT A POINT 7.69 FEET WEST OF THE SOUTHEAST CORNER THEREOF AND WHOSE TANGENT AT THE POLYL OF INTERSECTION WITH THE SOUTH LINE THEREOF FORMS AN ANGLE OF 96 DEGREES 18 MINUTES 14 SECONDS IN THE NORTHEAST QUADRANT OF THEIR INTERSECTION; THAT PART OF LOT 5 LYING EAST OF A LINE EXTENDING ACROSS SAID LOT, SAID LINE BEING A CURVE HAVING A RADIUS OF 5854.58 FEET, WHICH CURVE INTERSECTS THE WORTH LINE OF LOT 4 AT A POINT 36.70 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT AND WHOSE TANGENT AT THE POINT OF INTERSECTION WITH THE NORTH LINE THE PORMS AN ANGLE OF DEGREES 33 MINUTES AND 51 SECONDS IN THE NORTHEAST QUADRANT OF INTERSECTION, SAID CURVE ALSO INTERSECTS THE SOUTH LINE OF LOT 5, POINT 7.65 FEET WEST OF THE SOUTHEAST CORNER OF SAID LCA AND WHOSE TANGENT AT THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LCT FORMS AN ANGLE 96 DEGREES 18 MINUTES 14 SECONDS IN THE NORTHEAST QUADRANT OF THEIR INTERSECTION, ALL IN BLOCK 15

ALL IN HIGHLANDS, SAID HIGHLANDS BEING A SUBDIVISION OF THE NORTHWEST 1/4 AND THE WEST 800 FEET OF THE NORTH 144 FEET OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

#### **ALSO**

THOSE PARTS OF LOTS 7, 8, 9 AND 10 LYING SOUTH OF A LINE EXTENDING ACROSS SAID LOTS WHICH LINE INTERSECTS THE WEST LINE OF LOT 10 AT A POINT 96.31 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT AND WHICH ALSO INTERSECTS THE SOUTH LINE OF LOT 7 AT A FOINT 10.17 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT, IN BLOCK 4;

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LOTS 7, 8, 9, 10, 11 AND 12 IN BLOCK 7; LOTS 7, 8, 9, 10, 11 AND 12 IN BLOCK 8; LOTS 8, 9, 10, 11, AND 12 IN BLOCK 11; LOTS 7, 8, 9, 10, 11 AND 12 IN BLOCK 12; LOT 7, 8, 9, 10, 11 AND 12 IN BLOCK 15; LOT 11 AND 12 IN BLOCK 16

ALL IN FOREST HILLS COMMERCIAL AND PARK DISTRICT, A SUBDIVISION OF BLOCKS 5 TO 8, 17 TO 20, 29 TO 32 AND 41 TO 44 IN FOREST HILLS OF WESTERN SPRINGS, A SUBDIVISION OF THE EAST HALF OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 12, AND OF THAT PART OF BLOCKS 12 TO 15 IN HIGHLANDS SUBDIVISION, LYING EAST OF A LINE 33 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST 1/4 OF SAID SECTION 7, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS;

EXCEPTING TROM PARCEL 3 THOSE PORTIONS THEREOF DESCRIBED AS PARCELS 1 AND 2 HEREOF.

EXCEPTING FROM SAID JUNIOR MORTGAGE THE FOLLOWING UNITS IN COMMONWEALTH IN THE VILLAGE, A CONDOMINIUM (DECLARATION OF CONDOMINIUM RECORDED OCTOBER 27, 1993 IN THE COOK COUNTY RECORDERS OFFICE AS DOCUMENT NO. 93877638)

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