

# UNOFFICIAL COPY

97708392

FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES IN WHOSE OFFICE THE MORTGAGE OR DEED OF TRUST WAS FILED.

DEPT-01 RECORDING \$31.00  
T#0012 TRAN 6794 09/24/97 15:14:00  
43251 & CG \*-97-708392  
COOK COUNTY RECORDER

## PARTIAL RELEASE OF MORTGAGE

A 00153300

KNOW ALL MEN BY THESE PRESENTS, That a certain Mortgage, Assignment of Rents and Leases, Fixture Filing and Security Agreement dated the 17<sup>th</sup> day of June, 1996 made by EMART CORPORATION, a Michigan corporation, whose address is 3100 West Big Beaver Road, Troy, Michigan 48084 ("Mortgagor"), to FIRST TRUST OF NEW YORK, NATIONAL ASSOCIATION, a National Banking Association, not individually but solely as Corporate Trustee under the Trust Agreement dated as of June 17, 1996, whose address is 100 Wall Street, Suite 1600, New York, New York, 10005, Attn: Teresita Glasgow, and WARD A. SPOONER, not individually but solely as Individual Trustee under the Trust Agreement dated as of June 17, 1996, whose address is c/o First Trust of New York, National Association, 100 Wall Street, Suite 1600, New York, New York, 10005, Attn: Teresita Glasgow (collectively, "Mortgagee"), and recorded as Document No. 96576640 in the office of the Cook County Records, in the State of Illinois, is, with the notes accompanying it, satisfied, partially released and discharged, only as to the land described in Exhibit A and shall remain in full force and effect as to the remainder of the land described in the subject mortgage.

Legal Description of premises:

see Exhibit A

1996 0149 92

BOX 333-CT1

3/200

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Witness our hand and seal, this 22 day of September, 1997.

Signed, sealed and delivered  
in the presence of:

FIRST TRUST OF NEW YORK,  
NATIONAL ASSOCIATION,  
AS CORPORATE TRUSTEE AND  
NOT INDIVIDUALLY

Mona Kumar  
Name: Mona Kumar

By: William Baldasare (L.S.)  
Name: William Baldasare  
Its: Trust Officer

C. Sonia Persaud  
Name: C. Sonia Persaud

Address: 100 Wall Street, Suite 1600  
New York, NY 10005  
Attn: Teresita Glasgow

WARD A. SPOONER  
AS INDIVIDUAL TRUSTEE,  
NOT INDIVIDUALLY

Mona Kumar  
Name: Mona Kumar  
C. Sonia Persaud  
Name: C. Sonia Persaud

By: Ward A. Spooner (L.S.)  
Name: Ward A. Spooner

Address: c/o First Trust of New York,  
National Association  
100 Wall Street, Suite 1600  
New York, NY 10005  
Attn: Teresita Glasgow

STATE OF New York  
COUNTY OF New York SS.

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared William Baldasare, known to me to be the person described and who executed the foregoing instrument, who acknowledged before me that he/she executed to same, and an oath was not taken.

Check One:

Said person is personally known to me.

Said person provided the following type of identification: \_\_\_\_\_

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Witness my hand and official seal in the County and State last aforesaid this 2nd day of Sept, 1997.

[Signature]  
Notary Signature

Name: STELLA N. YAMADA  
Notary Public, State of New York  
No. 011117637  
Qualified in New York County  
Commission Expires May 27, 1999

STATE OF New York  
COUNTY OF New York ) SS.

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Walter A. Spaul known to me to be the person described and who executed the foregoing instrument, who acknowledged before me that he/she executed to same, and an oath was not taken.

Check One:

- Said person is personally known to me.
- Said person provided the following type of identification: \_\_\_\_\_

Witness my hand and official seal in the County and State last aforesaid this 2nd day of Sept, 1997.

[Signature]  
Notary Signature

Name: STELLA N. YAMADA  
Notary Public, State of New York  
No. 011117637  
Qualified in New York County  
Commission Expires May 27, 1999

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Notary Public Office

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## Exhibit A

### LEGAL DESCRIPTION:

#### PARCEL 1:

LOTS 2 AND 3 IN KMART'S HOMEWOOD SUBDIVISION, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1993 AS DOCUMENT 93430134 AND THE CERTIFICATE OF CORRECTION RECORDED NOVEMBER 16, 1994 AS DOCUMENT 94975238, EXCEPT THE SOUTH 30 FEET OF THE EAST 181.50 FEET OF SAID LOT 3, IN COOK COUNTY, ILLINOIS.

#### BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF LOTS 2 AND 3 IN KMART'S HOMEWOOD SUBDIVISION, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1993 AS DOCUMENT 93430134 AND THE CERTIFICATE OF CORRECTION RECORDED NOVEMBER 16, 1994 AS DOCUMENT 94975238, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 IN SAID SUBDIVISION, SAID CORNER BEING ALSO THE SOUTHEAST CORNER OF LOT 1 IN SAID SUBDIVISION, AND LYING ON THE WEST RIGHT OF WAY LINE OF HALSTED STREET;

THENCE SOUTH 00 DEGREES 01 MINUTES 23 SECONDS WEST ALONG SAID RIGHT OF WAY LINE, 671.35 FEET (FORMERLY A RECORD DISTANCE OF 671.33 FEET) TO A POINT, SAID POINT LYING 2.59 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 3;

THENCE SOUTH 89 DEGREES 59 MINUTES 49 SECONDS WEST, 181.52 FEET (FORMERLY A RECORD DISTANCE OF 181.50 FEET);

THENCE SOUTH 00 DEGREES 00 MINUTES 11 SECONDS EAST, 30.00 FEET TO THE NORTHWEST CORNER OF MCDONALD'S C L M SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 27179835, SAID POINT BEING ALSO THE NORTHEAST CORNER OF COMMERCIAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 27043822;

THENCE NORTH 89 DEGREES 56 MINUTES 31 SECONDS WEST ALONG THE NORTH LINE OF SAID COMMERCIAL SUBDIVISION, 186.12 FEET (FORMERLY A RECORD DISTANCE OF 192.43 FEET);

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THENCE SOUTH 00 DEGREES 01 MINUTES 45 SECONDS WEST ALONG THE WEST LINE OF SAID COMMERCIAL SUBDIVISION, 192.50 FEET (FORMERLY A RECORD DISTANCE OF 192.43 FEET) TO THE NORTH RIGHT OF WAY LINE OF MAPLE AVENUE AS DEDICATED BY DOCUMENT 26661237;

THENCE NORTH 89 DEGREES 58 MINUTES 20 SECONDS WEST ALONG SAID NORTH RIGHT OF WAY LINE, 60.00 FEET TO THE SOUTHEAST CORNER OF MAPLE AVENUE SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 90595362;

THENCE NORTH 00 DEGREES 01 MINUTES 45 SECONDS EAST LONG THE EAST LINE OF SAID MAPLE AVENUE SUBDIVISION, 218.90 FEET (FORMERLY A RECORD DISTANCE OF 219.00 FEET) TO THE NORTHEAST CORNER OF SAID MAPLE AVENUE SUBDIVISION;

THENCE NORTH 89 DEGREES 58 MINUTES 20 SECONDS WEST ALONG THE NORTH LINE OF SAID MAPLE AVENUE SUBDIVISION, 357.07 FEET (FORMERLY A RECORD DISTANCE OF 357.03 FEET) TO THE NORTHWEST CORNER OF SAID MAPLE AVENUE SUBDIVISION, SAID CORNER BEING ON THE EAST LINE OF LOT 1 IN MAPLE LEAF SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 89072721;

THENCE NORTH 00 DEGREES 01 MINUTES 53 SECONDS EAST ALONG THE EAST LINE OF SAID MAPLE LEAF SUBDIVISION, 349.28 FEET (FORMERLY A RECORD DISTANCE OF 349.26 FEET) TO THE NORTHEAST CORNER OF SAID MAPLE LEAF SUBDIVISION;

THENCE NORTH 89 DEGREES 57 MINUTES 07 SECONDS WEST ALONG THE NORTH LINE OF SAID MAPLE LEAF SUBDIVISION, 62.51 FEET;

THENCE NORTH 00 DEGREES 02 MINUTES 13 SECONDS EAST, 143.75 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 10 SECONDS EAST, 30.00 FEET;

THENCE NORTH 00 DEGREES 02 MINUTES 13 SECONDS WEST, 24.50 FEET;

THENCE SOUTH 89 DEGREES 59 MINUTES 10 SECONDS EAST, 423.32 FEET (FORMERLY A RECORD DISTANCE OF 423.43 FEET);

THENCE NORTH 00 DEGREES 01 MINUTES 23 SECONDS EAST, 157.26 FEET;

THENCE SOUTH 89 DEGREES 58 MINUTES 37 SECONDS EAST, 393.78 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

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NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL 1 CONTAINED IN THE SHOPPING CENTER RECIPROCAL EASEMENT AND OPERATION AGREEMENT MADE BY AND BETWEEN LASALLE NATIONAL TRUST, N.A., AS TRUSTEE UNDER A TRUST AGREEMENT DATED APRIL 15, 1992 AND KNOWN AS TRUST NUMBER 117000, AND KMART CORPORATION, A MICHIGAN CORPORATION, RECORDED OCTOBER 13, 1992 AS DOCUMENT 92757951, FOR COMMON USE, PARKING, INGRESS AND EGRESS, UPON AND OVER THE COMMON AREA (AS DEFINED THEREIN).

## PARCEL 3:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR THE INSTALLATION, MAINTENANCE, REMOVAL AND RESTORATION OF UTILITIES, IN, UNDER, OVER AND THROUGH A 10 FOOT WIDE STRIP OF LAND, LYING NORTH OF AND ADJACENT TO THE NORTH RIGHT OF WAY LINE OF MAPLE AVENUE, AS CREATED BY PLAT OF EASEMENT RECORDED FEBRUARY 19, 1984 AS DOCUMENT 26966062.

## PARCEL 4:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT FOR THE BENEFIT OF PARCEL 1 FOR PUBLIC UTILITIES CREATED BY PLAT OF EASEMENT MADE BY AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 28, 1983 AND KNOWN AS TRUST NUMBER 60015 IN FAVOR OF THE VILLAGE OF HOMEWOOD, ILLINOIS FOR UTILITY FACILITIES DATED JANUARY 8, 1985 AND RECORDED MARCH 28, 1985 AS DOCUMENT 27491811.

## PARCEL 5:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR PUBLIC UTILITIES CREATED BY PLAT OF EASEMENT IN FAVOR OF THE VILLAGE OF HOMEWOOD, RECORDED FEBRUARY 10, 1984 AS DOCUMENT 26966053.

176 201 17550 *Halsted*  
*Homewood Illinois*  
29 32 200 052  
053  
054

*Prepared by* *Maat Hartley*  
*Stoddard Arps*

*Mail to* *West Meriden*  
*Title Associates*  
*430 Park Avenue*  
*NY NY 10022*

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