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1998-10-22 12:31:02
Cook County Recorder 39.50

ESSE WHITE

PREPARED BY:

DANIEL E. FAJERSTEIN
MATLIN & FAJERSTEIN
555 SKOKIE BOULEVARD
SUITE 500
NORTHBROOK, ILLINOIS
60062

**COOK COUNTY
RECORDER
JESSE WHITE
BRIDGEVIEW OFFICE**

AFTER RECORDING, RETURN TO:

EDWARD PROCTOR
222 N. LASALLE STREET
SUITE 300
CHICAGO, ILLINOIS
60601



**PARTIAL ASSIGNMENT AND ASSUMPTION OF GROUND LEASE
AND SPECIAL WARRANTY DEED**

This Partial Assignment and Assumption of Ground Lease and Special Warranty Deed (this "Agreement") is made as of this 29th day of September, 1998, by and between **RKZ VENTURE GROUP, L.L.C.**, an Illinois limited liability company, whose address is 8410 West Bryn Mawr Avenue, Chicago, Illinois 60631 ("Assignor/Grantor"), and **ROBERT KELLY and VIRGINIA B. KELLY**, whose address is 281 Latrobe Avenue, Northfield, IL 60093 ("Assignee/Grantee").

Assignor/Grantor, for and in consideration of the sum of Ten and No/Dollars (\$10.00) and other good and valuable consideration in hand paid by Assignee/Grantee, the receipt of which is hereby acknowledged, by these presents

10P

Property of Cook County Clerk's Office

IBT #
1174-8184

STATE OF ILLINOIS

DEC--98



435.00

REAL ESTATE TRANSFER TAX
DEPARTMENT OF REVENUE 966860

Cook County
REAL ESTATE TRANSACTION TAX

OCT--98



21750

REVENUE STAMP

96304

does REMISE, RELEASE, ALIEN AND CONVEY, AND ASSIGN, unto Assignee/Grantee, as husband and wife, not as Joint Tenants or as Tenants in Common but as Tenants by the Entirety, situated in the County of Cook and State of Illinois known and described as Exhibit "A" attached hereto (collectively, the "Property").

Together with the exclusive right to use and enjoy the Limited Common Area appurtenant to the Building Site and legally described on Exhibit B attached hereto and by this reference made a part hereof (the "Limited Common Area"), in accordance with the provisions of the Declaration. Together with all and singular hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion or reversions, remainder or remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of Assignor/Grantor, either in law or equity of, in and to the Property, with the hereditaments and appurtenances (but excluding fee simple title to the land):

TO HAVE AND TO HOLD, the Property, with the appurtenances, unto Assignee/Grantee.

And Assignor/Grantor, for itself and its successors, does covenant, promise and agree to and with Assignee/Grantee and its successors, that it has not done or suffered to be done, anything whereby the Property is, or may be, in any manner encumbered or charged, except as recited in this Agreement; and that it **WILL WARRANT AND DEFEND** the Property against all persons lawfully claiming or to claim the same, by, through or under it, subject only to:

- (1) general real estate taxes not due and payable as of the date of Closing;
- (2) the Ground Lease, including all amendments and exhibits;
- (3) the Declaration, including all amendments and exhibits;
- (4) applicable zoning and building laws and ordinances and other ordinances of record;
- (5) encroachments, if any;
- (6) acts done or suffered by Purchaser or anyone claiming by, through or under Purchaser;
- (7) utility easements, if any, whether recorded or unrecorded;
- (8) covenants, conditions, restrictions, easements, declarations and agreements of record including, without limitation, those set forth on the Final Subdivision Plat and Final Planned Unit Development Plat of Royal Ridge recorded with the Office of the Recorder of Deeds of Cook County, Illinois on November 3, 1997 as Document No. 97818381; and
- (9) liens and other matters of title over which Ticor Title Insurance Company is willing to insure without cost to Assignee/Grantee.

the instrument as his free and voluntary act and the free and voluntary act of such limited liability company, for the uses and purposes set forth therein.

GIVEN under my hand and notarial seal this 29th day of September, 1998.

[Signature]
Notary Public

My Commission expires: 1-3-99



Send subsequent tax bills to:

Robert Kelly and Virginia B. Kelly
2121 Royal Ridge Drive
Northbrook, IL 60062

Property of Cook County Clerk's Office

ACCEPTANCE AND ASSUMPTION BY ASSIGNEE/GRANTEE

The undersigned, Assignee/Grantee, hereby accepts the assignment of the Property from Assignor/Grantor and joins in the execution of this Agreement for the purpose of agreeing to assume those rights and obligations of the Lessee pursuant to the terms of the Ground Lease as described in this Agreement and to agree to the other terms and provisions of this Agreement.

Robert Kelly
Name: Robert Kelly
Virginia B. Kelly
Name: Virginia B. Kelly

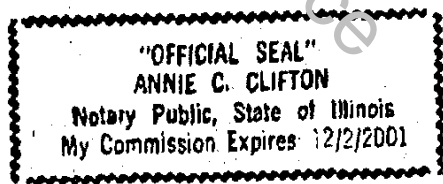
STATE OF ILL)
COUNTY OF COOK) SS.

I, Annie C. Clifton, notary public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Robert Kelly and Virginia B. Kelly, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the instrument as their own free and voluntary act, for the uses and purposes set forth therein.

GIVEN under my hand and notarial seal this 29th day of September, 1998.

Annie C. Clifton
Notary Public

My Commission Expires:



LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL I:

AN UNDIVIDED 1/151 INTEREST IN (I) THAT CERTAIN GROUND LEASE DATED AS OF NOVEMBER 22, 1996, BY AND BETWEEN COLE TAYLOR BANK, AS SUCCESSOR-TRUSTEE TO HARRIS TRUST AND SAVINGS BANK UNDER TRUST AGREEMENT DATED APRIL 29, 1991 AND KNOWN AS TRUST NO. 94707, AS LESSOR ("LESSOR"), AND ASSIGNOR/GRANTOR, AS LESSEE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON DECEMBER 9, 1996 AS DOCUMENT NO. 96927871, AS AMENDED BY THAT CERTAIN FIRST AMENDMENT TO GROUND LEASE DATED AS OF JANUARY 6, 1997 BY AND BETWEEN LESSOR AND ASSIGNOR/GRANTOR AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON FEBRUARY 28, 1997 AS DOCUMENT NO. 97141059, AS AMENDED BY THAT CERTAIN JOINDER TO GROUND LEASE DATED AS OF NOVEMBER 7, 1997 BY THE ROYAL RIDGE HOMEOWNERS ASSOCIATION, AN ILLINOIS NOT FOR PROFIT CORPORATION, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON NOVEMBER 12, 1997 AS DOCUMENT NO. 97846934, AND AS FURTHER AMENDED FROM TIME TO TIME (COLLECTIVELY, THE "GROUND LEASE"); AND (II) THE LEASEHOLD ESTATE IN THE PREMISES (THE "PREMISES") LEGALLY DESCRIBED AS:

LOT 1 IN ROYAL RIDGE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 14, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF NORTHBROOK, COOK COUNTY, ILLINOIS, PURSUANT TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON NOVEMBER 3, 1997 AS DOCUMENT NO. 97818381.

COMMONLY KNOWN AS TECHNY PARCEL E-1 LOCATED ON THE EAST SIDE OF WAUKEGAN ROAD, SOUTH OF TECHNY ROAD, IN NORTHBROOK, ILLINOIS.

PINS: 04-14-100-023 AND 04-14-100-024

EACH WITH RESPECT SOLELY TO THE BUILDING SITE IDENTIFIED AND LEGALLY DESCRIBED AS FOLLOWS:

BUILDING SITE 48

THAT PART OF LOT 1 IN THE PLANNED UNIT DEVELOPMENT OF ROYAL RIDGE BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 14, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 3, 1997 AS DOCUMENT NUMBER 97818381, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 01 DEGREES 04 MINUTES 54 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 1176.38 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 06 SECONDS WEST 717.85 FEET TO THE EXTERIOR CORNER OF A CONCRETE FOUNDATION FOR A DUPLEX RESIDENCE (KNOWN AS 2115 AND 2121 ROYAL RIDGE DRIVE) FOR A PLACE OF BEGINNING; THENCE ALONG A LINE FOLLOWING THE NEXT SIX (6) COURSES AND DISTANCES COINCIDENT WITH THE EXTERIOR FOUNDATION WALL OF SAID RESIDENCE: 1) SOUTH 52 DEGREES 29 MINUTES 14 SECONDS WEST 55.50 FEET; 2) NORTH 37 DEGREES 30 MINUTES 46 SECONDS WEST 21.58 FEET; 3) NORTH 52 DEGREES 29 MINUTES 14 SECONDS EAST 25.42 FEET; 4) NORTH 37 DEGREES 30 MINUTES 46 SECONDS WEST 20.17 FEET; 5) SOUTH 52 DEGREES 29 MINUTES 14 SECONDS WEST 5.00 FEET; 6) NORTH 37 DEGREES 30 MINUTES 46 SECONDS WEST 7.04 FEET; THENCE NORTH 52 DEGREES 29 MINUTES 14 SECONDS EAST ALONG THE CENTER LINE OF A PARTY WALL FOR SAID RESIDENCE 52.82 FEET; THENCE ALONG A LINE FOLLOWING THE NEXT SEVEN (7) COURSES AND DISTANCES COINCIDENT WITH THE EXTERIOR FOUNDATION WALL OF SAID RESIDENCE: 1) SOUTH 37 DEGREES 30 MINUTES 46 SECONDS EAST 17.21 FEET; 2) SOUTH 52 DEGREES 29 MINUTES 14 SECONDS WEST 8.04 FEET; 3) SOUTH 37 DEGREES 30 MINUTES 46 SECONDS EAST 4.00 FEET; 4) SOUTH 52 DEGREES 29 MINUTES 14 SECONDS WEST 2.00 FEET; 5) THENCE SOUTH 37 DEGREES 30 MINUTES 46 SECONDS EAST 10.92 FEET; 6) SOUTH 7 DEGREES 29 MINUTES 14 SECONDS EAST 7.54 FEET; 7) SOUTH 52 DEGREES 29 MINUTES 14 SECONDS WEST 2.37 FEET; THENCE SOUTH 37 DEGREES 30 MINUTES 46 SECONDS EAST 11.33 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS. (THE "BUILDING SITE") BUILDING SITE COMMONLY KNOWN AS 2121 ROYAL RIDGE DRIVE, NORTHBROOK, ILLINOIS 60062.

PARCEL II:

FEE SIMPLE TITLE IN AND TO THE BUILDING AND ALL IMPROVEMENTS (BUT EXCLUDING THE LAND) LOCATED ON THE BUILDING SITE LEGALLY DESCRIBED HEREIN (INCLUDING ANY PORTION OF SUCH BUILDING AND IMPROVEMENTS WHICH IS LOCATED ON PORTIONS OF THE COMMON AREA (AS DEFINED IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND RIGHTS FOR THE ROYAL RIDGE SUBDIVISION DATED AS OF NOVEMBER 3, 1997, AND RECORDED WITH THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON NOVEMBER 3, 1997 AS DOCUMENT NO. 97820006 (THE "DECLARATION")), WHICH IMPROVEMENTS CONSIST OF A DWELLING UNIT (AS DEFINED IN THE DECLARATION); SUBJECT TO THE TERMS AND PROVISIONS OF THE GROUND LEASE.

PARCEL III:

EASEMENTS APPURTENANT TO PARCELS 1 AND 2 FOR THE BENEFIT OF SUCH PARCELS AS SET FORTH IN THE AFORESAID DECLARATION.

EXHIBIT "B"

LIMITED COMMON AREA FOR BUILDING SITE 48

THAT PART OF LOT 1 IN THE PLANNED UNIT DEVELOPMENT OF ROYAL RIDGE, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 14, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 3, 1997 AS DOCUMENT NUMBER 97818381, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 01 DEGREES 04 MINUTES 54 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 1176.38 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 06 SECONDS WEST 717.68 FEET TO THE EXTERIOR CORNER OF A CONCRETE FOUNDATION FOR A DUPLEX RESIDENCE (KNOWN AS 2115 AND 2121 ROYAL RIDGE DRIVE) FOR A PLACE OF BEGINNING, THENCE ALONG A LINE FOLLOWING THE NEXT SIX (6) COURSES AND DISTANCES COINCIDENT WITH THE EXTERIOR FOUNDATION WALL OF SAID RESIDENCE; 1) NORTH 37 DEGREES 30 MINUTES 46 SECONDS WEST 11.33 FEET; 2) NORTH 52 DEGREES 29 MINUTES 14 SECONDS EAST 2.37 FEET; 3) NORTH 7 DEGREES 29 MINUTES 14 SECONDS EAST 7.54 FEET; 4) NORTH 37 DEGREES 30 MINUTES 46 SECONDS WEST 10.92 FEET; 5) NORTH 52 DEGREES 29 MINUTES 14 SECONDS EAST 2.00 FEET; 6) NORTH 37 DEGREES 30 MINUTES 46 SECONDS WEST 4.00 FEET; THENCE NORTH 52 DEGREES 29 MINUTES 14 SECONDS EAST 8.04 FEET; THENCE SOUTH 37 DEGREES 30 MINUTES 46 SECONDS EAST 31.58 FEET; THENCE SOUTH 52 DEGREES 29 MINUTES 14 SECONDS WEST 17.75 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.