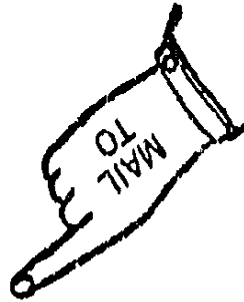


This document prepared by:

Drake D. Mertes, Esquire
Dowd, Dowd & Mertes, Ltd.
701 Lee St., Suite 790
Des Plaines, IL 60016



COOK COUNTY
RECORDER
JESSE WHITE
ROLLING MEADOWS

After recording, mail to:

Drake D. Mertes, Esquire
Dowd, Dowd & Mertes, Ltd.
701 Lee St., Suite 790
Des Plaines, IL 60016

Above Space for Recorder's Information

**DECLARATION OF FORFEITURE AND
EXTINGUISHMENT OF ALL RIGHTS OF
PURCHASER UNDER ARTICLES OF AGREEMENT FOR DEED**

WHEREAS, on the 8th day of September, 1997, LEONARD CAPORALE, as "Seller," entered into Articles of Agreement for Warranty Deed, dated the 5th day of October, 1994, concerning the herein legally described property with GAGSTER'S INTERNATIONAL, INC., as "Purchaser", (hereinafter "Contract") served a copy of the attached NOTICE OF INTENTION TO DECLARE FORFEITURE OF ALL RIGHTS UNDER ARTICLES OF AGREEMENT FOR WARRANTY DEED AND NOTICE OF INTENTION TO FILE FORCIBLE DETAINER SUIT, such Notice being served personally by overnight courier delivering a copy thereof as required by said Contract.

WHEREAS, said Notice stated that Purchaser was in default under the provisions of the Contract as follows:

WHEREAS, Purchaser in the Contract agreed to pay the balance of the purchase price for

the property of One Million One Hundred Thousand and no/100 Dollars (\$1,100,000.00), in monthly installments of Eight Thousand Eight Hundred Fifty-One and no/100 Dollars (\$8,851.00) commencing December 20, 1995, as well as monthly tax escrow payments of Three Thousand and no/100 Dollars (\$3,000.00).

WHEREAS, the Contract provides in part that time is of the essence and that in the event of Purchaser's default in payment of principal and/or interest when due, or if Purchaser should fail to perform any of the other covenants of the contract, then the Contract shall at the option of the Seller be forfeited and determined and any and all payments theretofore made by Purchasers shall be retained by Seller; and

WHEREAS, Purchaser ceased making payments on the 20th day of August, 1997, has failed to make good tax escrow deficiencies, has failed to release liens against the personal property, has failed to pay real estate taxes when due to the County of Cook, and has failed to pay the principal balance payment which was due September 20, 1997, all as set forth in the attached "Warning Notice."

WHEREAS, GAGSTER'S INTERNATIONAL, INC., the Purchaser under said Contract, has failed to cure the defaults set forth herein in said Warning Notice and more than thirty (30) days have elapsed from the date of service.

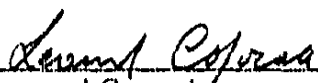
WHEREAS, the original purchase price under said Contract was One Million Three Hundred Thousand and no/100 Dollars (\$1,300,000.00) and the present principal balance under the Contract is One Million Sixty-Five Thousand Four Hundred Eleven and 68/100 Dollars

(\$1,065,411.68) making the unpaid principal balance under the Contract as of the date of this Declaration, excluding interest, which accrues commencing August 20, 1997 at the rate of Two Hundred Sixty-Six and 35/100 Dollars (\$266.35) per day, eighty-two percent (82%) of the original contract price, thereby making this Forfeiture not subject to 735 ILCS 5/15-1101, et seq.

NOW THEREFORE, LEONARD CAPORALE, as Seller under that certain Articles of Agreement for Warranty Deed dated the 5th day of October, 1994, with GAGSTER'S INTERNATIONAL, INC., as Purchaser, concerning the property legally described in "Exhibit One" attached hereto and made part hereof,

HEREBY DECLARES that all of the rights of the said GAGSTER'S INTERNATIONAL, INC., as Purchaser, under said Articles of Agreement for Warranty Deed will be retained by Seller pursuant to his rights under said Articles of Agreement for Warranty Deed and that all of the rights of GAGSTER'S INTERNATIONAL, INC., as Purchaser thereof, are hereby forfeited.

IN WITNESS WHEREOF, LEONARD CAPORALE, has set his hand and seal at Des Plaines, Illinois, this 9th day of January, 1998.



Leonard Caporale

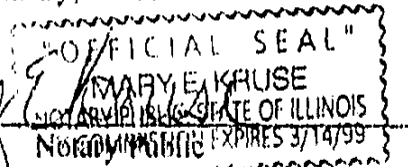
(continued)

UNOFFICIAL COPY

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 LEONARD CAPORALE, is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his 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 9th day of January, 1998.



This document prepared by:

Drake D. Mertes, Esquire
Dowd, Dowd & Mertes, Ltd.
701 Lee Street, Suite 790
Des Plaines, IL 60016

REAL ESTATE/CAPORALE
DECLARATION.1

LEGAL DESCRIPTION

Lot 1 in Caporale's Subdivision, P.U.D., being a Subdivision of part of the Northeast 1/4 of the Southeast 1/4 of Section 9 and part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Township 41 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Permanent Index Nos.: 08-09-401-030 and 08-10-300-097

Property Address: 1415 South Arlington Heights Road
Arlington Heights, Illinois

Property of Cook County Clerk's Office

Exhibit One

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)


AFFIDAVIT OF SERVICE

I, DRAKE D. MERTES, being duly sworn on oath, depose and state that on the 9th day of January, 1998, I served a copy of the Declaration of Forfeiture, by delivering a copy via Federal Express thereof to each party indicated below:

Gagster's International, Inc.
c/o John Foley, Esq., Registered Agent
Tatooles, Foley, Kluever & Gibson
One North LaSalle St., #3100
Chicago, IL 60602

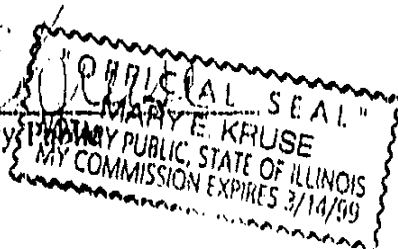
John Foley, Esq.
Tatooles, Foley, Kluever & Gibson
One North LaSalle St., #3100
Chicago, IL 60602

Trattoria Fratelli
1415 South Arlington Heights Road
Arlington Heights, IL 60005



Drake D. Mertes

SUBSCRIBED and SWORN to before me this 9th day of January, 1998.


Notary Public, State of Illinois
My Commission Expires 3/14/99

PROPERTY OF COOK COUNTY Clerk's Office

WARNING NOTICE

**NOTICE OF INTENTION TO DECLARE FORFEITURE OF ALL RIGHTS
UNDER ARTICLES OF AGREEMENT FOR WARRANTY DEED AND
NOTICE OF INTENTION TO FILE FORCIBLE DETAINER SUIT**

TO: Gagster's International, Inc.
c/o John Foley, Esq., Registered Agent
Tatooles, Foley, Kluever & Gibson
One North LaSalle St., #3100
Chicago, IL 60602

John Foley, Esq.
Tatooles, Foley, Kluever & Gibson
One North LaSalle St., #3100
Chicago, IL 60602

Trattoria Fratelli
1415 South Arlington Heights Road
Arlington Heights, IL 60005

YOU ARE HEREBY NOTIFIED THAT:

WHEREAS, on the 5th day of October, 1994, GAGSTER'S INTERNATIONAL, INC., hereinafter referred to as "Purchaser", did enter into a certain Installment Agreement for Warranty Deed, hereinafter referred to as "Contract" with LEONARD CAPORALE hereinafter referred to as "Seller", concerning the following legally described real estate:

Lot 1 in Caporale's Subdivision, P.U.D., being a Sub division of part of the Northeast 1/4 of the Southeast 1/4 of Section 9 and part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Township 41 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Permanent Index Nos.: 08-09-401-030 and 08-10-300-077

commonly known as 1415 South Arlington Heights Road, Arlington Heights, Illinois, hereinafter referred to as "Property"; and

WHEREAS, Purchaser in the Contract agreed to pay a ONE HUNDRED THOUSAND DOLLAR (\$100,000) down payment and the balance of the purchase price for the property of ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000), in monthly installments of

EIGHT THOUSAND EIGHT HUNDRED FIFTY-ONE AND NO/100 DOLLARS (\$8,851.00), said monthly payments being paid commencing December 20, 1995. In addition, Purchaser agreed to make a monthly tax payment which at the time of the last payment was THREE THOUSAND NO/100 DOLLARS (\$3,000.00); and

WHEREAS, the Contract provides in part that time is of the essence, and that in the event of Purchaser's default in payment of principal and/or interest when due, or if Purchaser should fail to perform any of the other covenants of the Contract, then the Contract shall at the option of the Seller be forfeited and determined and any and all payments theretofore made by Purchaser shall be retained by Seller; and

WHEREAS, Purchaser's tax escrow is deficient in that it is short ONE THOUSAND ONE HUNDRED SEVENTY-TWO AND 69/100 DOLLARS (\$1,172.69) for payment of the 1996 second installment real estate taxes and that the tax escrow in addition is deficient in that it is lacking four (4) months reserve, covering the months of May through August, 1997. In addition, Purchaser has failed to make monthly premium payments to his insurance company and the insurance company is cancelling Purchaser's insurance effective November 15, 1997. In addition, the present principal balance under the Contract is ONE MILLION SIXTY FIVE THOUSAND FOUR HUNDRED ELEVEN AND 68/100 DOLLARS (\$1,065,411.68). In addition, Purchaser has defaulted by permitting liens to attach to the personal property onsite in violation of the Contract, to Mid-States Financial Corp., Vanguard Financial Service Corp. And Total Management Systems, Inc.;

NOW, THEREFORE, Purchaser, GAGSTER'S INTERNATIONAL, INC., you are hereby

notified:

1. Unless all defaults under the Contract are cured on or before the 9th day of October, 1997, that it is the intention of Seller to declare all your rights under the Contract to be forfeited, and all payments made by you will be retained by Seller. By said date, you must do the following:

- (a) Obtain new insurance acceptable to Seller and prepay the premium for twelve (2) months;
- (b) Replenish the tax escrow in the amount of TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00) covering the four (4) months aforesaid;
- (c) Commence paying an increased tax escrow on September 20, 1997, in the amount of FOUR THOUSAND SIX HUNDRED FIFTY-TWO AND 50/100 DOLLARS (\$4,652.50) due to the increase assessments (see attached);
- (d) Pay ONE THOUSAND ONE HUNDRED SEVENTY-TWO AND 69/100 DOLLARS (\$1,172.69) to cover the balance of the 1996 taxes due (see bill and statement attached);
- (e) Have all of the aforesaid liens on the personal property located on the premises released;
- (f) Pay the final payment of interest and principal in the amount of ONE MILLION SEVENTY THREE THOUSAND FOUR HUNDRED TWO AND 66/100 DOLLARS (\$1,073,402.66) no later than September 20, 1997; and
- (g) Pay all attorneys' fees and costs incurred by Seller in connection with this notice.

2. That it is the intention of Seller to institute proceedings to evict you and your tenants, if any, from possession of the Property under an Act relating to Forcible Entry and Detainer, unless you remedy the aforesaid defaults on or before the 9th day of October, 1997.

IN WITNESS WHEREOF, DRAKE D. MERTES of the firm of DOWD, DOWD & MERTES, LTD., 701 Lee Street, Suite 790, Des Plaines, Illinois 60016, as agent and attorney for Seller, LEONARD CAPORALE, has hereunto set his hand and seal this 8th day of September, 1997.

DOWD, DOWD & MERTES, LTD.

[Signature]
Drake D. Mertes, Attorney and Agent for Seller

STATE OF ILLINOIS)
) s:
COUNTY OF COOK)

DRAKE D. MERTES, being first duly sworn upon oath deposes and states that he is the attorney and agent for the Seller in the above-captioned matter; that he has read the foregoing Warning Notice by him subscribed and the same is true both in substance and in fact to the best of his knowledge.

[Signature]
Drake D. Mertes

Subscribed and Sworn to before me this 8th day of September, 1997.

[Signature]
"OFFICIAL SEAL"
MARY E. KRUSE
Notary Public, NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 3/14/99

REAL ESTATE/CAPORALE
JRD WARNING.NTC

UNOFFICIAL COPY

XXXXXXXXXXXXXXXXXX
Cook County Assessor JAMES H. HULLIHAN
118 North Clark (Room 301)
Chicago, IL 60602-1351



FIRST CLASS
U.S. POSTAGE
PAID ONE OUNCE
PERMIT NO. 8023

05/14/97
NOTICE OF PROPOSED ASSESSED VALUATION
If there has been a change in your assessed valuation, it is due to:
See reverse side for further information regarding this matter and your right to appeal.

ASSESSORS OFFICE REVISION

TOWNSHIP ELK GROVE
CLASS 5-17
VOLUME 049
PERMANENT INDEX NUMBER
08-1C-30C-127-0000
TOTAL ASSESSED VALUATION
CURRENT (1997) 323,566
PREVIOUS (1996) 164,713

LEONARD CAPORALE
OR CURRENT OWNER
619 ALLEN ST. LN
ARLINGTON H.S. IL 60005-2203

Property Book
Cook County Clerk's Office

54,921.65
25,410.38

UNOFFICIAL COPY

AS OF JULY 23 RD. 1997. FOR R. ST. TAX. \$ 24,241.69
AUGUST 23 RD. 1997 3,006.00
\$ 27,247.69

TOTAL 1996 RESTATE TAX. \$ 28,420.38 -
27,247.69
SHORT → \$ 1,172.69

STARTING SEPT. 1997 REAL STATE TAX \$ 4,652.50

1997 REAL STATE TAX WILL BE \$ 55,829.65

Property of Cook County Clerk's Office

16017 1996 ELK GROVE 08-10-300-127-0000 049

98026698 Page 13 of 17

LATE PAYMENT SCHEDULE - 1ST INSTALLMENT HAS DUE MARCH 1, 1997

IF PAID ON OR BETWEEN THESE DATES LATE PAYMENT AMOUNT DUE IS

0.00	1
0.00	
0.00	

08-10-300-127-0000
LEONARD CAPORALE
OR CURRENT OWNER
610 ALLEN S LN
ARLINGTON HTS IL 60005-2203

TAX AMT.	INTEREST	COST	TOTAL

COOK COUNTY COLLECTOR REAL ESTATE TAX BILL - 1996 NEW PARCEL

1996 RATE	1996 TAX	1996 RATE	1996 TAX	1996 TAX	1996 TAX
				7,137.29	SCHOOL DISTRICT C C 39
				3,342.11	VILLAGE OF ARLINGTON HEIGHTS
				1,966.91	VILLAGE OF ARLINGTON HTS LIBRARY FUND
				3,736.63	ARLINGTON HEIGHTS PARK DISTRICT
				995.90	HARPER COMMUNITY COLLEGE DISTRICT 612
				7,798.10	ARLINGTON HTS TOWNSHIP II S 214
				35.44	NORTHWEST MOSQUITO ABATEMENT DISTRICT
				1,743.71	METRO WATER RECLAMATION DIST OF CHGO
				42.83	GENERAL ASSISTANCE ELK GROVE
				38.99	ROAD AND BRIDGE ELK GROVE
				237.46	TOWN ELK GROVE
				28.25	CONSOLIDATED ELECTIONS
				247.27	SUBURBAN T B SANITARIUM
				2,489.22	FOREST PRESERVE DISTRICT OF COOK COUNTY
				1,046.82	COUNTY OF COOK
					COOK COUNTY HEALTH FACILITIES
					TOTAL TAX
				26,420.38	

PAYMENT INFORMATION HAS BEEN TRANSMITTED FROM THE WARRANT RECORDS ON FILE IN THE OFFICE OF THE COUNTY COLLECTOR
Edward J. Powell
COOK COUNTY COLLECTOR

PCL 8-17
164,713 ASSESSED VALUATION
2,1817 STATE EQUALIZATION FACTOR
394,413 EQUALIZED VALUATION
26,420.38 GROSS TAXES BEFORE EXEMPTION
OR CITIZEN'S HOMESTEAD DEDUCTION
OR ASSESSMENT FREEZE DEDUCTION
OR HOMEOWNER'S EXEMPTION DEDUCTION
26,420.38 TOTAL TAXES AFTER EXEMPTION
PRIOR YEAR EQUALIZED VALUATION

LEONARD CAPORALE
OR CURRENT OWNER
610 ALLEN S LN
ARLINGTON HTS IL 60005-2203

WHEN PAYING IN PERSON, DO NOT DETACH WHEN PAYING BY MAIL, DETACH AND SUBMIT PAYMENT STUDY WITH YOUR CHECK. MAKE PAYABLE TO: COOK COUNTY COLLECTOR.

ALWAYS WRITE REAL ESTATE INDEX NUMBER ON CHECK.

ESTIMATED INSTALLMENT 26,420.38 FINAL INSTALLMENT

1ST INSTALLMENT DUE DATE WAS MARCH 1, 1997

2ND INSTALLMENT DUE DATE IS SEPTEMBER 19, 1997

ILLINOIS STATE LAW REQUIRES THIS LISTING OF TAXING DISTRICT PENSION AMOUNTS-THESE FIGURES ARE INCLUDED ABOVE

SCHOOL DISTRICT C C 39	323.78	VILLAGE OF ARLINGTON HEIGHTS	808.06
ARLINGTON HEIGHTS PARK DISTRICT	194.92	ARLINGTON HTS TOWNSHIP II S 214	226.83
METRO WATER RECLAMATION DIST OF CHGO	99.23	FOREST PRESERVE DISTRICT OF COOK COUNTY	10.63
COUNTY OF COOK	642.29		

IF YOU PAY AFTER THE DUE DATE, USE THE PAYMENT SCHEDULE PROVIDED ON EACH PAYMENT SLIP. THE STATUTORY 1.5% PENALTY PER MONTH HAS BEEN CALCULATED FOR YOU, DEPENDING UPON YOUR DATE OF PAYMENT.

IF YOU STILL HAVE A BALANCE DUE ON THE 1ST INSTALLMENT, YOU MAY ADD THAT AMOUNT TO THIS 2ND INSTALLMENT INTEREST CALCULATION TO THE 2ND INSTALLMENT AMOUNT AND PAY WITH ONE CHECK.

97-000011351

16017 1996 ELK GROVE 26,420.38 08-10-300-127-0000 049

00026420380 081030012700003 09626 081030012700003

LATE PAYMENT SCHEDULE - 2ND INSTALLMENT IS DUE SEPTEMBER 19, 1997

IF PAID ON OR BETWEEN THESE DATES LATE PAYMENT AMOUNT DUE IS

08/20/97 - 10/19/97	26,848.00	1
10/20/97 - 11/19/97	26,272.06	
11/20/97 - 12/19/97	20,088.30	

08-10-300-127-0000
LEONARD CAPORALE
OR CURRENT OWNER
610 ALLEN S LN
ARLINGTON HTS IL 60005-2203

TAX AMT.	INTEREST	COST	TOTAL

08103001270000/0/96/F/0002642038/2

STATE OF ILLINOIS)
COUNTY OF COOK)

AFFIDAVIT OF SERVICE

I, DRAKE D. MERTES, being duly sworn on oath, depose and state that on the 8th day of September, 1997, I served a copy of the Warning Notice of Intention to Declare Forfeiture of All Rights under Articles of Agreement for Warranty Deed, by delivering a copy via Federal Express thereof to each party indicated below (copies of which delivery confirmations are attached hereto:

Gagster's International, Inc.
c/o John Foley, Esq., Registered Agent
Tatooles, Foley, Kluever & Gibson
One North LaSalle St., #3100
Chicago, IL 60602

John Foley, Esq.
Tatooles, Foley, Kluever & Gibson
One North LaSalle St., #3100
Chicago, IL 60602

Trattoria Fratelli
1415 South Arlington Heights Road
Arlington Heights, IL 60005

[Handwritten Signature]
Drake D. Mertes

SUBSCRIBED and SWORN to before me this 9th day of January, 1998.

[Handwritten Signature]
OFFICIAL SEAL
JUDICIAL CLERK
JANUARY 1998
STATE OF ILLINOIS
MY COMMISSION EXPIRES 3/14/99

Federal Express Corporation
Customer Support Center
3075 Airways Boulevard
Mableton, GA 30116

U.S. Mail
Permit No. 1134
Atlanta, GA



September 29, 1997

MARY KRUSE
DOWD DOWD & MERTES LTD
701 LEE ST STE 790
DES PLAINES, IL 600164549
US

Dear MARY KRUSE:

This is in response to your request for proof of delivery for package tracking number 5979994823. You will find the delivery information below.

SHIPMENT INFORMATION:

Tracking No:	5979994823	Ship Date:	September 08, 1997
Shipper:	DRAKE D MERTES DOWD DOWD & MERTES LTD 701 LEE ST STE 790 DES PLAINES, IL 600164549 US	Recipient:	TRATTORIA FRATELLI . 1415 S ARLINGTON HEIGHTS ARLINGTON HEIGHTS, IL 60005 US

DELIVERY INFORMATION:

Signed For By: D.ANAGNOPOULOS

Delivered to: 1415 S ARLINGTON HTS

Delivery Date: September 09, 1997

Delivery Time: 03:11 PM

Your business is greatly appreciated and we look forward to the opportunity of serving your future express shipping needs.

Federal Express Corporation
Worldwide Customer Service
1-800-GO-FEDEX
Reference No: 0929008521

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Federal Express Corporation
Customer Support Dept.
10000 W. Higgins Blvd.
Chicago, IL 60644

U.S. Post. Reg. 227
Dom. Reg. 111.0193 (1985)

Telephone 901-369-3661

98026698



September 29, 1997

MARY KRUSE
DOWD DOWD & MERITES LTD
701 LEE ST STE 790
DES PLAINES, IL 600164549
US

Dear MARY KRUSE:

This is in response to your request for proof of delivery for package tracking number 5979994801. You will find the delivery information below.

SHIPMENT INFORMATION:

Tracking No:	5979994801	Ship Date:	September 08, 1997
Shipper:	DRAKE D MERITES DOWD DOWD & MERITES LTD 701 LEE ST STE 790 DES PLAINES, IL 600164549 US	Recipient:	GAGSTER'S INTERNATIONAL INC C/O JOHN FOLEY ESQ REG AGENT ONE N LASALLE ST 2100 CHICAGO, IL 60602 US

DELIVERY INFORMATION:

Signed For By: P.SPENCER

Delivered to: 1 N LASALLE ST 31

Delivery Date: September 09, 1997

Delivery Time: 09:31 AM

Your business is greatly appreciated and we look forward to the opportunity of serving your future express shipping needs.

Federal Express Corporation
Worldwide Customer Service
1-800-GO-FEDEX
Reference No: 0929008593

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Federal Express Corporation
Customer Support Center
3175 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail 13 Oct 97
440010101 464

Telephone 901-359-3600

98026698 Page 12 of 17



September 29, 1997

MARY KRUSE
DOWD DOWD & MERTES LTD
701 LEE ST STE 790
DES PLAINES, IL 600184549
US

Dear MARY KRUSE:

This is in response to your request for proof of delivery for package tracking number 5979994812. You will find the delivery information below.

SHIPMENT INFORMATION:

Tracking No: 5979994812

Ship Date: September 08, 1997

Shipper: DRAKE D MERTES
DOWD DOWD & MERTES LTD
701 LEE ST STE 790
DES PLAINES, IL 600184549
US

Recipient: JOHN FOLEY ESQUIRE
TATOOLES FOLEY KLUEVER
& GIBBO
ONE NORTH LASALLE
STREET
CHICAGO, IL 60602
US

DELIVERY INFORMATION:

Signed For By: P. SPENCER

Delivered to: 1 N LASALLE ST 31

Delivery Date: September 09, 1997

Delivery Time: 09:31 AM

Your business is greatly appreciated and we look forward to the opportunity of serving your future express shipping needs.

Federal Express Corporation
Worldwide Customer Service
1-800-GO-FEDEX
Reference No: 0929008688

Property of Cook County Clerk's Office