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County Department, Probate Division

Estate of

EMERSON L. CLAUSSEN

No.

75 P 10170

Docket

813

Page

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ORDER	OB	DIOCHT	٨	DAR
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On p			DISCHARGE		
_	resentation of the fi	nal account of			
Exec	utor (office)	, due notice having	been waived (given) (w	and a :	guardian ad
item for	••••••	(name)		•	
	4			(miner) (incompeter	nt)
having	(ar peared) (bee	n waived)	court finds that:		
1. #	All assets have veen c	ollected:			
2,•32			٠		-
• 1/	lo claims have been	presented;			
8.	No pers	onsi preperty taxes	are due (have been paid) (ha	ive been provided for) (are due)
4	The Illino (The) (No)	ois inheritarce tax	has been paid (has been paid) (h	as been provided for) :((la due)
5.	The Fede	eral estate tax	has been paid (has	been provided for) (is a	ive)
6. A	all court costs have	beenpaid(paid)	(7 aleased)	;	
7.**			40		•
	,				,
		has been distributed t	o the person entitle	d thereto as shown	by the final
8. T					
iccount.**	-	al account is approved	and Gordon W.	Cla wsen	*****************
iccount.*	-	al account is approved	and Gordon W.	Clausen Camel	
iccount.**	-	al account is approved		Cle ween	<u> </u>
It is	ordered that the fina	•		James	
It is	ordered that the fina	·	d and his bond cane	eled, and the estate	is closed.
It is	ordered that the fina	·	d and his bond cane	eled, and the estate	is closed.
It is o	ordered that the fina	·	d and his bond cane	eled, and the estate	is closed.
It is (ordered that the financecutor (office)	·	d and his bond cane	James	is closed.
It is o	ordered that the financecutor (office) J. FRANK DAIN	, is discharge	d and his bond cane	FILED JUL 21 1977	is closed.•
It is d Eb Vame Attorney Address	ordered that the financecutor (office)	nk Bldg. Avenue	d and his bond cane	FILED JUL 21 1977	is closed.•
It is of Eb	ordered that the financecutor (office) J. FRANK DAIN for ESTATE Cicero State Ba 2500 S. Cicero	nk Bldg. Avenue	d and his bond cane	FILED JUL 21 1977	is closed.•
It is of Example 1	ordered that the final cecutor (office) J. FRANK DAIN FOR ESTATE Cicero State Ba 2500 S. Cicero Cicero, Illinoi 242-3030 inapplicable.	nk Blåg. Avenue s 60650	d and his bond cane ENTER:	eled, and the estate FILED JUL 21 1977 Judge TORGAN M. FINLE ERK OF THE CIRCUIT CO	is closed.* , 19
It is of the count. • The count. • The count. • The count. • The country is a country of the country of the process of the process of the process of the process of the country of the cou	ordered that the final cecutor (office) J. FRANK DAIN (or ESTATE Cicero State Ba 2500 S. Cicero Cicero, Illinoi 242-3030 inapplicable.	nk Bldg. Avenue	d and his bond cane ENTER: N CL	eled, and the estate FILED JUL 21 1977 Judge TORGAN M. FINLE ERK OF THE CIRCUIT CO	is closed.* , 19 EY URL udicated) and

MORGAN M. FINLEY, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

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AFFIDAVIT

I, J. FRANK DALY, being duly sworn, do hereby depose and affirm as follows:

FIRST: I am presently Senior Vice President and Senior Trust Officer of First National Bank of Cicero. Prior to the merger of Cicero State Bank and First National Bank of Cicero, which occurred on April 1, 1982, I was Executive Vice President and Trust Officer of Cicero State Bank, having been employed by Cicero State Bank since 1955.

SICOND: I am also a practicing attorney and as such represented the estate of Emerson L. Claussen, who died on December 10, 1975, and his wife, Dell E. Claussen, who died on May 27, 1985, and I presently represent Gordon W. Claussen, in his capacity as Executor of her estate, and Gordon W. Claussen and Gladys C. Claussen, his wife, who are the beneficiaries of the trust hereinefter referred to.

THIRD: Torress Certificate of Title No. 525172 covers the property legally described as:

The North 60 feet of lot 1 in Block 12 in Forest Hills of Western Springs, Cook County, Illinois, a Subdivision of Henry Einfelds and George L. Bruckert of the East Half of Section 7, Town 38 North, Range 12, East of the Third Principal Mer dian and parts of blocks 12, 13, 14 and 15 in "The Highlards" being a subdivision of the Northwest Quarter and the West 800 feet of the North 144 feet of the Southwest Quarter of Section 7, Town 38 North, Range 12, East of the Third Principal Meridian in Cook County, Illinois lying East of a line 33 feet West of and parallel with the East line of said Northwest Quarter of said Section 7

and commonly known as 4800 Wolf Road, Western Springs, Illinois. The owners shown on said certificate are Emerson L. Claussen and Dell E. Claussen, as joint tenants.

FOURTH: Following the death of Emerson L. Claussen, Dell & Claussen established a land trust with Cicero State Bank known as it Trus: No. 2835. The only property conveyed to that trust was the property at 4800 Volf Road, Western Springs, Illinois. However, the Torrens Certificate was not supplied to the trust at that time and the errors were made in the conveyance:

- (a) The Deed mistakenly described the premises as being all of Lot 1 rather than the North 60 feet thereof; and
- (b) The Deed was recorded in the Office of the Recorder of Deeds and not registered in the Office of the Registrar of Titles.

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FIFTH: That from the creation of the trust to the death of Dell E. Claussen, May 27, 1985, no changes were made in the beneficial interest and Dell E. Claussen was the sole and only beneficiary thereof. Upon her death, Gordon W. Claussen and Gladys C. Claussen became the beneficiaries thereof. They are alive and competent and, through their power of attorney to the undersigned, join in this Affidavit.

SIXTH: No documents affecting title have been registered in the Office of the Registrar of Titles or recorded in the Office of the Recorder of Deeds since the conveyance to Cicero State Bank as Trustee under Trust No. 2823.

SEVENTA: The estate of Emerson W. Claussen was probated in Cook County, Illinois, and Tederal Estate Taxes and Illinois Inheritance Taxes were paid on all assets including the subject real estate.

EIGHTH: The estate of Dell E. Claussen is presently being probated in Cook County, Illinois, as Case No. 85 P 5549, Docket 978, Page 99. Gordon W. Claussen is Independent Executor. The claim period expired on December 25, 1985. No claims have been filed. Inventoried assets, which do not include the subject property, approximate \$860,000.00. Federal Estate Taxes and Illinois Inhericance Taxes will be timely paid on all taxable assets including the subject property.

NINTH: Gordon W. Claussen and Gladys C. Claussen have contracted to sell the subject property to Anthony C. Domabyl. It is intended that that sale be consummated by Deed from First National Bank of Cicero as successor to Cicero State Bank Trust No. C 2535.

TENTH: This Affidavit is made for the pirpose of inducing the Registrar of Titles to accept the aforementioned bred in Trust for registration. In consideration of its so doing, the undersigned individually and Gordon W. Claussen and Gladys C. Claussen through their power of attorney do hereby agree to hold the Registrar of Titles and his agents and employees harmless from any loss he or they may thereby sustain, including costs of defense of any claim, whether or not meritorious.

ELEVENTH: In support of the foregoing, the following are attached hereto:

Exhibit A - Torrens Certificate of Title No. 525172

- B Death certificate of Emerson W. Claussen
- " C Order of Discharge of Executor
- " D Estate Tax Closing Letter
- E Illinois Inheritance Tax Return, Order Assessing Tax, and Receipt for Payment
 - F Certified copy of First National Bank of Cicero (formerly Cicero State Bank) Trust No. C-2835
- G Original Deed in Trust recorded as Document #25029847 and photocopy thereof
- " H Death certificate of Dell E. Claussen
- " I Letters of Office of Gordon W. Claussen

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Exhibit J - Title report of Mid America Title Co. showing no liens of record THERE IS VERYINGS

K - Survey of subject property

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- L Inventory of Probate assets
- M Real Estate Sales Contract
 - N Power of Attorney from Gordon W. Claussen, individually and as Executor of the Estate of Dell E. Claussen, and from Gladys C. Claussen to J. Frank Daly

DATED this 27th day of December, 1985.

OUNTY CONTS OFFICE

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200 CO Subscribed and sworn to before me this 27th day of December, 1985.

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