

STATE OF INDIANA
LAKE COUNTY
RECORD # 94-0904919

ASSIGNMENT OF MORTGAGE AND ASSIGNMENT OF LEASES AND RENTS

97085934

MORRIS W. CARTER

STATE OF MISSOURI §
 §
COUNTY OF JACKSON §

KNOW ALL MEN BY THESE PRESENTS

This Assignment of Mortgage and Assignment of Leases and Rents (the "Assignment") is made and entered into as of the 18th day of July, 1996, by Midland Commercial Financing Corp., a Missouri corporation ("Assignor"), for the benefit of LASALLE NATIONAL BANK, ~~xx(11)~~ as trustee for the*** ("Assignee"), whose address is c/o Midland Loan Services, 210 West 10th Street, Kansas City, MO 64105

1. **BANC ONE COMMERCIAL LOAN ORIGATION CORPORATION**, an Ohio corporation ("Lender"), has previously made a mortgage loan in the principal amount of \$7,000,000.00, dated effective as of June 28, 1996 ("Loan") to DAVISTER TIBERON CORPORATION, a Nevada corporation ("Borrower"). The Loan is secured by (i)* a mortgage or deed of trust ("Mortgage") executed by Borrower dated of even effective date therewith on the property known as Tiberon Trails Apartments, and recorded in the official public records of Lake County, Indiana, and (ii)* an assignment of leases and rents (the "Assignment of Leases") executed by Borrower dated of even effective date therewith and recorded in the official public records of Lake County, Indiana, both of which cover the real property described on Exhibit "A" attached hereto. The Loan, Mortgage, Assignment of Leases and any and all other documents evidencing, governing or securing the Loan (the "Loan Documents") were assigned to Assignor by Lender on June 28, 1996 pursuant to an assignment recorded at 9604465 in the official public records of Lake County, Indiana; and

* DOT

REC. July 2, 1996 →

DOC #: 96044463

RE-RECORDED: 10-29-96

DOC #: 96071787

** AOL+R

REC: July 2, 1996

DOC #: 96044464

2. Assignor desires to assign, transfer and convey all of its right, title and interest in the Loan, Mortgage, the Assignment of Leases and the Loan Documents to Assignee.

***Registered Certificateholders of Midland Realty

Acceptance NOW, THEREFORE in consideration of the recitals stated above and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor agrees Commercial Mortgage as follows:

Pass-Through Certificates Series 1996-C1 1.

Assignor hereby assigns, transfers and conveys to Assignee all of Assignor's right, title and interest in, to and arising out of the Loan, Mortgage, the Assignment of Leases and the Loan Documents.

After Recording, Return to:
Richardson Consulting Group
505-A San Marin Drive #110
Novato CA 94945

20.00
41925

2. The terms and provisions of this Assignment shall inure to the benefit of, and shall be binding upon, the successors and assigns of the parties hereto.
3. This Assignment shall be construed and in force according to the laws of the State of Indiana.
4. Assignor agrees to execute and deliver to Assignee such other documents as may be reasonably necessary in order to effectuate the transaction contemplated hereby.

This Assignment is executed as of the date first set out above.

ASSIGNOR:

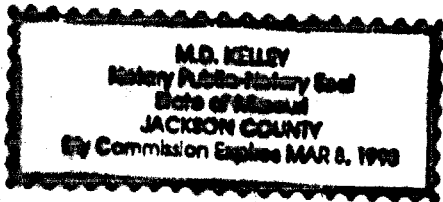
MIDLAND COMMERCIAL FINANCING
CORP.

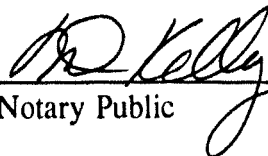
By: Leon E. Bergman
Name: Leon E. Bergman
Title: Executive Vice President

STATE OF MISSOURI §
 §
COUNTY OF JACKSON §

Before me, a Notary Public in and for the State of Missouri, personally appeared Leon E. Bergman, the Executive Vice President of MIDLAND COMMERCIAL FINANCING CORP., a Missouri corporation, who, being first duly sworn, acknowledged the execution of the foregoing Assignment of Mortgage and Assignment of Leases and Rents for and on behalf of said corporation.

Witness my hand and Notarial Seal this 18th day of July , 1996.





Notary Public

Printed Name
I am a resident of _____ County, Missouri.
My commission expires: _____

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EXHIBIT "A"

LEGAL DESCRIPTION

A part of the Southwest 1/4 of Section 33, Township 36 North, Range 8 West of the 2nd P.M., in Calumet Township, Lake County, Indiana and being more particularly described as follows: Commencing at a monument marking the Southwest corner of said Section 33; thence South 88°40'25" East along the South line of said Section 33, 541.06 feet to a 3/4 inch iron pipe set at the point of beginning of the land herein described; thence North 17°38'09" East 596.56 feet to a 3/4 inch iron pipe set; thence North 00°19'31" East, 9.24 feet to a 3/4 inch iron pipe set on the South right of way line of the Elgin, Joliet and Eastern Railway; thence South 89°04'55" East along said South right of way line 1890.75 feet to a 3/4 inch iron pipe set on the West line of an easement for highway purposes recorded in Document No. 131087 in the Office of the Recorder of Lake County, Indiana; thence continuing South 89°04'55" East along said South right of way line 37.00 feet to a P.K. nail set on the East line of the Southwest 1/4 of said Section 33; thence South 00°00'00" West along said East line 595.69 feet to a P.K. nail set marking the Southeast corner of said Southwest 1/4 of Section 33; thence North 88°40'25" West along the South line of said Southwest 1/4 of Section 33, 37.00 feet to a 3/4 inch iron pipe set on the West line of said easement for highway purposes; thence continuing North 88°40'25" West along said South line 2071.86 feet to the point of beginning, containing 27.24 acres, more or less.