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2002-11-01 11:51:33  
Cook County Recorder 32.50



**PREPARED BY:**

Nat Piggee, Esq. and  
Richard F. Klawiter, Esq.  
Piper Rudnick  
203 North LaSalle Street  
Chicago, Illinois 60601  
(312) 368-4000

**AFTER RECORDING,  
PLEASE RETURN TO:**

Kim Yow Harris, Esq.  
Office of the Regional Counsel –  
Region V  
U.S. Department of Housing and  
Urban Development  
77 West Jackson Boulevard  
Chicago, Illinois 60604

*This space reserved for Recorder's use only.*

**AMENDMENT TO HUD USE AGREEMENT**

**THIS AMENDMENT ("Amendment")**, is made as of the 1<sup>st</sup> day of November, 2002, by and between **BETH-ANNE RESIDENCES**, an Illinois not-for-profit corporation ("Owner") and the **UNITED STATES OF AMERICA**, acting by and through the **SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** ("Secretary").

**WITNESSETH:**

**WHEREAS**, Owner and Secretary entered into a Capital Advance Program Use Agreement dated as of January 1, 1998, which was recorded against the property described in Exhibit "A" attached hereto and made a part hereof in the Office of the Recorder of Deeds of Cook County, Illinois on January 20, 1998 as Document No. 98 050 994 (the "Use Agreement"); and

**WHEREAS**, as contemplated by the Use Agreement, Secretary made a capital advance to Owner in the amount of TEN MILLION THIRTY-SIX THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$10,036,200.00) which was evidenced by a mortgage note (the "Mortgage Note") and secured by a mortgage (the "Mortgage"); and

**WHEREAS**, subsequent to the date of the Mortgage Note, Mortgage and Use Agreement, the Secretary has agreed to advance the Owner the additional sum of THREE HUNDRED THIRTY-FOUR THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$334,800.00) as evidenced by a supplemental mortgage note (the "Supplemental Mortgage Note") and secured by a supplemental mortgage (the "Supplemental Mortgage") both of even

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date herewith, which Supplemental Mortgage Note as consolidated ~~0021209776~~ Mortgage Note creates a total indebtedness secured by the Mortgage and Supplemental Mortgage of TEN MILLION THREE HUNDRED SEVENTY-ONE THOUSAND AND NO/100 DOLLARS (\$10,371,000.00); and

**WHEREAS**, the parties hereto desire to amend various terms set out in the Use Agreement in accordance with the foregoing.

**NOW, THEREFORE**, in consideration of the foregoing and the mutual promises, covenants, conditions and agreements herein contained, including the Secretary's obligation to provide Owner additional capital in the principal sum of THREE HUNDRED THIRTY-FOUR THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$334,800.00), the parties hereby agree as follows:

1. The recitals set forth above are incorporated herein by this reference, as though fully set forth herein.

2. Wherever in the Use Agreement reference is made to the "Note" or "Mortgage," such term shall be deemed to apply and refer, respectively, to the Mortgage Note, the Supplemental Mortgage Note, and the Mortgage and the Supplemental Mortgage, as supplemented and consolidated by that certain Consolidation and Modification Agreement, of even date herewith, securing a consolidated capital advance amount of TEN MILLION THREE HUNDRED SEVENTY-ONE THOUSAND AND NO/100 DOLLARS (\$10,371,000.00).

3. The address set forth on Exhibit A to the Use Agreement as "367 North Karlov, Chicago, Illinois 60624" shall be deleted and the address "4950 West Thomas Avenue, Chicago, Illinois 60651" shall be inserted in lieu thereof.

4. Except as herein amended, the Use Agreement shall remain in full force and effect. In the event of any inconsistency between the Use Agreement and this Amendment hereto, the provisions of this Amendment shall govern.

**\*\* SIGNATURES BEGIN ON THE FOLLOWING PAGE \*\***

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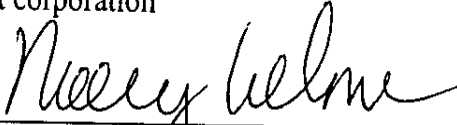
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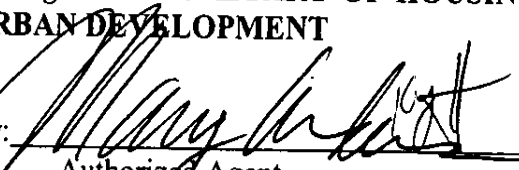
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IN WITNESS WHEREOF, the parties have caused this Amendment to be executed and attested as of the date and year first above written.

**BETH-ANNE RESIDENCES**, an Illinois not-for-profit corporation

By:   
Mary K. Nelson, President

**UNITED STATES OF AMERICA** acting by and through the **SECRETARY OF HOUSING AND URBAN DEVELOPMENT**

By:   
Authorized Agent

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STATE OF ILLINOIS )  
 )  
 ) SS:  
COUNTY OF COOK )

On this 1<sup>st</sup> day of November, 2002, before me appeared Mary Anderson (RB) ~~Edward Hinsberg~~ who, being duly sworn did say that he is the duly appointed Authorized Agent and the person who executed the foregoing instrument by virtue of the authority vested in him and acknowledged the same to be his free and voluntary act and deed as Authorized Agent for and on behalf of the SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my Notarial seal on the day and year last above written.

Linda Bell  
Notary Public

My commission expires: 12/1/05



STATE OF ILLINOIS )  
 )  
 ) SS:  
COUNTY OF COOK )

I, Howard Piggee, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that Mary K. Nelson, President of Beth-Anne Residences, an Illinois not-for-profit corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me in person and acknowledged that she, being thereunto duly authorized, signed, sealed with corporate seal, and delivered the said instrument as the free and voluntary act of said corporation and as her own free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal, this 1<sup>st</sup> day of November, 2002.

Howard Piggee  
Notary Public

My commission expires: \_\_\_\_\_



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EXHIBIT "A"

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## LEGAL DESCRIPTION

**PARCEL 1:**

LOTS 8, 8\*, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8J, 8J\*, 8K, 8L\*, AND 8M OF BETH ANNE SUDIVISION OF PART OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS RECORDED AS DOCUMENT 97365855

**PARCEL 2:**

EASEMENTS FOR THE BENEFIT OF PARCEL 1 FOR INGRESS, EGRESS, PARKING, STRUCTURAL SUPPORT, USE OF FACILITIES, USE OF RESIDENCES EASEMENT FACILITIES, SIGNS, UTILITIES, DELIVERIES, MECHANICAL UNITS, ENCROACHMENTS, RESIDENCE OWNED FACILITIES, SECURITY, COMMON WALLS, CEILINGS, AND FLOORS, AND LIGHT, AIR AND MAINTENANCE AS CONTAINED IN BETH-ANNE EASEMENT AND OPERATING AGREEMENT BETWEEN BETH-ANNE FOUNDATION AND BETH-ANNE RESIDENCES DATED JANUARY 1, 1998, AND RECORDED JANUARY 20, 1998, AS DOCUMENT 98 050 991.

**COMMON ADDRESS:** 4952 West Thomas Street  
Chicago, IL 60651

**PIN:** 16-04-404-016  
16-04-404-017  
16-04-404-018  
16-04-404-019  
16-04-404-020  
16-04-404-021  
16-04-404-022  
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