

# UNOFFICIAL COPY



Doc#: 0328927147  
Eugene "Gene" Moore Fee: \$34.50  
Cook County Recorder of Deeds  
Date: 10/16/2003 12:16 PM Pg: 1 of 6



*This instrument was prepared by and  
after recording should be returned to:  
Darren M. Baird, Esq.  
Brown Rudnick Berlack Israel LLP  
One Financial Center  
Boston, Massachusetts 02111*

## ASSIGNMENT OF LEASEHOLD MORTGAGE AND SECURITY AGREEMENT AND FIXTURE FILING AND COLLATERAL ASSIGNMENT OF LEASES AND RENTS

Cook County, Illinois

Know all persons by these presents that, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CONGRESS FINANCIAL CORPORATION (NEW ENGLAND), a Massachusetts corporation with a place of business at One Post Office Square, Suite 3600, Boston, Massachusetts, 02109 (the "Assignor"), in its individual capacity, does hereby assign, transfer and set over unto CONGRESS FINANCIAL CORPORATION (NEW ENGLAND), a Massachusetts corporation with a place of business at One Post Office Square, Boston, Massachusetts 02109 (the "Assignee"), in its capacity as Agent for the lenders (the "Lenders") now or hereafter a party to the Loan and Security Agreement, as amended, as defined in the Mortgage (as defined on Schedule A, hereto), without recourse, any and all rights of the Assignor in and to the security documents (the "Security Documents") set forth on Exhibit A attached hereto and incorporated herein by reference, which Security Documents affect its leasehold interest in and to that certain real property more particularly described on Exhibit B, attached hereto and incorporated herein by reference.

The purpose of this instrument is to assign the Security Documents to Assignee and to release any and all interest Assignor may have in and to the Security Documents, except that, without affecting the assignment of rights in such provisions to Assignee, Assignor by this instrument does not release its rights and interest in and to any indemnification or other provisions set forth in the Security Documents which by their terms would continue to benefit Assignor. By execution hereof, Assignee hereby accepts assignment of the Security Documents and assumes the obligations of Lender and Mortgagee thereunder.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

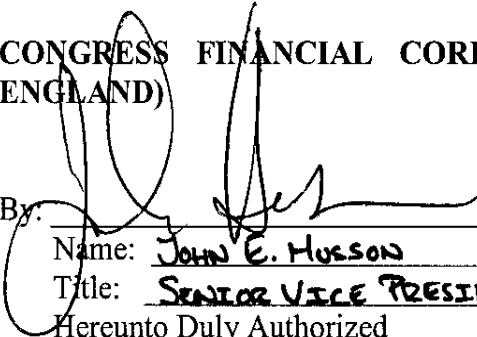
Lawyers Title Insurance Corporation hr  
01-12719

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IN WITNESS WHEREOF, Assignor has caused this instrument to be executed under seal as of this 25<sup>th</sup> day of September, 2003.

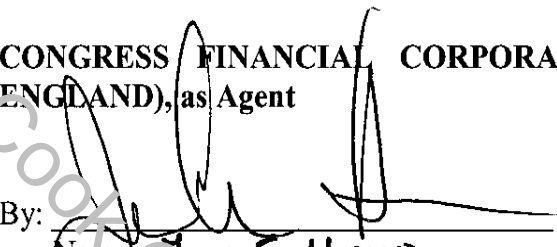
**ASSIGNOR:**

**CONGRESS FINANCIAL CORPORATION (NEW ENGLAND)**

By:   
Name: JOHN E. HUSSON  
Title: SENIOR VICE PRESIDENT  
Hereunto Duly Authorized

**ASSIGNEE:**

**CONGRESS FINANCIAL CORPORATION (NEW ENGLAND), as Agent**

By:   
Name: JOHN E. HUSSON  
Title: SENIOR VICE PRESIDENT  
Hereunto Duly Authorized

Property of Cook County Clerk's Office

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## COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

September <sup>25</sup>~~22~~, 2003

Then personally appeared the above named John E. Hession the President of Congress Financial Corporation (New England), and acknowledged the foregoing instrument to be such person's free act and deed, and the free act and deed of Congress Financial Corporation (New England), before me,

Constantine M. Richard

Notary Public

My Commission Expires: 10/24/08

Property of Cook County Clerk's Office

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COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

September <sup>25</sup> 22, 2003

Then personally appeared the above named John E. Hagen the As Vice Pres of Congress Financial Corporation (New England), and acknowledged the foregoing instrument to be such person's free act and deed, and the free act and deed of Congress Financial Corporation (New England), before me,

Constance M. Michael

Notary Public

My Commission Expires: 10/24/08

Property of Cook County Clerk's Office

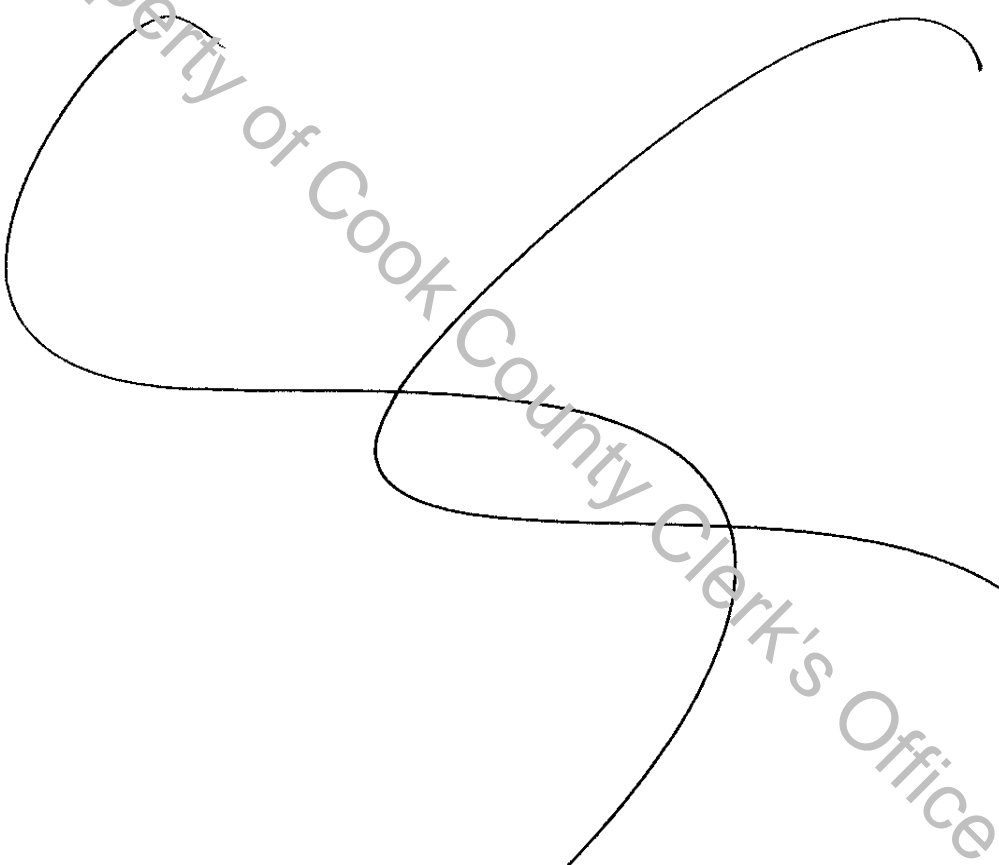
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## Exhibit A

### Security Documents

1. Leasehold Mortgage and Security Agreement and Fixture Filing, dated February 19, 2002, and recorded with the Cook County Recorder as Document Number 0020216493.
2. Collateral Assignment of Leases and Rents, dated February 19, 2002, and recorded with the Cook County Recorder as Document Number 0020216494.

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## EXHIBIT B

### Property Description

All of Mortgagor's right, title and interest in and to that certain Lease Agreement dated as of December 23, 1996, by and between David E. Babiarz, an individual, as Lessor, and D.J. Acquisition Corp., an Illinois Corporation, as Lessee, as evidenced by a Memorandum of Lease recorded with the Cook County Recorder on January 29, 1997, as Document No. 97065832, as affected by the certain Assignment of Lease dated November 18, 1999, by and between Favorite Brands International, Inc., a Delaware corporation, as successor in interest by merger to Farley Candy Company, a Delaware corporation, as successor in interest by merger to Dae-Julie, Inc. f/k/a D.J. Acquisition Corp., an Illinois Corporation, which Lease affects certain property more particularly described and bounded as follows:

### LEGAL DESCRIPTION

That part of the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 28, Township 41 North, Range 12 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said West  $\frac{1}{2}$ ; thence South 1,196.048 feet along the East line of said West  $\frac{1}{2}$ ; thence West along a line parallel with the North line of said West  $\frac{1}{2}$ , 723.98 feet to the point of beginning of the following tract of land; thence continuing West along said parallel line 450.0 feet; thence North perpendicularly to said parallel line to a point on a line 756.066 feet South of (as measured along the East line of said West  $\frac{1}{2}$ ) and parallel with the North line of said West  $\frac{1}{2}$ ; thence East along the last described parallel line 450.0 feet; thence South to the herein described point of beginning, all in Cook County, Illinois.

Permanent Index Number: 09-28-300-021-0000

Property Address: 1665 East Birchwood Avenue, Des Plaines, Illinois, 60018