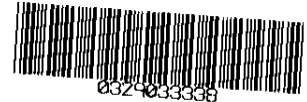


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This document was prepared by
and after recording return to:

Mark F. Kalina, Esq.
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(630) 665-9033

Doc#: 0329033338
Eugene "Gene" Moore Fee: \$30.00
Cook County Recorder of Deeds
Date: 10/17/2003 01:50 PM Pg: 1 of 4

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

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MORTGAGE MODIFICATION AGREEMENT

THIS AGREEMENT is made this 31 day of July, 2003 by and between **DISTINCTIVE HOMES, LTD.**, an Illinois corporation, whose address is 17910 Settlers Pond Way, Unit 1B, Orland Park, Illinois 60467 ("**Mortgagor**"), and **FIRST MIDWEST BANK**, formerly known as **FIRST MIDWEST BANK, NATIONAL ASSOCIATION**, whose address is 50 W. Jefferson Street, Joliet, Illinois 60432 ("**Mortgagee**").

WHEREAS, to secure repayment of three (3) separate promissory notes dated July 19, 2001 in the principal sums of **\$6,000,000.00**, **\$800,000.00**, and **\$3,000,000.00**, respectively (**\$9,800,000.00** in the aggregate) executed by Mortgagor in favor of Mortgagee, or so much thereof as may have been advanced or made available pursuant to the terms of a Construction Loan and Security Agreement executed by Mortgagor and Mortgagee (the "**Notes**"), Mortgagor executed and delivered to Mortgagee a Mortgage, Assignment of Rents and Leases, Security Agreement, Financing Statement and Fixture Filing and an Assignment of Rents and Leases, each dated July 24, 2001 and recorded on August 2, 2001 with the Cook County Recorder of Deeds as Document Nos. 0010699187 and 0010699187 (collectively the "**Mortgage**") encumbering the property legally described on Exhibit "A" attached hereto and incorporated herein by reference (the "**Property**"); and

WHEREAS, Mortgagor and Mortgagee executed a Loan Modification Agreement dated June 25, 2003 which provided that the amount of the \$800,000.00 Note was increased to the sum of \$1,000,000.00; and Mortgagor and Mortgagee executed a Mortgage Modification Agreement dated June 25, 2003 which modified the terms of the Mortgage to state the correct amount of the indebtedness secured thereby, and

WHEREAS, Mortgagor and Mortgagee have executed a Loan Modification Agreement of even date herewith which provides that the amount of the \$800,000.00 Note, as previously modified, is restated and replaced in its entirety by a promissory note of even date herewith in the amount of \$2,000,000.00, and Mortgagor and Mortgagee desire to further modify the terms of the Mortgage to state the correct amount of the indebtedness secured thereby.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The foregoing recitals are incorporated herein as though fully set forth. Mortgagor represents and warrants to Mortgagee that the foregoing recitals are true and correct.

COOK COUNTY RECORDER OF DEEDS

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- 2. The Mortgage is hereby modified to provide that the Mortgage secures the repayment of certain promissory notes dated July 19, 2001 in the amounts of \$6,000,000.00 and \$3,000,000.00 respectively, and a certain promissory note of even date herewith in the modified amount of \$2,000,000.00 (**\$11,000,000.00** in the aggregate).
- 3. Mortgagor hereby reaffirms all of the terms and provisions of the Mortgage as modified hereby.

IN WITNESS WHEREOF, the parties have executed this Instrument on the date first above written.

MORTGAGEE:

FIRST MILWEST BANK

By: Christy Leonard
 Its: VP President

MORTGAGOR:

DISTINCTIVE HOMES, LTD.,
an Illinois Corporation

By: [Signature]
 Its: Chairman
 Attest: _____
 Its: _____

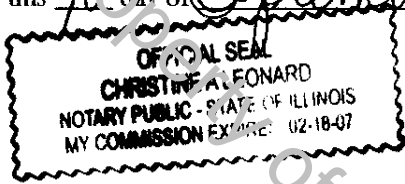
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Property of Cook County Clerk's Office

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STATE OF ILLINOIS)
COUNTY OF Will) SS.

I, the undersigned, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that Bryan Nooner and Chairman, personally known to me to be President and Secretary, respectively, of **DISTINCTIVE HOMES, LTD.**, an Illinois corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such President and Secretary, respectively, appeared before me this day in person and acknowledged and they signed and delivered the said instrument as their own, free and voluntary act and as the free and voluntary act of said Corporation, for the uses and purposes therein set forth. GIVEN under my hand and notarial seal, this 10 day of September, 2003.

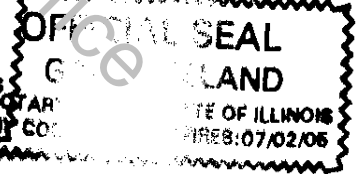


Christine Leonard
Notary Public

STATE OF ILLINOIS)
COUNTY OF Will) SS.

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Christine Leonard, personally known to me to be VICE PRESIDENT of **FIRST MIDWEST BANK**, and 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/she signed and delivered said instrument as his/her free and voluntary act, and as the free and voluntary act and deed of said Bank, for the uses and purposes therein set forth. GIVEN under my hand and official seal, this 10 day of SEPTEMBER, 2003.

Gail Freeland
Notary Public



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EXHIBIT "A"

LEGAL DESCRIPTION OF REAL ESTATE

**(CONDOMINIUM UNIT 3C IN BUILDING 1
OF THE PRESERVES IN ORLAND PARK, ILLINOIS)**

PARCEL ONE: UNIT 3C IN THE PRESERVE AT MARLEY CREEK CONDOMINIUMS BUILDING ONE, AS DELINEATED ON THE SURVEY OF LOT 256 IN MARLEY CREEK – PHASE 5, A PLANNED UNIT DEVELOPMENT, BEING A SUBDIVISION OF PART OF THE SOUTHWEST ¼ AND PART OF THE SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH SURVEY IS ATTACHED AS EXHIBIT "D" TO THE DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED SEPTEMBER 18, 2000 AS DOCUMENT NO. 00725851 IN COOK COUNTY, ILLINOIS, TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS APPURTENANT TO SAID UNIT, AS SET FORTH IN SAID DECLARATION.

PARCEL TWO: THE EXCLUSIVE RIGHT TO THE USE OF GARAGE SPACE UNIT 5, A LIMITED COMMON ELEMENT AS DELINEATED ON THE SURVEY ATTACHED TO THE DECLARATION AFORESAID RECORDED AS DOCUMENT NO. 0072585 AND AS ASSIGNED BY DEED RECORDED AS DOCUMENT NO. _____,

TOGETHER WITH THE TENEMENTS AND APPURTENANCES THERETO BELONGING.

P.I.N.: 27-31-404-006

ADDRESSES OF REAL ESTATE:

17950 SETTLER'S POND WAY
UNITS 3B AND 3C, AND
GARAGE SPACES 10 AND 5,
ORLAND PARK, IL 60467