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Doc#: 0411342225
Eugene "Gene" Moore Fee: \$30.00
Cook County Recorder of Deeds
Date: 04/22/2004 11:12 AM Pg: 1 of 4

ASSIGNMENT OF LEASEHOLD MORTGAGE, ASSIGNMENT OF LEASES AND SECURITY AGREEMENT

THIS ASSIGNMENT OF LEASEHOLD MORTGAGE, ASSIGNMENT OF LEASES AND SECURITY AGREEMENT (this "Assignment"), made as of the 14th day of April, 2004 by SUNTRUST BANK, a Georgia banking corporation, as administrative agent, having an address at 303 Peachtree Street, 25th Floor, Atlanta, Georgia 30308, as Administrative Agent for itself and the other Lenders under the Credit Agreement, as described in the Mortgage described below ("Assignor") to WELLS FARGO FOOTHILL, INC., a California corporation, having an address at 2450 Colorado Avenue, Suite 3000 West, Santa Monica, California 90404, both individually and as Administrative Agent for itself and on behalf of Lenders described in the Credit Agreement ("Assignee");

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States and other good and valuable consideration, the receipt whereof is hereby acknowledged, Assignor has granted, bargained, sold, assigned, transferred and set over, and by these presents does grant, bargain, sell, assign, transfer and set over unto Assignee on an "as is" "where is" basis, WITHOUT RECOURSE, REPRESENTATION OR WARRANTY OF ANY KIND WHATSOEVER, EXPRESS OR IMPLIED:

All of Assignor's right, title and interest in, to and under that certain Mortgage described on Exhibit A attached hereto and made a part hereof (the "Mortgage"), provided Assignor makes no representation or warranty and shall have no responsibility with respect to any statements, warranties or representations made in or in connection with the Mortgage or the execution, legality, validity, enforceability, genuineness, sufficiency or value of the Mortgage or with respect to any aspect of the property interests secured thereby;

TO HAVE AND TO HOLD the same unto Assignee, its successors and assigns forever.

[Signature Page to Follow]

Box 400-CTCC

812-9489
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IN WITNESS WHEREOF, Assignor has caused these presents to be duly executed as of the day and year first written above.


SUNTRUST BANK,
a Georgia banking corporation, as
Administrative Agent

By: Charles J. Johnson
Name: CHARLES J. JOHNSON
Title: MANAGING DIRECTOR

[CORPORATE SEAL]

STATE OF GEORGIA
FULTON COUNTY, ss.

On April 5, 2004, before me personally came Charles J. Johnson to me known, who being by me duly sworn, did depose and say that he has an address of 303 Peachtree Street, 25th Floor, Atlanta, Georgia 30308, that he is the Managing Director of SunTrust Bank, the corporation described in and which executed and attested, respectively, the above instrument, that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal, that it was affixed by order of the Board of Directors, and that he signed his name thereto by like order.

Norma P. Brantley
Notary Public
My Commission expires: _____


This instrument was prepared
by and after recording return
to:

Permanent Tax Index
Numbers: _____

Paul, Hastings, Janofsky & Walker LLP
Park Avenue Towers
75 East 55th Street
New York, New York
Attention: Christopher Cavanaugh, Esq.

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EXHIBIT A

Description of the Mortgage

That certain Leasehold Mortgage, Assignment of Leases and Security Agreement dated June 13, 2003 between Vicorp Restaurants, Inc., as Mortgagor, and SunTrust Bank, as Mortgagee and Administrative Agent, recorded on June 25, 2003 as Document No. 0317635037, real property records of Cook County, Illinois.

For reference purposes only, the legal description of the property which is the subject of the Mortgage is attached hereto on the following page.

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Vicorp # 220226

LEGAL DESCRIPTION:

The leasehold estate created by the instrument herein referred to as the Lease, said Lease executed by and between CNL APF PARTNERS, LP, a Delaware limited partnership, Lessor, and VICORP RESTAURANTS, INC., a Colorado corporation, Lessee, dated October 29, 1999, a memorandum of which was recorded November 3, 1999 as Document Number 09036940, remising and leasing the following described premises shown below:

PARCEL 1:

LOT 1 IN THE RESUBDIVISION OF LOT 10 IN LINCOLN MALL, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 19, 1979 AS DOCUMENT NUMBER 24883804, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

EASEMENTS FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1, AS CREATED IN THE RECIPROCAL CONSTRUCTION, OPERATION AND EASEMENT AGREEMENT DATED MARCH 7, 1972, MADE BY AND BETWEEN CHICAGO TITLE AND TRUST COMPANY, AS TRUSTEE UNDER A TRUST AGREEMENT DATED JUNE 4, 1971 AND KNOWN AS TRUST NUMBER 57420, CARSON PIRL SCOTT & COMPANY, A DELAWARE CORPORATION, J.C. PENNEY PROPERTIES, INC., A DELAWARE CORPORATION, AND MONTGOMERY WARD DEVELOPMENT CORPORATION, AND WIEBOLDT STORES, INC., RECORDED MARCH 24, 1972 AS DOCUMENT NUMBER 21846183, SUPPLEMENTED BY EASEMENT RELOCATION AGREEMENT RECORDED AS DOCUMENT NUMBER 24099059, IN COOK COUNTY, ILLINOIS.

Address: 4721 Lincoln Mall Drive
Matteson, Illinois

PIN #: 31-22-300-042