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Doc#: 0419512005
Eugene "Gene" Moore Fee: \$44.50
Cook County Recorder of Deeds
Date: 07/13/2004 09:48 AM Pg: 1 of 11

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SECOND MODIFICATION OF SECOND MORTGAGE

THIS SECOND MODIFICATION OF SECOND MORTGAGE (the "Second Modification") is made this April 28, 2004, by and between McGue Family III, L.L.C., an Illinois Limited Liability Company (hereinafter referred to as the "Mortgagor"), having an address at 15 Spinning Wheel Road, Suite 110, Hinsdale, Illinois, 60521 and Terry Robinson and Elizabeth Robinson, having an address at 7895 Broadway, Suite P, Merrillville, Indiana 46410 ("Second Mortgagee").

RECITALS

A. Mortgagor previously purchased eight KFC restaurants and franchises from Second Mortgagee. As part of that purchase Mortgagor executed a Promissory Note, dated October 1, 1999, to Second Mortgagee in the principal amount of One Million Six Hundred Seventy-Five Thousand Dollars (\$1,675,000.00) ("Promissory Note"). The Promissory Note provided for interest payments to be made monthly, with the outstanding principal balance due on the fifth annual anniversary.

B. Mortgagor and Second Mortgagee entered into a Second Mortgage dated October 1, 1999, as amended from time to time (hereinafter referred to as the "Second Mortgage"). The Second Mortgage was recorded on October 26, 1999 as Instrument No. 09007936 with the Official Records of Cook County, State of Illinois. The Second Mortgage is collateral for the Promissory Note.

C. The Second Mortgage is subordinate to the loan made by Mortgagor with Citicorp Leasing, Inc., as agent for Harrison Credit Corp ("First Financing Documents").

D. Mortgagor and Second Mortgagee have previously entered into a First Modification of Second Mortgage which is dated July 14, 2000. The First Modification changed the collateral because of the sale of one parcel of real estate and the substitution of another parcel of real estate.

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E. The final maturity date pursuant to the Promissory Note and Second Mortgage is October 1, 2004.

F. The Mortgagor and Second Mortgagee have agreed, concurrently with this Second Modification of Second Mortgage, to amend the Promissory Note to extend the final maturity date three years and provide for terms of payment during that extended time period. The modifications provided for in this document are intended to further reflect the extension and changes agreed to by the parties.

1. **Continuing Effectiveness of Second Mortgage.** The terms of the Second Mortgage and First Modification of Second Mortgage, dated July 14, 2000, (collectively referred to as the "Second Mortgage") shall remain in full force and effect through October 1, 2004. After October 1, 2004, the changes and amendments referred to below will take effect, with all unchanged terms and conditions continuing in effect. Mortgagor reaffirms all promises, covenants, warranties and representations in the Second Mortgage and warrants that it is not in default of the Second Mortgage. This modification shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, personal representatives, successors and assigns.

2. **Amendments Effective as of October 1, 2004:**

A. Extension of Final Maturity Date. The final maturity date of the unpaid principal amount balance pursuant to the Promissory Note, as amended, shall be October 1, 2007.

B. Change in Interest Rate. The Second Mortgage is hereby amended in paragraph 5 to delete the reference to the eight percent (8%) interest rate on Advancements and changing the interest rate to be assessed on Advancements to six percent (6%).

3. **Amendments Effective Immediately:**

A. Change in Collateral to the Second Mortgage. The Second Mortgage is hereby amended by deleting Exhibit 7 of the Second Mortgage hereof and, therefore, deleting in its entirety the location commonly known as 14100 South Indiana Avenue, Riverdale, Illinois 60627 as collateral.

4. **Subordination of Loan:**

A. The Second Mortgagee recognizes and agrees that at all times, including the extended final maturity date, this Second Mortgage is subordinate to the First Financing Documents between Mortgagor and Citicorp Leasing, Inc., as agent for Harrison Credit Corp. Second Mortgagee reaffirms all promises, covenants, warranties and representations made in that certain Subordination Agreement, dated October 1, 1999, by and between Terry and Elizabeth Robinson, Shamrock Enterprises, Inc., McGue Family III, L.L.C. Citicorp Leasing, Inc., as agent for Harrison Credit Corp.

B. In furtherance of this agreement to subordinate, Second Mortgagee agrees to cooperate in executing commercially reasonable documents required by the new lender and

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acceptable to Second Mortgagee that relate to the subordination of its in the Promissory Note, as amended, and this Second Mortgage, including the right to payments.

Execution in Counterparts. This Second Modification may be executed in any number of counterparts, and by different parties hereto in separate counterparts, each of which when so executed and delivered shall be deemed an original, but all such counterparts taken together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, Mortgagor has executed this Second Modification as of the day and year first above written.

MORTGAGOR

**McGue Family III, L.L.C.,
an Illinois Limited Liability Company**



By: 
Name: _____
Title: _____

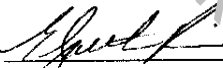
Address: 15 Spinning Wheel Road, Suite 110
Hinsdale, IL 60521

MORTGAGEE

Terry Robinson

Elizabeth Robinson



When recorded mail to:
Neil T. Goltermann
Momkus McCluskey McAndrew & Monroe LLC
3051 Oak Grove Drive, Suite 220
Downers Grove, Illinois 60615

This instrument prepared by:
Neil T. Goltermann
Momkus McCluskey McAndrew & Monroe LLC
3051 Oak Grove Drive, Suite 220
Downers Grove, IL 60515

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ACKNOWLEDGEMENT

STATE OF ILLINOIS)
) SS:
COUNTY OF DuPAGE)

Before me, a Notary Public in and for said County and State, personally appeared Stephen C. McGue, Manager for McGue Family III, L.L.C., who acknowledged execution of the foregoing Second Mortgage.

Witness my hand and Notarial Seal this 15 day of April, 2004.



Jaime Data
Notary Public

My commission expires: 7/14/2007

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

Before me, a Notary Public in and for said County and State, personally appeared Terry Robinson and Elizabeth Robinson, who acknowledged execution of the foregoing Second Mortgage.

Witness my hand and Notarial Seal this 28th day of April, 2004.

Brenda C. Bane
Notary Public

My commission expires: 11-2-2009

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EXHIBIT 1

Parcel 1:

Lot 3 in Codevco Resubdivision, being a resubdivision of Lot 1 in Dominick's Subdivision, being a Subdivision of part of the South East 1/4 of Section 35, Township 36 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2:

Non-Exclusive Easement for the benefit of Parcel 1, for the purpose of ingress and egress and for parking purposes as contained in Easement and Operating Agreement dated October 8, 1982 and filed October 15, 1982 as Document LR 3276436, under, through and across the "Common Areas" as that term is defined in said instrument of the following described land:

Lot 1 in Codevco Resubdivision a Resubdivision of Lot 1 in Dominick's Subdivision, being a Subdivision of part of the South East 1/4 of Section 35, Township 36 North, Range 13, East of the Third Principal Meridian, as registered with the Registrar of Torrens Titles on June 10, 1982 as Document LR 3262521 in Cook County, Illinois.

Property commonly known as 3300 West 183rd Street, Hazelcrest, Illinois 60529

Permanent Real Estate Index Number(s): 28-25-402-012-0000

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EXHIBIT 2

Lots 23 to 28 both inclusive in Block 3 in Kenney's Addition to Chicago Heights, a subdivision of Part of Lots 1 and 9 in the Circuit Court partition of the Northeast 1/4 of Section 32 and the West 1/2 of the Northwest 1/4 of Section 33, Township 35 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 3029 South Chicago Road, South Chicago Heights, Illinois

Permanent Real Estate Index Number(s): 32-32-205-042-0000

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EXHIBIT 3

Lots 5, 6, 7 and 8 (except the South 10 feet of said lots) in Block 17 in Percy Wilson's East Center, a subdivision of the South West 1/4 of Section 16, Township 36 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Permanent Real Estate Index Number(s): 29-16-314-018-0000; 29-16-314-019-0000;
29-16-314-020-0000; & 29-16-314-021-0000

Address(es) of Real Estate: 413 East 159th Street, Harvey, Illinois 60426

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EXHIBIT 4

Lots 1, 2, 3, 4, 5 and 6 in Block 3 in Calumet Terrace, a subdivision of Lots 2 to 8, both inclusive in a subdivision of the North 515.10 feet of the West 340.89 feet of the South East 1/4 of Section 11, Township 36 North, Range 14 East of the Third Principal Meridian, also the East 1064.5 feet of the South West 1/4 of Section 11, Township 36 North, Range 14 East of the Third Principal Meridian, lying North of the Railroad excepting therefrom the West 75 feet of the North 290.4 feet thereof.

Permanent Real Estate Index Number(s): 29-11-307-006-0000; 29-11-307-007-0000;
29-11-307-008-0000; 29-11-307-009-0000,
29-11-307-010-0000; & 29-11-307-011-0000

Address(es) of Real Estate: 1043 East Sibley Boulevard, Dolton, Illinois 60419

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EXHIBIT 5

Lots 7, 8, 9 and 10, in Block 1, West End Subdivision, being a subdivision of the North 1/2 of the South East 1/4 of Section 19, Township 35 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois excepting therefrom the Northerly 13 feet of Lots 7, 8, 9 thereof taken by the State of Illinois pursuant to Court Order entered in 84 L 52639.

Commonly known as 420 West 14th Street, Chicago Heights, Illinois

Permanent Real Estate Index Number(s):

32-19-401-008-0000, 32-19-401-018-0000,
32-19-401-027-0000; & 32-19-401-028-0000

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EXHIBIT 6

Lot 7 (except the West 10 feet) in Block 2 in Matteson Farms, being a Subdivision in the West 1/2 of the South East 1/4 of Section 22, Township 35 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois excepting therefrom the Northerly 8.0 feet thereof taken by the State of Illinois pursuant to court order entered in B3 L 51174

and the North 40 feet of the West 100 feet of Lot 21 in Block 2 in Matteson Farms, a Subdivision in the West 1/2 of the South East 1/4 of Section 22, Township 35 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Permanent Real Estate Index Number(s): 31-22-400-002-0000; 31-22-400-031-0000

Address(es) of Real Estate: 4349 West 211th Street, Matteson, Illinois 60443

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EXHIBIT 7

LOT 6 IN PARK PLACE PLAZA RESUBDIVISION, BEING A RESUBDIVISION OF THE PARK PLACE PLAZA, BEING A SUBDIVISION OF PART OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 19, 1995 AS DOCUMENT NUMBER 95329596, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE MOST NORTHERLY NORTHWEST CORNER OF LOT 6 IN THE PARK PLACE PLAZA SUBDIVISION AFORESAID; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 41 MINUTES 10 SECONDS EAST ALONG THE NORTH LINE OF LOT 6, A DISTANCE OF 48.87 FEET; THENCE SOUTH 63 DEGREES 41 MINUTES 11 SECONDS WEST, 55.78 FEET TO THE WEST LINE OF LOT 6; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID WEST LINE 22.12 FEET TO THE SOUTHERLY NORTHWEST CORNER OF LOT 6; THENCE NORTH 21 DEGREES 32 MINUTES 43 SECONDS EAST ALONG SAID WEST LINE, 3.09 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN NO.: 29-33-100-049-0000

17505 S. Halsted, Homewood, Illinois

Cook County Clerk's Office