

# UNOFFICIAL COPY



Doc#: 0424027049  
Eugene "Gene" Moore Fee: \$34.00  
Cook County Recorder of Deeds  
Date: 08/27/2004 01:08 PM Pg: 1 of 6

## FIRST AMENDMENT TO MORTGAGE AND ASSIGNMENT OF LEASES AND RENTS

THIS FIRST AMENDMENT TO MORTGAGE AND ASSIGNMENT OF LEASES AND RENTS ("Amendment") is made and entered into as of this 25<sup>th</sup> day of August, 2004, by 820 ORLEANS, L.L.C., a Delaware limited liability company ("Mortgagor") to and for the benefit of NATIONAL CITY BANK OF THE MIDWEST f/k/a NATIONAL CITY BANK OF MICHIGAN/ILLINOIS ("Mortgagee").

### WITNESSETH:

WHEREAS, pursuant to the terms of the Loan Agreement dated February 26, 2003, by and among Mortgagor, 350, L.L.C., an Illinois limited liability company ("350") (350 and Mortgagor are collectively referred to herein as "Borrowers") and Mortgagee ("Loan Agreement"), Mortgagee made (i) a term loan to Borrowers in the original principal amount of SIXTEEN MILLION DOLLARS (\$16,000,000.00) ("LaSalle Loan") and (ii) a term loan to Borrowers in the original principal amount of THIRTEEN MILLION DOLLARS (\$13,000,000.00) ("Orleans Loan") (Orleans Loan and LaSalle Loan are collectively referred to herein as "Loans"); and

WHEREAS, the Loans are evidenced by (i) a Note dated February 26, 2003 executed jointly and severally by Borrowers in the principal amount of SIXTEEN MILLION DOLLARS (\$16,000,000.00) ("LaSalle Note") and (ii) a Note dated February 23, 2003 executed jointly and severally by Borrowers in the principal amount of THIRTEEN MILLION DOLLARS (\$13,000,000.00) ("Original Orleans Note"); and

WHEREAS, the Loans are secured, in part, by (i) a Mortgage executed by Mortgagor dated February 26, 2003 and recorded with the Cook County Recorder on March 4, 2003 as document number 0030299217 ("Orleans Mortgage") encumbering the Orleans Property (as defined in the Loan Agreement); (ii) an Assignment of Leases and Rents executed by Mortgagor dated February 26, 2003 and recorded with the Cook County Recorder on March 4, 2003 as document number 0030299218 encumbering the leases and rents at the Orleans Property ("Orleans Assignment"); (iii) a Mortgage executed by 350 dated February 26, 2003 and recorded with the Cook County Recorder on March 4, 2003 as document number 0030299220 ("LaSalle Mortgage") encumbering the LaSalle

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1 Near North National Title Corp  
222 North LaSalle Street  
Chicago, Illinois 60601

A 1030334  
NNN 1572 SW

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Property (as defined in the Loan Agreement); and (iv) an Assignment of Leases and Rents executed by 350 dated February 26, 2003 and recorded with the Cook County Recorder on March 4, 2003 as document number 0030299221 encumbering the leases and rents at the LaSalle Property ("LaSalle Assignment"); and

**WHEREAS**, pursuant to a Loan Modification Agreement of even date herewith by and among Borrowers, Guarantors and Mortgagee, the parties have agreed to increase the amount of the Orleans Loan to SEVENTEEN MILLION DOLLARS (\$17,000,000) and in connection therewith, Borrowers have executed an Amended and Restated Note of even date herewith in the principal sum of SEVENTEEN MILLION DOLLARS (\$17,000,000) ("A & R Orleans Note"); and

**WHEREAS**, in order to induce Mortgagee to increase the Orleans Loan, Mortgagor agrees that the Orleans Mortgage and Orleans Assignment shall be modified in the manner hereinafter set forth.

**NOW, THEREFORE**, in consideration of the foregoing recitals and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and agreed, Mortgagor agrees as follows:

1. In the Recitals of the Orleans Mortgage and in the first full paragraph of the Orleans Assignment, the references to THIRTEEN MILLION DOLLARS (\$13,000,000.00) as the principal amount of the Orleans Loan are hereby deleted and SEVENTEEN MILLION DOLLARS (\$17,000,000.00) are hereby inserted in their place.
2. All references in the Orleans Mortgage and Orleans Assignment to the Original Orleans Note are hereby deleted and the A & R Orleans Note shall be inserted in their place.
3. In Paragraph 36(j) of the Orleans Mortgage, the number "FIFTY-EIGHT MILLION DOLLARS (\$58,000,000.00)" is hereby deleted and the number "SIXTY-SIX MILLION DOLLARS (\$66,000,000.00)" is hereby inserted in its place.
4. Except as specifically modified by the terms of this Amendment, the terms and conditions of the Orleans Mortgage shall be and remain in full force and effect and shall continue to govern the rights and obligations of Mortgagor and Mortgagee.

[Signature Page Follows]

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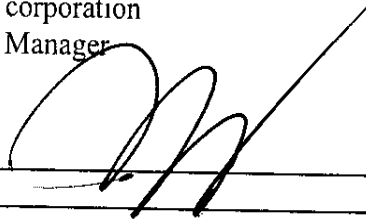
**MORTGAGOR:**

**820 ORLEANS, L.L.C.**, a Delaware limited liability company

By: 820 ORLEANS I, INC., an Illinois corporation

Its: Manager

By: \_\_\_\_\_  
Its: \_\_\_\_\_



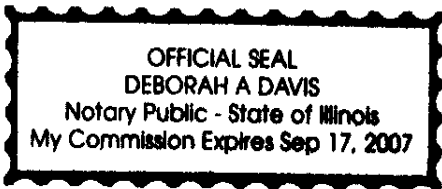
Property of Cook County Clerk's Office

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STATE OF Illinois)  
) SS  
COUNTY OF Cook )

I, Deborah A. Davis, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Jerry Lasky, the Manager of 820 ORLEANS I, INC., an Illinois corporation, the Manager of 820 ORLEANS, L.L.C., a Delaware limited liability company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Manager, of such Manager appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of 820 ORLEANS I, INC and 820 ORLEANS, L.L.C., for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal, this 20th day of August, 2004.



Deborah A. Davis  
NOTARY PUBLIC

My commission expires: 9-17-07

PREPARED BY AND MAIL TO:  
ANDREW SACHS  
ROBBINS, SALOMON & PATT  
25 EAST WASHINGTON  
SUITE 1000  
CHICAGO, IL 60602



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## EXHIBIT "A"

### LEGAL DESCRIPTION

Parcel 1:

Lots 1, 2, 3, 4, 5 and 6 in Block 8 in Delavan's Addition to Chicago in Section 4, Township 39 North, Range 14, East of the Third Principal meridian, in Cook County, Illinois.

Parcel 2:

Lots 1, 2, 3 and 4 (except that part of Lot 4 Southwest of a line drawn from a point in the West line of said Lot, 14 feet North of the Southwest corner thereof to a point in the South line of said Lot, 14 feet East of the Southwest corner thereof), in Block 36 in Johnston Roberts and Storrs Addition to Chicago in the West 1/2 of the Southeast quarter of Section 4, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 3:

Lots 7 and 8 in Block 8 in Delavan's Addition to Chicago in Section 4, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 4:

Lot 9 in Block 8 in Delavan's Addition to Chicago in Section 4, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 5:

Lots 7 and 8 in Block 29 in Johnson Roberts and Storrs Addition to Chicago in the West 1/2 of the Southeast quarter of Section 4, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 6:

Lot 1 in Block 29 in Johnston, Roberts and Storr's Addition to Chicago in Section 4, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 7:

The South 1/2 of Lot 2 in Block 29 in Johnston, Roberts and Storr's Addition to Chicago in Section 4, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

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Common address: 820 North Orleans, Chicago, Illinois

P.I.N.:	17-04-436-008	17-04-436-040
	17-04-436-009	17-04-436-047
	17-04-436-011	17-04-436-048
	17-04-436-012	17-04-436-049
	17-04-436-037	17-04-436-055
	17-04-436-038	17-04-436-056
	17-04-436-039	17-04-436-059

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