

# UNOFFICIAL COPY

## WHEN RECORDED MAIL TO:

National Asset Management Group  
DP Department

14320 Firestone Blvd. #303

Irvine, CA 90638

for return to GMAC Commercial Mortgage Bank

## PREPARED BY:

GMAC Commercial Mortgage Corporation

200 Witmer Road

Horsham, PA 19044

Property: Brickyard Mall



Doc#: 0428219032

Eugene "Gene" Moore Fee: \$34.50

Cook County Recorder of Deeds

Date: 10/08/2004 09:54 AM Pg: 1 of 6



LY 269 D 23556

Loan #01-1038711

PIN 13 30 404 002, 13 30 404 017, 13 30 404 018, 13-30 410 009 & 13 30410 011  
6456 W. Diversey, Chicago, IL

**Assignment of Mortgage, Assignment of Leases and Profits,  
Security Agreement and Fixture Filing  
Assignment of Assignment of Leases, Rents and Profits,  
and Assignment of Related Mortgage Loan Rights**

GMAC COMMERCIAL MORTGAGE CORPORATION, a California corporation ("GMACCM" or "Assignor"), whose address is 200 Witmer Road, Horsham, Pennsylvania 19044, as the holder of the instruments hereinafter described, and for good and valuable consideration, hereby endorses, assigns, sells, transfers and delivers to:

**GMAC Commercial Mortgage Bank,  
a Utah industrial loan bank ("Assignee"),**

having an address at 6955 Union Park Center, Suite 330, Salt Lake City, Utah 84047, and to its successors and assigns, all right, title and interest of Assignor in and to the following:

- A Mortgage, Assignment of Leases and Profits, Security Agreement and Fixture Filing by W9/MLM Brickyard, L.L.C., a Delaware limited liability company and GMACCM, dated as of September 26, 2003, and recorded on September 29, 2003 in the land records of Cook County, IL, as Instrument #0327245251, and encumbering the property described in Schedule "A" attached hereto and by this reference made a part hereof (the "Property");
- An Assignment of Leases, Rents and Profits made by W9/MLM Brickyard, L.L.C., a Delaware limited liability company to GMACCM, dated as of September 26, 2003, and recorded on September 29, 2003, in the land records of Cook County, IL, as Instrument #0327245252, and also encumbering the Property;

TOGETHER WITH any and all notes and obligations therein described, the debt secured thereby, and all sums of money due and to become due thereon, with the interest provided for therein, and hereby irrevocably appoints Assignee hereunder its attorney to collect and receive

6/9/04

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such debt, and to foreclose, enforce and satisfy the foregoing the same as it might or could have done were these presents not executed, but at the cost and expense of Assignee;

TOGETHER WITH any and all other liens, privileges, security interests, rights, entitlements, equities, claims and demands as to which Assignor possesses or to which Assignor is otherwise entitled as security for the payment of the obligations secured thereby; and


TOGETHER WITH any claims, collateral, guarantees, loan agreements, insurance policies, certificates of deposit, letters of credit, escrow accounts, performance bonds, demands, cause of action and other collateral arising out of and/or executed and/or delivered with respect to the foregoing instruments or otherwise related thereto.

IN WITNESS WHEREOF, Assignor has duly executed this Assignment as of the 13th day of July, 2004

WITNESS:

GMAC Commercial Mortgage Corporation,  
a California corporation



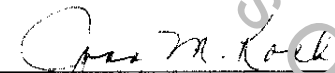
By:   
Cynthia A. Tann, Assistant Vice President

COMMONWEALTH OF PENNSYLVANIA )

ss:

COUNTY OF MONTGOMERY

The foregoing instrument was acknowledged before me this 13th day of July, 2004 by Cynthia A. Tann, known to me to be the person whose name is subscribed to the attached document and who acknowledged to me that she is an officer of GMAC Commercial Mortgage Corporation in the capacity stated and that she executed the attached document in such capacity for the purposes therein contained.

  
Notary Public

My Commission Expires:

Notarial Seal  
Joan M. Koch, Notary Public  
Horsham Twp., Montgomery County  
My Commission Expires Dec. 6, 2004

Member, Pennsylvania Association of Notaries

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## PARCEL 1:

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 13, LYING EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF NORTH NARRAGANSETT AVENUE (SAID WEST LINE BEING 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4) AND A LINE 690 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF WEST FULLERTON AVENUE AS SHOWN ON DOCUMENT 10441963; THENCE WEST ALONG SAID PARALLEL LINE, 10.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUING WEST ALONG SAID PARALLEL LINE, 640.00 FEET; THENCE SOUTH 49 DEGREES 05 MINUTES 00 SECONDS WEST 139.00 FEET, ALONG A LINE FORMING AN ANGLE OF 40 DEGREES 25 MINUTES 00 SECONDS WITH THE PROLONGATION OF THE LAST DESCRIBED LINE (AS MEASURED FROM WEST TO SOUTHWEST); THENCE SOUTH 30 DEGREES 00 MINUTES 54 SECONDS WEST, 156.743 FEET; THENCE NORTH 0 DEGREES 49 MINUTES 53 SECONDS WEST, ALONG A LINE PARALLEL WITH SAID WEST LINE OF NORTH NARRAGANSETT AVENUE, 78.012 FEET TO A POINT WHICH IS 837.00 FEET (MEASURED PARALLEL WITH THE AFORESAID NORTH LINE OF WEST FULLERTON AVENUE) WEST OF THE AFORESAID WEST LINE OF NORTH NARRAGANSETT AVENUE AND 543.012 FEET (AS MEASURED PARALLEL WITH THE AFORESAID WEST LINE OF NORTH NARRAGANSETT AVENUE) NORTH OF THE AFORESAID NORTH LINE OF WEST FULLERTON AVENUE; THENCE NORTH 25 DEGREES 33 MINUTES 56 SECONDS EAST, 243.581 FEET TO A POINT 570.89 FEET EAST (AS MEASURED AT RIGHT ANGLES THROUGH A POINT ON THE EAST LINE OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD AT A POINT 755.17 FEET NORTHERLY OF THE AFORESAID NORTH LINE OF WEST FULLERTON AVENUE) OF THE EAST LINE OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD; THENCE NORTH 34 DEGREES 38 MINUTES 53 SECONDS WEST 620.38 FEET TO A POINT 225.00 FEET (MEASURED PERPENDICULAR) EAST OF THE EAST LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE NORTH 7 DEGREES 06 MINUTES 00 SECONDS WEST, 45.21 FEET TO A POINT 220.00 FEET (MEASURED PERPENDICULAR) EAST OF THE EAST LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE NORTH 34 DEGREES 28 MINUTES 09 SECONDS WEST, 156.28 FEET TO A POINT 133.27 FEET (MEASURED PERPENDICULAR) EAST OF THE EAST LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 14 MINUTES 20 SECONDS WEST, ALONG A LINE DRAWN PERPENDICULAR TO SAID RIGHT-OF-WAY LINE, 133.27 FEET TO THE EAST LINE OF SAID RIGHT-OF-WAY; THENCE NORTH 0 DEGREES 45 MINUTES 40 SECONDS WEST ALONG SAID EAST RIGHT OF WAY LINE, BEING ALSO THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 30 AFORESAID, 1124.585 FEET TO A LINE DRAWN 10.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF WEST DIVERSEY AVENUE; THENCE NORTH 89 DEGREES 41 MINUTES 48 SECONDS EAST ALONG SAID PARALLEL LINE, 1287.343 FEET TO THE POINT OF INTERSECTION WITH A LINE 10.00 FEET WEST OF AND PARALLEL WITH THE AFORESAID WEST LINE OF NORTH NARRAGANSETT AVENUE; THENCE SOUTH 0 DEGREES 49 MINUTES 53 SECONDS EAST ALONG SAID PARALLEL LINE, 1886.626 FEET TO THE HEREINABOVE DESIGNATED POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS,

## PARCEL 2:

A STRIP OF LAND IN THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 13, LYING EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND

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BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF WEST FULLERTON AVENUE, AS SHOWN ON DOCUMENT 10441963 WITH THE EAST LINE OF AN EASEMENT AS DESCRIBED IN EXHIBIT III, DOCUMENT 20988969, BEING A LINE 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION BEING ALSO THE EAST LINE OF THE EAST LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT-OF-WAY; THENCE ALONG THE FOLLOWING COURSES BEING THE EAST LINE OF THE AFORESAID EASEMENT AS DESCRIBED IN EXHIBIT III, DOCUMENT 20988969; NORTH 0 DEGREES 45 MINUTES 40 SECONDS EAST, 180.00 FEET; THENCE WEST 11.00 FEET; THENCE NORTH 0 DEGREES 45 MINUTES 40 SECONDS WEST 159.272 FEET; THENCE SOUTHEASTERLY 208.85 FEET ALONG THE ARC OF A CIRCLE, 565.00 FEET RADIUS, CONVEX SOUTHWESTERLY AND WHOSE CHORD BEARS SOUTH 11 DEGREES 21 MINUTES 02.5 SECONDS EAST; THENCE SOUTH 21 DEGREES 56 MINUTES 25 SECONDS EAST, ALONG A LINE TANGENT TO SAID ARC, 146.23 FEET TO THE POINT OF INTERSECTION WITH THE AFORESAID NORTH LINE OF WEST FULLERTON AVENUE, THENCE WEST ALONG SAID NORTH LINE, 80.00 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

**PARCEL 3:**

EASEMENT FOR THE BENEFIT OF PARCEL 1, AS CREATED BY GRANT FROM THE NATIONAL BANK OF AUSTIN, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED APRIL 29, 1964 AND KNOWN AS TRUST NUMBER 3760, TO CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 1, 1974 AND KNOWN AS TRUST NUMBER 65000 AND CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 2, 1976 AND KNOWN AS TRUST NUMBER 1068300, SAID GRANT BEING DATED DECEMBER 31, 1973 AND RECORDED ON JUNE 3, 1977 AS DOCUMENT NO. 23953919 OF A PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS TO AND FROM PARCEL 1 AND TO AND FROM NARRAGANSETT AVENUE AND FOR THE BENEFIT OF AND APPURTENANT TO PARCEL 1 AND ALL PORTIONS OF SAID PARCEL 1, OVER, ON AND THROUGH SAID PARCEL "C"-2, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND IN THE EAST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WEST LINE OF NORTH NARRAGANSETT AVENUE, BEING A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTH EAST 1/4 OF SAID SECTION, WITH A LINE DRAWN 690.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF WEST FULLERTON AVENUE ACCORDING TO DOCUMENT NUMBER 10441963; THENCE WEST ALONG THE LAST DESCRIBED LINE, 315.00 FEET; THENCE SOUTH 78 DEGREES 16 MINUTES 03 SECONDS EAST, 122.931 FEET TO A LINE DRAWN 665.00 FEET NORTH OF AND PARALLEL WITH THE AFORESAID NORTH LINE OF WEST FULLERTON AVENUE; THENCE EAST, ALONG SAID PARALLEL LINE, 195.00 FEET TO THE AFORESAID WEST LINE OF NORTH NARRAGANSETT AVENUE; THENCE NORTH 0 DEGREES 49 MINUTES 53 SECONDS WEST, ALONG SAID WEST LINE, 25.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS

**PARCEL 4:**

EASEMENT FOR THE BENEFIT OF PARCEL 1, AS CREATED BY GRANT FROM THE NATIONAL BANK OF AUSTIN, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED APRIL 29, 1964 AND KNOWN AS TRUST NUMBER 3760, AND BY GRANT FROM NATIONAL BANK OF AUSTIN,

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A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 20, 1969 AND KNOWN AS TRUST NUMBER 4729, AND TO CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 1, 1974 AND KNOWN AS TRUST NUMBER 65000, AND CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 2, 1976 AND KNOWN AS TRUST NUMBER 1068300, SAID GRANTS BEING DATED DECEMBER 31, 1976 AND RECORDED ON JUNE 3, 1977 AS DOCUMENT NO. 23953919 OF A PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS TO AND FROM PARCEL 1 AND TO AND FROM WEST FULLERTON AVENUE AND FOR THE BENEFIT OF AND APPURTENANT TO THE SAID PARCEL 1 AND ALL PORTIONS OF SAID PARCEL 1, OVER, ON AND THROUGH SAID PARCEL "A" BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND IN THE EAST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF NORTH NARRAGANSETT AVENUE, BEING A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTH EAST 1/4, WITH A LINE DRAWN 690.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF WEST FULLERTON AVENUE AS SHOWN ON DOCUMENT NUMBER 10441963; THENCE WEST, ALONG THE LAST DESCRIBED PARALLEL LINE, 650.00 FEET; THENCE SOUTH 49 DEGREES 35 MINUTES 00 SECONDS WEST, ALONG A LINE FORMING AN ANGLE OF 40 DEGREES 25 MINUTES 00 SECONDS WITH THE PROLONGATION OF THE LAST DESCRIBED LINE (AS MEASURED FROM WEST TO SOUTH WEST), A DISTANCE OF 139.00 FEET; THENCE SOUTH 30 DEGREES 00 MINUTES 54 SECONDS WEST, 77.731 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED STRIP OF LAND; THENCE CONTINUING SOUTH 30 DEGREES 00 MINUTES 54 SECONDS WEST, 78.012 FEET TO A POINT WHICH IS 837.00 FEET (MEASURED PARALLEL WITH THE AFORESAID NORTH LINE OF WEST FULLERTON AVENUE) WEST OF THE AFORESAID WEST LINE OF NORTH NARRAGANSETT AVENUE AND 465.00 FEET (AS MEASURED PARALLEL WITH THE AFORESAID WEST LINE OF NORTH NARRAGANSETT AVENUE) NORTH OF THE AFORESAID NORTH LINE OF WEST FULLERTON AVENUE; THENCE SOUTH 0 DEGREES 49 MINUTES 53 SECONDS EAST, ALONG A LINE PARALLEL WITH SAID WEST LINE OF NORTH NARRAGANSETT AVENUE, 300.00 FEET; THENCE WEST AND PARALLEL WITH SAID NORTH LINE OF WEST FULLERTON AVENUE 16.50 FEET; THENCE SOUTH 0 DEGREES 49 MINUTES 53 SECONDS EAST, 25.00 FEET; THENCE WEST 16.50 FEET; THENCE SOUTH 0 DEGREES 49 MINUTES 53 SECONDS EAST, 140.00 FEET TO SAID NORTH LINE OF WEST FULLERTON AVENUE; THENCE EAST, ALONG SAID NORTH LINE, 73.004 FEET TO A LINE DRAWN 796.996 FEET (MEASURED PARALLEL WITH THE AFORESAID NORTH LINE OF WEST FULLERTON AVENUE) WEST OF AND PARALLEL WITH THE WEST LINE OF NORTH NARRAGANSETT AVENUE; THENCE NORTH 0 DEGREES 49 MINUTES 53 SECONDS WEST, ALONG SAID PARALLEL LINE 532.557 FEET TO THE HEREINABOVE DESIGNATED POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS

**PARCEL 5:**

EASEMENT FOR THE BENEFIT OF PARCEL 1, AS CREATED BY DECLARATION OF EASEMENT DATED OCTOBER 17, 1969 AND RECORDED OCTOBER 17, 1969 AS DOCUMENT NO. 20988969 BY THE NATIONAL BANK OF AUSTIN, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 20, 1969 AND KNOWN AS TRUST NUMBER 4729 OF A PERMANENT AND NON-EXCLUSIVE EASEMENT FOR A PRIVATE STREET AND LEGALLY DESCRIBED AS THAT PART OF THE EAST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

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COMMENCING AT THE INTERSECTION OF THE EAST RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, AND ST. PAUL RAILROAD AND THE NORTH LINE OF WEST FULLERTON AVENUE (BEING 50 FEET NORTH OF THE SOUTH LINE OF SAID SOUTH EAST 1/4); THENCE EAST ALONG SAID NORTH LINE OF WEST FULLERTON AVENUE 50 FEET; THENCE NORTH PARALLEL TO THE EAST RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, AND ST. PAUL RAILROAD 180 FEET; THENCE WEST PARALLEL TO SAID NORTH LINE OF WEST FULLERTON AVENUE 11 FEET; THENCE NORTH PARALLEL TO THE EAST RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD 1,135.17 FEET; THENCE WEST PARALLEL TO THE SAID NORTH LINE OF WEST FULLERTON AVENUE 39 FEET TO THE EAST RIGHT OF WAY LINE OF CHICAGO, MILWAUKEE, AND ST. PAUL RAILROAD; THENCE SOUTH ALONG SAID EAST LINE OF SAID RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, AND ST. PAUL RAILROAD, A DISTANCE OF 1315.17 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS, AND AS MODIFIED BY INSTRUMENT DATED DECEMBER 8, 1975 AND RECORDED DECEMBER 29, 1975 AS DOCUMENT NO. 23337090 BY THE NATIONAL BANK OF AUSTIN, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST NUMBER 4729, TO INCLUDE ALSO A PERPETUAL NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER:

A STRIP OF LAND 39.00 FEET IN WIDTH IN THE EAST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT OF WAY, BEING THE WEST LINE OF THE EAST 1/2 OF THE SOUTH EAST 1/4 OF SAID SECTION, SAID POINT BEING 1445.178 FEET (AS MEASURED ALONG SAID WEST LINE) NORTH OF THE NORTH LINE OF WEST FULLERTON AVENUE AS SHOWN ON DOCUMENT NO. 10441963; THENCE NORTH 89 DEGREES 14 MINUTES 20 SECONDS EAST ALONG A LINE DRAWN PERPENDICULAR TO SAID EAST RIGHT OF WAY LINE, 39.00 FEET; THENCE SOUTH 0 DEGREES 45 MINUTES 40 SECONDS EAST, 130.526 FEET TO THE NORTHERLY TERMINUS OF AN EASEMENT AS DESCRIBED IN EXHIBIT III, IN DOCUMENT NO. 20988969; THENCE WEST ALONG SAID NORTHERLY TERMINUS, 39.00 FEET TO SAID EAST RIGHT OF WAY LINE; THENCE NORTH 0 DEGREES 45 MINUTES 40 SECONDS WEST ALONG SAID EAST RIGHT OF WAY LINE, 130.008 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS, FOR THE BENEFIT OF PARCEL 1, TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR, LIGHT AND

REGULATE PRIVATE ROADS FOR INGRESS AND EGRESS AND TO UTILIZE SAID ROADS FOR INGRESS AND EGRESS TO AND FROM PARCEL 1 OVER, UNDER, ON AND THROUGH THE LANDS HEREIN DESCRIBED IN THIS PARCEL 5, IN COOK COUNTY, ILLINOIS

PIN: 13 30 404 002, 13 30 404 017, 13 30 404 018, 13-30 410 009 & 13 30410 011  
6456 W. Diversey, Chicago, IL