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Cook County Recorder of Deeds  
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LaRue Little, Esq.  
Office of the General Counsel  
Chicago Housing Authority  
200 W. Adams Street, Suite 2100  
Chicago, Illinois 60606

TOOR TITLE INSURANCE

THIS FIRST AMENDMENT TO ASSIGNMENT OF RENTS AND LEASES ENCUMBERS REAL PROPERTY THAT WILL BE CONVERTED INTO CONDOMINIUM PROPERTY. PURSUANT TO PARAGRAPH 39 OF THE MORTGAGE, UPON THE RECORDING OF A CONDOMINIUM DECLARATION (OR AN AMENDMENT THERETO), THE LIEN OF THIS AMENDMENT AND CERTAIN OTHER RECORDED ENCUMBRANCES WILL (A) AUTOMATICALLY BE RELEASED FROM THE LOTS OR REAL PROPERTY BEING SUBMITTED TO THE CONDOMINIUM PROPERTY ACT, (B) AUTOMATICALLY ATTACH TO ANY RENTAL UNITS ON SUCH LOTS OR REAL PROPERTY THAT ARE IDENTIFIED IN EXHIBIT A, TOGETHER WITH SUCH UNITS' UNDIVIDED INTERESTS IN ANY COMMON ELEMENTS, AND (C) NOT ATTACH OR IN ANY WAY ENCUMBER THE FOR-SALE CONDOMINIUM UNITS IDENTIFIED IN THE MORTGAGE, TOGETHER WITH SUCH UNITS' UNDIVIDED INTERESTS IN ANY COMMON ELEMENTS.

## FIRST AMENDMENT TO ASSIGNMENT OF RENTS AND LEASES

THIS FIRST AMENDMENT TO ASSIGNMENT OF RENTS AND LEASES (this "Amendment") is made as of this 17<sup>th</sup> day of November, 2005, by JAZZ ON THE BOULEVARD, LLC, a Delaware limited liability company (the "Jazz"), with an address of 357 West Chicago Avenue, Chicago, Illinois 60610 in favor of CHICAGO HOUSING AUTHORITY together with its successors and assigns, having its principal office at 626 West Jackson Street, Chicago, Illinois 60661 (collectively, "CHA").

## RECITALS

A. On August 1, 2004, Jazz entered into that certain Assignment of Rents and Leases ("Assignment") in favor of CHA which was recorded August 12, 2004 as Document No. 0422501217 relating to the construction of a residential development in the City of Chicago, County of Cook, in the State of Illinois (the "Project");

B. In the course of the construction of the Project, Jazz has determined that it is desirable to reclassify some of the units in the Project. Among these changes is the reclassification of three rental units to three market-rate units (4114 and 4119 S. Maryland, 4168-3B S. Drexel) and three market-rate units to three rental units (4111 and 4119 S. Cottage Grove, 4174-3B S. Drexel). CHA has agreed to this reclassification, and wishes to amend Exhibit A of the Assignment to reflect this change.

BOX 15

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**NOW, THEREFORE**, in consideration of the recitals set forth above and the mutual agreements set forth in this Amendment, the parties agree as follows:

1. Recitals. The Recitals set forth above are made a part of this Amendment.
2. Amendment of Assignment. Exhibit A to the Assignment is amended by deleting it and replacing it with the attached Exhibit A.
3. All Other Terms Unchanged. Except as amended by this Amendment, all other terms of the Assignment shall remain in full force and effect and are ratified and confirmed.
4. Counterparts. This Amendment may be executed in counterparts, and each counterpart shall, for all purposes for which an original of this Amendment must be produced or exhibited, be the Amendment, but all such counterparts shall constitute one and the same instrument.

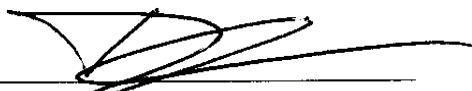
[Signatures appears on the following page]

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**IN WITNESS WHEREOF**, Jazz has caused this Amendment to be executed by its duly authorized officers, managing members, and/or general partners, as applicable, for proper recording in the public records.

**JAZZ ON THE BOULEVARD, LLC**,  
a Delaware limited liability company

By: Thrush Drexel, Inc., an Illinois  
corporation, its sole managing member

By:   
Name: David L. Chase  
Title: President

**ACKNOWLEDGED BY:**

**CHICAGO HOUSING AUTHORITY**,  
an Illinois municipal corporation

By: \_\_\_\_\_  
Name: Terry Peterson  
Title: Chief Executive Officer

Property of Cook County Clerk's Office

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**IN WITNESS WHEREOF**, Jazz has caused this Amendment to be executed by its duly authorized officers, managing members, and/or general partners, as applicable, for proper recording in the public records.

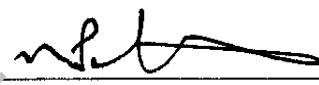
**JAZZ ON THE BOULEVARD, LLC**,  
a Delaware limited liability company

By: Thrush Drexel, Inc., an Illinois  
corporation, its sole managing member

By: \_\_\_\_\_  
Name: David L. Chase  
Title: President

**ACKNOWLEDGED BY:**

**CHICAGO HOUSING AUTHORITY**,  
an Illinois municipal corporation

By:  \_\_\_\_\_  
Name: Terry Peterson  
Title: Chief Executive Officer

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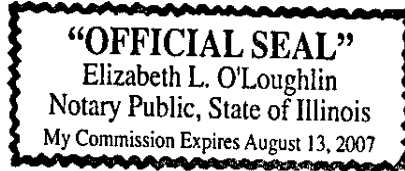
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STATE OF ILLINOIS     )  
  )  
COUNTY OF COOK     )     SS

I, the undersigned, a Notary Public in and for the county and State aforesaid, do hereby certify that David L. Chase, personally known to me to be the President of Thrush Drexel, Inc., an Illinois corporation, the sole managing member of Jazz on the Boulevard, LLC, a Delaware limited liability company, and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such President of Thrush Drexel, Inc., he/she signed and delivered the said instrument pursuant to authority duly given and as his/her free and voluntary act, and as the free and voluntary act and deed of Jazz on the Boulevard, LLC for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 17<sup>th</sup> day of November, 2005

Elizabeth L. O'Loughlin  
Notary Public



My commission expires:  
\_\_\_\_\_

STATE OF ILLINOIS     )  
  )  
COUNTY OF COOK     )     SS

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Terry Peterson, personally known to me to the Chief Executive Officer of the Chicago Housing Authority ("Authority"), and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that in his capacity as such Chief Executive Officer of the Authority, he signed and delivered the said instrument pursuant to authority given by the Authority Board of Commissioners and as his free and voluntary act, and as the free and voluntary act and deed of the Authority, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_

# UNOFFICIAL COPY

STATE OF ILLINOIS     )  
  )     SS  
COUNTY OF COOK     )

I, the undersigned, a Notary Public in and for the county and State aforesaid, do hereby certify that David L. Chase, personally known to me to be the President of Thrush Drexel, Inc., an Illinois corporation, the sole managing member of Jazz on the Boulevard, LLC, a Delaware limited liability company, and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such President of Thrush Drexel, Inc., he/she signed and delivered the said instrument pursuant to authority duly given and as his/her free and voluntary act, and as the free and voluntary act and deed of Jazz on the Boulevard, LLC for the uses and purposes therein set forth.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

STATE OF ILLINOIS     )  
  )     SS  
COUNTY OF COOK     )

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Terry Peterson, personally known to me to the Chief Executive Officer of the Chicago Housing Authority ("Authority"), and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that in his capacity as such Chief Executive Officer of the Authority, he signed and delivered the said instrument pursuant to authority given by the Authority Board of Commissioners and as his free and voluntary act, and as the free and voluntary act and deed of the Authority, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 7<sup>th</sup> day of November, 2005.

  
\_\_\_\_\_  
Notary Public

My commission expires:

OFFICIAL SEAL

WALTER WILLIAMS

STATE OF ILLINOIS

COMMISSION EXPIRES: 11/03/05

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## EXHIBIT A

### LEGAL DESCRIPTION OF REAL PROPERTY

The Real Property which is mortgaged hereunder consists of the following parcels, complete legal descriptions for which appear below:

1. North Parcel Leased Property
2. Building 42 Property
3. Building 50 Property
4. South Parcel Multifamily Property
5. South Parcel Roadway Property

#### 1. North Parcel Leased Property

##### Parcel A Property Leased Under For Sale Ground Lease

**Lots 1, 2, 3, 4, 5, 26** (except the northerly 5.67 feet of Lot 26), **27, 28 and 29** in Jazz on the Boulevard Subdivision, being a Subdivision in the West Half of the fractional Northwest Quarter of Section 2, Township 38 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois, according to the plat thereof recorded July 30, 2004 as Document No. 0421210098 with the Recorder of Deeds of Cook County, Illinois.

Also, **Lot 6** in said above-described Jazz on the Boulevard Subdivision, excepting therefrom that part of Lot 6 described as follows: commencing at the northwest corner of said Lot 6, thence South 20° 44' 19" East along the westerly line of said Lot 6 a distance of 3.44 feet, thence North 69° 15' 41" East a distance of 19.00 feet to the easterly line of Lot 6, thence North 20° 44' 16" West feet along said easterly line of Lot 6 a distance of 1.25 feet to the northerly line of Lot 6, thence South 90° 00' 00" West along the northerly line of Lot 6 a distance of 20.32 feet to the point of beginning.

Commonly known as: 4100, 4108, 4114, 4120, 4124 and 4130 S. Drexel Boulevard  
803, 811, 817 and 825 E. 41<sup>st</sup> Street  
804, 812, 822 and 830 E. Bowen Avenue

PINs: Part of 20-02-110-033  
Part of 20-02-110-034  
Part of 20-02-110-035  
Part of 20-02-110-036  
Part of 20-02-110-037

##### Parcel A Property Leased Under Rental Ground Lease, as amended

**Lots 11, 15, 22 and 25** in Jazz on the Boulevard Subdivision, being a Subdivision in the West Half of the fractional Northwest Quarter of Section 2, Township 38 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois, according to the plat thereof recorded July 30, 2004 as Document No. 0421210098 with the Recorder of Deeds of Cook County, Illinois.

Commonly known as: 4106 and 4109 S. Maryland Avenue  
4111 and 4119 S. Cottage Grove

PINs: Part of 20-02-110-033  
Part of 20-02-110-034

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Part of 20-02-110-035  
 Part of 20-02-110-036  
 Part of 20-02-110-037

## **2. Building 42 Property**

That part of Lots 20 to 29, both inclusive, (except that part taken for the widening and extension of a public alley) in Block 2 in Charles R. Steele's Resubdivision of Lot 1 in Bayard and Palmer Addition made by Circuit Court Partition, being a Subdivision of 11.22 chains North of and adjoining South 25 rods of the Northwest fractional quarter of Section 2, Township 38 North, Range 14, East of the Third Principal Meridian, lying West of Hyde Park Avenue (except the North 53 feet 4 ½ inches thereof conveyed to Union Stock Yards and Transit Company), in Cook County, Illinois described as follows:

### **BUILDING 42:**

Beginning at the Northeast corner of said tract; thence South 03° 44' 15" East, along the East line thereof, 26.512 feet; thence South 90° 00' 00" West 42.56 feet; thence South 00° 00' 00" West 4.50 feet; thence South 90° 00' 00" West 37.33 feet; thence North 00° 00' 00" West 4.50 feet; thence North 90° 00' 00" West 43.02 feet to a point on the West line of said tract; thence North 00° 02' 30" West, along said West line, 26.87 feet to the Northwest corner said tract; thence South 89° 48' 18" East along the North line of said tract, 121.20 feet to the point of beginning, in Cook County, Illinois.

Commonly known as: 4136 and 4133 S. Drexel Boulevard

PINs: Part of 20-02-111-012  
 Part of 20-02-111-020  
 Part of 20-02-111-021  
 Part of 20-02-111-022

## **3. Building 50 Property**

That part of Lots 20 to 29, both inclusive, (except that part taken for the widening and extension of a public alley) in Block 2 in Charles R. Steele's Resubdivision of Lot 1 in Bayard and Palmer Addition made by Circuit Court Partition, being a Subdivision of 11.22 chains North of and adjoining South 25 rods of the Northwest fractional quarter of Section 2, Township 38 North, Range 14, East of the Third Principal Meridian, lying West of Hyde Park Avenue (except the North 53 feet 4 ½ inches thereof conveyed to Union Stock Yards and Transit Company), in Cook County, Illinois described as follows:

### **BUILDING 50:**

Commencing at the Northeast corner of said tract; thence South 03° 44' 15" East, along the East line thereof, 208.897 feet to the point of beginning; thence South 03° 44' 15" East, along said East line, 26.513 feet to the Southeast corner of said tract; thence North 89° 49' 25" West, along the South line thereof, 136.37 feet to the Southwest corner of said tract; thence North 00° 02' 30" West, along the West line of said tract, 26.03 feet; thence South 90° 00' 00" East, 58.71 feet; thence North 00° 00' 00" East 4.50 feet; thence North 90° 00' 00" East 37.50 feet; thence South 00° 00' 00" East 4.50 feet; thence South 90° 00' 00" East 38.45 feet to the point of beginning, in Cook County, Illinois.

Commonly known as: 4158 and 4160 S. Drexel Boulevard

PINs: Part of 20-02-111-012  
 Part of 20-02-111-020



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Part of 20-02-111-021  
Part of 20-02-111-022

## 4. South Parcel Multifamily Property

That part of Lots 16 to 24, both inclusive, (except that part taken for the widening and extension of a public alley) in Block 3 in Charles R. Steele's Resubdivision of Block 1 in Bayard and Palmer Addition to the Northwest fractional Quarter of Section 2, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois, described as follows:

Beginning at the Northeast corner of said tract; thence South 03° 44' 15" East along the East line thereof, 187.11 feet to the South line of said tract; thence North 89° 52' 56" West along said South line, 80.20 feet; thence North 00° 00' 00" East 23.82 feet; thence Northerly and Easterly 7.85 feet along the arc of a circle convex to the Northwest, having a radius of 5.00 feet, and whose chord bears North 45° 00' 00" East, a distance of 7.07 feet; thence North 90° 00' 00" East 7.00 feet; thence North 00° 00' 00" East 128.33 feet; thence North 90° 00' 00" West 7.00 feet; thence Westerly and Northerly 7.85 feet along the arc of a circle convex to the Southwest, having a radius of 5.00 feet, and whose chord bears North 45° 00' 00" West, a distance of 7.07 feet; thence North 00° 00' 00" East 24.61 feet to a point on the North line of said tract; thence South 89° 49' 25" East along said North line, 68.00 feet to the point of beginning, in Cook County, Illinois.

Also, the following described parcel:

### Parking Parcel.

That part of Lots 16 to 24 in Block 3 in Charles R. Steele's Resubdivision of Block 1 in Bayard and Palmer Addition to the Northwest fractional Quarter of Section 2, Township 38 North, Range 14, East of the Third Principal Meridian, taken as a tract and described as follows: Commencing at the Northeast corner of said tract; thence North 89° 49' 25" West along the North line thereof, 82.00 feet; thence South 00° 00' 00" West 49.82 feet to the point of beginning; thence South 90° 00' 00" East 8.00 feet; thence South 00° 00' 00" West 88.00 feet; thence North 90° 00' 00" West 8.00 feet; thence North 00° 00' 00" East 88.00 feet to the point of beginning, in Cook County, Illinois.

Commonly known as: 4162, 4164, 4168, 4174, 4176 and 4178 S. Drexel Boulevard

PINs: Part of 20-02-112-012  
Part of 20-02-112-016

## 5. South Parcel Roadway Property

That part of Lots 16 to 24, both inclusive, (except that part taken for the widening and extension of a public alley) in Block 3 in Charles R. Steele's Resubdivision of Block 1 in Bayard and Palmer Addition to the Northwest fractional Quarter of Section 2, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois, described as follows:

Commencing at the North East corner of said tract; thence South 03° 44' 15" East along the East line thereof, 187.11 feet to the South line of said tract; thence North 89° 52' 56" West along the South line of said tract, 80.20 feet to the point of beginning; thence North 00° 00' 00" East 23.82 feet; thence Northerly and Easterly 7.85 feet along the arc of a circle convex to the Northwest, having a radius of 5.00 feet, and whose chord bears North 45° 00' 00" East, a distance of 7.07 feet; thence North 90° 00' 00" East 7.00

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feet; thence North 00° 00' 00" East 128.33 feet; thence North 90° 00' 00" West 7.00 feet; thence Westerly and Northerly 7.85 feet along the arc of a circle convex to the Southwest, having a radius of 5.00 feet, and whose chord bears North 45° 00' 00" West, a distance of 7.07 feet; thence North 00° 00' 00" East 24.61 feet to a point on the North line of said tract; thence North 89° 49' 25" West along said North line, 32.50 feet; thence South 00° 00' 00" East 186.79 feet to a point on the South line of said tract; thence South 89° 52' 56" East along said South line, 32.50 feet to the point of beginning, in Cook County, Illinois, excepting therefrom the following described parcel:

## Parking Parcel

That part of Lots 16 to 24 in Block 3 in Charles R. Steele's Resubdivision of Block 1 in Bayard and Palmer Addition to the Northwest fractional Quarter of Section 2, Township 38 North, Range 14, East of the Third Principal Meridian, taken as a tract and described as follows:

commencing at the Northeast corner of said tract; thence North 89° 49' 25" West along the North line thereof, 82.00 feet; thence South 00° 00' 00" West 49.82 feet to the point of beginning; thence South 90° 00' 00" East 8.00 feet; thence South 00° 00' 00" West 88.00 feet; thence North 90° 00' 00" West 8.00 feet; thence North 00° 00' 00" East 88.00 feet to the point of beginning, in Cook County, Illinois.

Commonly known as: Certain vacant land east of South Drexel Boulevard, south of East 42<sup>nd</sup> Place, east of the alley lying west of South Drexel Boulevard, and north of East 42<sup>nd</sup> Place.

PINs: Part of 20-02-112-012  
Part of 20-02-112-016