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This instrument was prepared by  
and when recorded return to:

LaRue Little, Esq.  
Chicago Housing Authority  
Office of the General Counsel  
200 West Adams St., Suite 2100  
Chicago, Illinois 60606



Doc#: 0534645132 Fee: \$42.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 12/12/2005 02:20 PM Pg: 1 of 10

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

THIS FIRST AMENDMENT TO MORTGAGE AND ASSIGNMENT OF RENTS AND  
LEASES (this "**Amendment**") is entered into and effective as of December 1, 2005, by and  
between the Chicago Housing Authority (the "**CHA**"), an Illinois municipal corporation, with  
offices at 626 West Jackson Boulevard, Chicago, Illinois 60661 and Drexel Jazz Limited  
Partnership, an Illinois limited partnership (the "**Partnership**").

### WITNESSETH

A. Pursuant to a Loan Agreement dated August 1, 2004 among Jazz on the  
Boulevard LLC, a Delaware limited liability company ("**Jazz**"), the Partnership and the CHA,  
CHA has agreed to make certain loans to Jazz and The Partnership. The loan made to Jazz is  
hereinafter referred to as the "Construction Loan" and the loan to be made to the Partnership is  
hereinafter referred to as the "Permanent Loan." The Construction Loan and the Permanent  
Loan related to a multi-family housing project being constructed on certain real estate in  
Chicago, Illinois (the "**Property**").

B. As security for the Construction Loan, the Property was encumbered by that  
certain Subordinate Mortgage, Security Agreement and Financing Statement dated as of August  
1, 2004 and recorded on August 12, 2004 among the land records of Cook County, Illinois, as  
document number 0422501216, as amended by the First Amendment to the Subordinate  
Mortgage, Security Agreement and Financing Statement dated as of November 17, 2005, and  
recorded on November 21, 2005 as document no. 0532527127 (the "**Mortgage**"), securing that  
certain mortgage loan in the original principal amount of \$3,373,642.00 made to Jazz from the  
CHA, which Loan is evidenced by that certain Promissory Note dated August 1, 2004.

C. As further security for or otherwise related to the Construction Loan, the Property  
is also encumbered by that certain Assignment of Rents and Leases made by Jazz in favor of the  
CHA dated as of August 1, 2004 and recorded on August 12, 2004 among the land records of  
Cook County, Illinois, as document number 0422501217, as amended by the First Amendment to  
the Assignment of Rents and Leases dated as of November 17, 2005, and recorded on November  
21, 2005 as document no. 0532527128 (the "**Rent Assignment**").

D. Jazz has caused certain improvements to be constructed upon the Property, and  
has caused a portion of the Property to be converted to a condominium form of ownership  
pursuant to the Declaration of Condominium Ownership For 4162-4178 South Drexel Boulevard  
Condominium recorded as document no. 0518032156 with the Recorder of Deeds, Cook County,  
Illinois.

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E. Pursuant to that certain Partial Release of Subordinate Mortgage, Security Agreement and Financing Statement; Assignment of Rents and Leases; Declaration of Restrictive Covenants; Regulatory and Operating agreement and Property Rights Agreement dated November 22, 2005 and recorded on November 22, 2005 as document no. 0532741168, a portion of the Property, consisting of five (5) condominium units (“Units”), encumbered by the Mortgage and the Rent Assignment was released from the respective liens thereof. Concurrently therewith, a portion of the balance of the Construction Loan was transferred to the Permanent Loan and the aforesaid five Units were encumbered by that certain Mortgage, Security Agreement and Financing Statement by the Partnership in favor of the CHA dated as of November 22, 2005 (the “**New Mortgage**”), recorded as document no. 0532741162 with the Recorder of Deeds, Cook County, Illinois and by that certain Assignment of Rents and Leases dated November 22, 2005 and recorded with the Recorder of Deeds, Cook County, Illinois as document no. 0532741163 (the “**New Rent Assignment**”). Concurrently therewith, the Partnership executed an Environmental Indemnity Agreement dated November 22, 2005 in favor of the CHA (the “**Indemnity**”).

G. On or before the date hereof, Jazz has caused an additional portion of the Property to be converted to condominium form of ownership pursuant to the Declaration of Leasehold Condominium for Jazz on the Boulevard Condominium recorded as document no. 0533610220 with the Recorder of Deeds of Cook County, Illinois. On the date hereof Jazz has conveyed via Special Warranty Deed to the Partnership seventeen (17) additional Units (“Additional Units”). On or before the date hereof, an additional portion of the balance of the Construction Loan will be transferred to the Permanent Loan, and the Additional Units have been and will hereafter be encumbered by the New Mortgage and the New Rent Assignment, as security for the Permanent Loan.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter set forth, and of other valuable consideration, the Partnership and the Authority each agree as follows:

**SECTION 1. AMENDMENT OF EXHIBITS.** Exhibit A to the New Mortgage and Exhibit A to the New Rent Assignment and Exhibit A to the Indemnity are each hereby amended and restated to read as set forth in Exhibit 1 of this Amendment.

**SECTION 2. FULL FORCE AND EFFECT.** Except as amended by this Amendment, the terms of the New Mortgage, the New Rent Assignment and the Indemnity remain in full force and effect, and are incorporated herein by reference as though fully set forth herein.


**SECTION 3. COUNTERPARTS.** This Amendment may be executed in multiple counterparts, each of which shall be an original, but all of which shall constitute but one and the same agreement.

**THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK**

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IN WITNESS WHEREOF, the Authority and the Partnership have executed this Amendment by their duly authorized representatives, as of the date first written herein above.

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

By:   
Terry Peterson  
Chief Executive Officer

**DREXEL JAZZ LIMITED PARTNERSHIP,  
an Illinois limited partnership**

By: Drexel Neighborhood Development Corporation,  
an Illinois not for profit corporation, its general partner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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IN WITNESS WHEREOF, the Authority and the Partnership have executed this Amendment by their duly authorized representatives, as of the date first written herein above.

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

By: \_\_\_\_\_  
Terry L. Peterson  
Chief Executive Officer

**DREXEL JAZZ LIMITED PARTNERSHIP,  
an Illinois limited partnership**

By: Drexel Neighborhood Development Corporation,  
an Illinois not for profit corporation, its general partner

By: \_\_\_\_\_  
Name: Andrew E. Geer  
Title: Asst. Secretary

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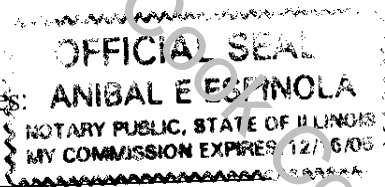
STATE OF ILLINOIS        )  
  )ss  
COUNTY OF COOK        )

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 be the Chief Executive Officer of the Chicago Housing Authority (the "Authority"), and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Chief Executive Officer, he signed and delivered the said instrument pursuant to authority given by the Authority's 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 6th day of December, 2005.

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

My Commission Expires:



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STATE OF ILLINOIS        )  
  )ss  
COUNTY OF COOK        )

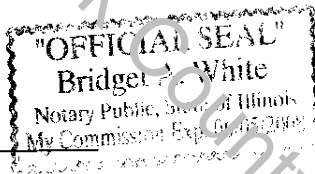
I, the undersigned, a Notary Public in and for the county and State aforesaid, do hereby certify that Andrew Geer is personally known to me to be the Assistant Secretary of Drexel Neighborhood Development Corporation, an Illinois not for profit corporation, and the general partner ("General Partner") of Drexel Jazz Limited Partnership, an Illinois limited partnership (the "Owner"), 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 Drexel Neighborhood Development Corporation, he signed and delivered the said instrument pursuant to authority given by the Partnership Agreement and as his free and voluntary act, and as the free and voluntary act and deed of the Owner for the uses and purposes therein set forth.

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

*Bridget A. White*  
\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_



**UNOFFICIAL COPY****EXHIBIT A****LEGAL DESCRIPTION**

The Real Estate/Rental Mortgaged Property consists of the following parcels, complete legal descriptions for which appear below:

1. North Parcel Condominium Property
2. The South Parcel Condominium Property
3. The South Parcel Roadway Easement

Parcel 1: The North Parcel Condominium Property

A. The Leasehold Estate created by the Ground Lease made by Chicago Housing Authority to Jazz on the Boulevard LLC dated August 1, 2004 and recorded August 12, 2004 as document no. 0422501204, demising the following land for a term of 99 years beginning August 1, 2004, and ending July 31, 2103, which Lease was assigned in part by Jazz on the Boulevard, LLC Assignor, to Drexel Jazz Limited Partnership, Assignee, which Lease demises the land described below (except the buildings and improvements located on the land); and

B. Ownership of the buildings and improvements located on the land described herein.

Unit numbers 4100-1A S. Drexel Blvd and Parking Space P-28; 4100-2A S. Drexel Blvd and Parking Space P-29; 4100-2B S. Drexel Blvd and Parking Space P-32; 4108-2A S. Drexel Blvd and Parking Space P-26; 4108-1B S. Drexel Blvd and Parking Space P-24; 4108-2B S. Drexel Blvd and Parking Space P-23; 4114-2A S. Drexel Blvd and Parking Space P-20; 4114-2B S. Drexel Blvd and Parking Space P-17; 4120-2A S. Drexel Blvd and Parking Space P-35; 4120-2B S. Drexel Blvd and Parking Space P-14; 4124-1A S. Drexel Blvd and Parking Space P-12; 4124-1B S. Drexel Blvd and Parking Space P-9; 4124-2A S. Drexel Blvd and Parking Space P-11; 4124-2B S. Drexel Blvd and Parking Space P-8; 4130-1A S. Drexel Blvd and Parking Space P-36; 4130-1B S. Drexel Blvd and Parking Space P-10; and 4130-2B S. Drexel Blvd and Parking Space P-1 in the Jazz on the Boulevard Condominium as delineated on a Plat of Survey of the following described real estate:

Lots 1 and 5 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 degrees 44'19" East along the westerly line of said Lot 6 a distance of 8.44 feet, thence North 69 degrees 15' 41" East a distance of 19.00 feet to the easterly line of Lot

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6, thence North 20 degrees 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 degrees 0'00" West along the northerly line of Lot 6 a distance of 20.32 feet to the point of beginning;

which Plat of Survey is attached as Exhibit "B" to the Declaration of Leasehold Condominium Ownership for Jazz on the Boulevard Condominium, recorded December 2, 2005 in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 0533610220, as amended from time to time, together with its undivided percentage interest in the common elements, in Cook County, Illinois.

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 2: The South Parcel Condominium Property

Unit 4162-1 and Parking Space P-13, Unit 4168-3A and Parking Space P-1, Unit 4168-1B and Parking Space P-4, Unit 4174-3B and Parking Space P-12, and Unit 4176-1 and Parking Space P-15 in the 4162-4178 South Drexel Blvd. Condominium, as depicted in the plat of survey of the following described real estate:

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:

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, in Cook County, Illinois, 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 3.00 feet; thence South 00° 00' 00" West



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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.

Which survey is attached as Exhibit "B" to the Declaration of Condominium Ownership for 4162-4178 South Drexel Blvd. Condominium, recorded in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 518032156, as amended from time to time, together with its undivided percentage interest in the common elements, in Cook County, Illinois.

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

Parcel 3. The South Parcel Roadway Parcel Easement

A non-exclusive easement for roadway purposes as created and described in the Declaration of Easements, Covenants and Restrictions for the Drexel Blvd./42<sup>nd</sup> Street Community Association pursuant to the Condominium Property Act dated June 28, 2005 and recorded on June 29, 2005 as document no. 0518032157 over the following described land:

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:

Center Parcel

Commencing at the Northeast corner of said tract; thence South 33° 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 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, but excepting therefrom the following described parcel:

12/07/05 16:04 FAX 1 312 421 8182

**UNOFFICIAL COPY**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  $89^{\circ} 49' 25''$  West, along the North line thereof, 82.00 feet; thence South  $00^{\circ} 00' 00''$  West 49.82 feet to the point of beginning; thence South  $90^{\circ} 00' 00''$  East 8.00 feet; thence South  $00^{\circ} 00' 00''$  West 88.00 feet; thence North  $90^{\circ} 00' 00''$  West 8.00 feet; thence North  $00^{\circ} 00' 00''$  East 88.00 feet to the point of beginning, in Cook County, Illinois.

PINs:

Part of 20-02-112-012

Part of 20-02-112-016

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