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Doc#: 0629145046 Fee: \$38.50
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 10/18/2006 02:48 PM Pg: 1 of 8

AMENDMENT TO MORTGAGE AND ASSIGNMENT OF RENTS

This Amendment to Mortgage and Assignment of Rents ("Amendment") is made as of October 15, 2006, by **CITIBANK, N.A.**, a national banking association, successor in interest by merger to **CITIBANK, F.S.B.** ("Lender"), and **WHP Homes, LLC**, an Illinois limited liability company ("Borrower").

RECITALS

WHEREAS, Borrower and Lender entered into that certain Construction Loan Agreement dated as of December 1, 2005 pursuant to which Lender agreed to make a construction loan to Borrower in the aggregate amount of up to Twelve Million and No/100 Dollars (\$12,000,000) (the "Loan") (the "Agreement");

WHEREAS, the Loan is secured by (i) that certain Mortgage, Security Agreement and Fixture Filing (Leasehold and Fee) dated as of December 1, 2005 and recorded December 15, 2005 with the Cook County Recorder of Deeds as Document No. 0534945068 (the "Mortgage") and (ii) that certain Assignment of Rents and Leases dated as of December 1, 2005 and recorded December 15, 2005 with the Cook County Recorder of Deeds as Document No. 0534945069 (the "Assignment"), each affecting the real property legally described on Exhibit A attached hereto (the "Land");

WHEREAS, Borrower and Lender have agreed to increase the amount of the Loan to Twelve Million Three Hundred Thousand and No/100 Dollars (\$12,300,000); and

WHEREAS, Borrower and Lender desire to amend the Mortgage and the Assignment to document such increase;

NOW THEREFORE, in consideration of the covenants contained herein, the parties agree as follows:

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1. The Mortgage and the Assignment are hereby amended so that all references to the Note are hereby deemed to refer to that certain Promissory Note (Replacement) dated October 15, 2006 which is a replacement for that certain Promissory Note dated December 1, 2005 and is not a novation thereof.

2. The Mortgage and the Assignment are hereby amended so that all references to the Loan are hereby deemed to refer to the Loan as increased by that certain Amendment to Construction Loan Agreement dated October 15, 2006.

3. This Amendment shall have no effect on any portion of the Land previously released by Lender from the liens of the Mortgage and the Assignment.

4. Capitalized terms used but not defined herein shall have the meaning ascribed to such terms in the Mortgage.

5. Except as herein set forth, the Mortgage and Assignment Agreements are unamended.

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IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

BORROWER:

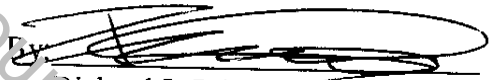
WHP Homes, LLC,
an Illinois limited liability company

By: BMH-I, LLC,
an Illinois limited liability company,
its Sole Member

By: Brinshore Holding, LLC,
an Illinois limited liability company,
a Member

By: Brinshore Development, L.L.C.,
an Illinois limited liability company,
its Sole Member

By: RJS Real Estate Services, Inc.,
an Illinois corporation, a Member


Richard J. Sciortino, President


By: The Michaels Development Company I, L.P.
a New Jersey limited partnership,
a Member

By: The Michaels Development Holding Company,
L.L.C., a New Jersey limited liability company,
its sole general partner

By: _____
John O'Donnell, Vice President

LENDER:

CITIBANK, N.A., successor in interest by merger to
CITIBANK, F.S.B.

By: 
Its: Vice President

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IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first above written.

BORROWER:

WHP Homes, LLC,
an Illinois limited liability company

By: BMH-I, LLC,
an Illinois limited liability company,
its Sole Member

By: Brinshore Holding, LLC,
an Illinois limited liability company,
a Member

By: Brinshore Development, L.L.C.,
an Illinois limited liability company,
its Sole Member

By: RJS Real Estate Services, Inc.,
an Illinois corporation, a Member

By: _____
Richard J. Sciortino, President

By: The Michaels Development Company I, L.P.
a New Jersey limited partnership,
a Member

By: The Michaels Development Holding Company,
L.L.C., a New Jersey limited liability company,
its sole general partner

By: _____
John O'Donnell, Vice President

LENDER:

CITIBANK, N.A., successor in interest by merger to
CITIBANK, F.S.B.

By: Sonya Pearson
Its: Vice President

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ACKNOWLEDGMENT OF SIGNATURE

STATE OF Illinois)
COUNTY OF Cook)^{SS}

I, Peter Levavi, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY THAT Richard J. Sciortino, personally known to me and known by me to be the President of **RJS REAL ESTATE SERVICES, INC.**, a member of **BRINSHORE DEVELOPMENT, L.L.C.**, the sole member of **BRINSHORE HOLDING, LLC**, a member of **BMH-I, LLC**, the sole member of **WHP HOMES, LLC**, in whose name the above and foregoing instrument is executed, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 11th day of October, 2006.

Peter Levavi
Notary Public

My Commission Expires:

Prepared by and after Recording
Return to:

Gregory C. Whitehead
Albert, Whitehead, P.C.
10 North Dearborn Street
Suite 600
Chicago, Illinois 60602



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ACKNOWLEDGMENT OF SIGNATURE

STATE OF New Jersey)
) SS
COUNTY OF Burlington)

I, Catherine A. Harding, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY THAT John O'Donnell, personally known to me and known by me to be the Vice President of **MICHAELS DEVELOPMENT HOLDING COMPANY, L.L.C.**, the sole general partner of **MICHAELS DEVELOPMENT COMPANY I, L.P.**, a member of **BMH-I, LLC**, the sole member of **WHP HOMES, LLC**, in whose name the above and foregoing instrument is executed, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 13th day of October, 2006.

Catherine A. Harding
Notary Public

My Commission Expires:

CATHERINE ANN HARDING
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 5/30/2010

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ACKNOWLEDGMENT OF SIGNATURE

STATE OF Illinois)
) SS
COUNTY OF Cook)

I, Michael B Connor, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY THAT Sonja Prier, personally known to me and known by me to be the Vice President of **CITIBANK, N.A.**, successor in interest by merger to **CITIBANK, F.S.B.**, in whose name the above and foregoing instrument is executed, appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 16 day of October, 2006.



Michael B. Connor
Notary Public

My Commission Expires:

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LEGAL DESCRIPTION

LOTS 1, 6, 7, 10 AND 12 IN BELL RESUBDIVISION, BEING A RESUBDIVISION AND CONSOLIDATION OF PART OF CAMPBELL'S SUBDIVISION OF BLOCK 55, AND OF WILSON AND BATES' SUBDIVISION IN CAMPBELL'S SUBDIVISION OF BLOCK 55, INCLUDING THE EAST-WEST VACATED ALLEY AND VACATED WEST MAYPOLE AVENUE IN SAID BLOCK 55, IN CANAL TRUSTEES' SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 2002 AS DOCUMENT NUMBER 0021230667, IN COOK COUNTY, ILLINOIS.

PINs:

17-07-321-036, COMMONLY KNOWN AS: 2257 W. LAKE STREET
17-07-321-041, COMMONLY KNOWN AS: 2220 W. MAYPOLE AVENUE
17-07-321-042, COMMONLY KNOWN AS: 2238 W. MAYPOLE AVENUE
17-07-321-045, COMMONLY KNOWN AS: 2235 AND 2231 W. MAYPOLE AVENUE
17-07-321-047, COMMONLY KNOWN AS: 120 N. LEAVITT STREET

AND

LOT 6 IN MAYPOLE RESUBDIVISION, BEING A RESUBDIVISION AND CONSOLIDATION IN BLOCKS 2 AND 3 IN PAGE AND WOOD'S SUBDIVISION OF BLOCKS 50, 63 AND 64, AND IN THE SUBDIVISION OF LOTS 5 AND 6 IN SAID BLOCK 3 IN PAGE AND WOOD'S SUBDIVISION, INCLUDING THE EAST-WEST VACATED ALLEYS AND VACATED WEST MAYPOLE AVENUE, IN THE CANAL TRUSTEES' SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 7, 2002 AS DOCUMENT NUMBER 0021230668, IN COOK COUNTY, ILLINOIS.

PIN:

17-07-423-019
COMMONLY KNOWN AS: 1752 W. MAYPOLE AVENUE