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Doc#: 0717702088 Fee: \$34.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/26/2007 09:59 AM Pg: 1 of 6

THIS INSTRUMENT PREPARED BY:
AND RECORD AND RETURN TO:

Alvin J. Helfgot
Deutsch, Levy & Engel, Chtd.
225 West Washington Street
Suite 1700
Chicago, IL 60606
(312) 346-1460

Address of Property:
106 S. Kenilworth
Oak Park, IL

PIN: 16-07-305-002-0000

For Recorder's Use Only

MODIFICATION OF MORTGAGE, SECURITY AGREEMENT AND ASSIGNMENT OF LEASES AND RENTS

THIS MODIFICATION of MORTGAGE, SECURITY AGREEMENT AND ASSIGNMENT OF LEASES AND RENTS, made as of January 31, 2007 (this "Modification Agreement"), between FOX PARTNERS, L.P., an Illinois limited partnership (the "Mortgagor") and THE PRIVATEBANK AND TRUST COMPANY (the "Mortgagee"), witnesseth:

RECITALS

Mortgagor executed a Promissory Note dated January 31, 2003, in the principal sum of Two Million Three Hundred Thousand (\$2,300,000.00) made payable to Mortgagee (the "Note"), which Note matured on January 31, 2005, was extended to January 31, 2006, pursuant to an Extension Agreement dated as of January 31, 2006 and was further extended to January 31, 2007, pursuant to a Second Extension Agreement dated as of January 31, 2006.

Repayment of the Note is secured, in part, by that certain Mortgage, Security Agreement and Assignment of Rents and Leases executed by Mortgagor, dated January 31, 2003 and recorded in the Office of the Recorder of Cook County, Illinois on February 10, 2003, as Document No. 30201213 (the "Mortgage") which Mortgage encumbers certain real estate located in Cook County, Illinois, and legally described on Exhibit "A" attached hereto.

Mortgagor has requested and the Bank has agreed to restructure the remaining \$500,000.00 balance of the Note, pursuant to an Amended and Restated Promissory Note of even date herewith, into a loan amortized over twenty-five (25) years with a final, balloon payment due January 31, 2012.

The parties hereto desire to enter into this Modification Agreement for the purpose of modifying the Mortgage to accurately reflect that the Note, as amended and restated, is secured thereby.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

Handwritten initials: CAB

07099740002

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1. The recital provisions are incorporated herein by reference and made a part hereof.
2. The definition of the "Note" in the Mortgage is hereby amended to mean the \$500,000.00 Amended and Restated Promissory Note of even date herewith, and any and all extensions, renewals, modifications, amendments and replacements thereof.
3. Nothing herein contained shall in any manner whatsoever impair the Note, Mortgage, or any other loan documents executed pursuant thereto, or alter, waive, vary or affect any promise, agreement, covenant or condition recited in any of the above-mentioned documents, nor affect or impair any rights, powers, or remedies of Mortgagee under any of the above-mentioned documents. Except as hereinabove otherwise provided, all terms and provisions of the Mortgage, and all of the other loan documents, shall remain unchanged and in full force and effect and shall be binding upon the parties hereto, their successors and assigns.
4. Mortgagor represents and warrants to Mortgagee that, to the best of its knowledge, as of the date hereof, no Event of Default or event or condition which could become an Event of Default with the giving of notice or passage of time or both, exists under the Note, the Mortgage, or any of the other loan documents.

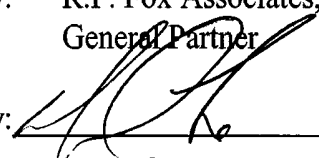
Signature Page follows.

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IN WITNESS WHEREOF, Mortgagor has executed this Modification Agreement as of the date set forth above.

FOX PARTNERS, L.P.

By: R.P. Fox Associates, Inc.,
General Partner

By:  _____

Printed Name and Title: Michael Fox V.P.

THE PRIVATEBANK AND TRUST COMPANY

By:  _____

Printed Name and Title: STACEY J. CHLEBANA
PRIVATE BANKING OFFICER

Property of Cook County Clerk's Office

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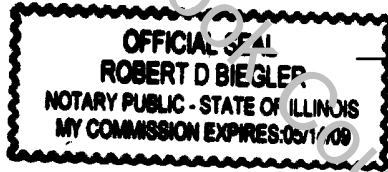
STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that

MICHAEL FOX, VICE PRESIDENT
(Name) (Title)

of R.P. Fox Associates, Inc., General Partner of Fox Partners, L.P., personally known to me to be the same person whose name is subscribed to the foregoing instrument, 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 said limited liability company, for the uses and purposes therein set forth.

Given under my hand and official seal, as of the 4th day of April, 2007.



[Handwritten Signature]
Notary Public

Commission expires: 5/14/09

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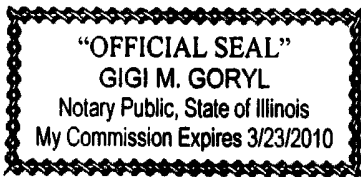
STATE OF ILLINOIS)
) SS
COUNTY OF DePue)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that

Stacey J. Chlebana, Private Banking Officer,
(Name) (Title)

of THE PRIVATE BANK AND TRUST COMPANY., personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument as his/her own free and voluntary act and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

Given under my hand and official seal, as of the 30th day of March, 2007.



Gigi M. Goryl
Notary Public

Commission expires: 3/23/2010

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ATTORNEYS' TITLE GUARANTY FUND, INC.

LEGAL DESCRIPTION

Legal Description:

Lots 45, 46, 47 and 48 in Farris Resubdivision of the West Half (1/2) of the East Half (1/2) of the Southwest Quarter (1/4), South of the Chidato and North West Railroad and North of the Dummy Railroad of Section 8, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Permanent Index Number:

Property ID: 16-07-305-002-0000

Property Address:

106 S. Kenilworth
Oak Park, IL

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