



Doc#: 0718611100 Fee: \$82.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 07/05/2007 01:32 PM Pg: 1 of 11

**PREPARED BY AND WHEN
RECORDED RETURN TO:**

Brian P. Collins, Esq.
Pedersen & Houpt
161 North Clark Street
Suite 3100
Chicago, Illinois 60601

FIRST AMERICAN
File # 1642817
213

FOURTH AMENDMENT TO MORTGAGE

THIS FOURTH AMENDMENT TO MORTGAGE (this "Amendment") is made as of the 7th day of May, 2007, by and between C&C CAPITAL LLC, an Illinois limited liability company ("Mortgagor"), and ASSOCIATED BANK-CHICAGO, an Illinois state banking association, its successors and assigns ("Mortgagee").

RECIT AIS:

A. Mortgagor and Mortgagee have previously entered into that certain Loan Agreement dated January 25, 2006 (the "Loan Agreement").

B. Mortgagor previously delivered to Mortgagee that certain Mortgage dated as of January 25, 2006 and recorded with the Recorder of Deeds of Cook County, Illinois, on February 7, 2006, as Document No. 0603840211, as amended by that certain First Amendment to Mortgage dated as of October 31, 2006 and recorded with the Recorder of Deeds of Cook County, Illinois, on November 27, 2006, as Document No. 0633144068, that certain Second Amendment to Mortgage dated as of December 5, 2006 and recorded with the Recorder of Deeds of Cook County, Illinois, on January 3, 2007, as Document No. 0700320010, and that certain Third Amendment to Mortgage dated as of May 7, 2007 and recorded with the Recorder of Deeds of Cook County, Illinois, on May 15, 2007, as Document No. 0713540216 (the "Mortgage").

C. Mortgagor previously delivered to Mortgagee that certain Revolving Note dated January 25, 2006 (the "Note"), in the principal amount of \$4,000,000 (which Loan Amount (as defined in the Loan Agreement) was increased to \$4,250,00 pursuant to that certain First Amendment to Loan Agreement dated as of the date hereof). The Loan Agreement, the Mortgage, the Note and all documents executed and delivered in connection therewith are collectively referred to as the "Loan Documents".

1195
C.F.

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D. Mortgagor has requested that Mortgagee advance Loan Proceeds under the Note to enable Mortgagor to purchase additional Units. As a condition to permitting the purchase of the Units in accordance with the Loan Agreement, Mortgagee is requiring the execution and delivery by Mortgagor of this Amendment.

The parties hereby agree as follows:

1. The Recitals set forth above are incorporated herein, are acknowledged by Mortgagee to be true and correct and are made a part hereof.

2. Exhibit A of the Mortgage is hereby deleted in its entirety, and Exhibit A as attached hereto is inserted in its place.

3. Mortgagor ratifies, reaffirms and agrees to be bound by its waivers, guarantees, obligations and liabilities to Mortgagee under the Loan Documents.

4. The Loan Documents shall remain and continue to be the valid and binding obligation of Mortgagor and Mortgagor acknowledges and agrees that the Loan Documents have not been discharged to any extent and no rights or remedies of Mortgagee thereunder have been waived by Mortgagee's acceptance of this Amendment.

5. From and after the date of this Amendment, all terms used in the Loan Documents which are defined in the Loan Agreement and/or Mortgage shall be deemed to refer to such terms as amended by this Amendment.

6. Except as amended by this Amendment, the Mortgage is in full force and effect.

7. Capitalized terms used herein and not otherwise defined herein shall have the meaning given to such terms in the Loan Agreement and/or Mortgage.

8. This Amendment may be executed in one or more counterparts, each of which shall be considered an original document and which together shall constitute one instrument.

[Signature Page Follows]

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The parties have executed this Fourth Amendment to Mortgage on the day and year first written above.

BORROWER:

C&C CAPITAL LLC
No evidence of legal representation as President of C&C CAPITAL LLC has been provided to us.

By: 

Name: Enrique Capella Pifarre

Title: President

BANK:

ASSOCIATED BANK-CHICAGO

By: 

Name: Adam P. Cunningham

Title: Assistant Vice President

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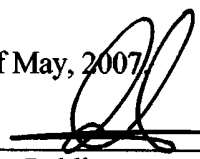
STATE OF ILLINOIS)
) ss.)
 COUNTY OF COOK)

The Kingdom of Spain
 Province of Barcelona
 City of Barcelona
 Consulate General of the
 United States of America

} S.S.

The undersigned, a Notary Public in and for the said County, in the ^{City of Barcelona, Spain} State aforesaid, DO HEREBY CERTIFY that Enrique Capella Pifarre, ~~the President of G&C Capital LLC, an Illinois limited liability company,~~ who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such President, 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 notarial seal this 24th day of May, 2007.



 Notary Public **DAVID J. MICO**
CONSUL OF THE UNITED STATES
OF AMERICA

My commission expires: n/a



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EXHIBIT A

LEGAL DESCRIPTION

THE LANCASTER CONDOMINIUM UNITS

ADDRESS:

201 North Westshore Drive
Chicago, Illinois 60601

PERMANENT TAX IDENTIFICATION NUMBER

17-10-400-024

UNIT 2905:

Unit 2905 and Parking Space Units P-156 and P-157 in The Lancaster Condominium as delineated on a Survey of the following described parcel of real estate:

Lot 11 in Lakeshore East Subdivision of part of the unsubdivided lands lying east of adjoining Fort Dearborn Addition to Chicago, said addition being in the Southwest fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the Plat thereof recorded March 4, 2003 as document 0030301045, in Cook County, Illinois.

Which Plat of Survey is attached as Exhibit A to the Declaration of Condominium recorded November 19, 2004 as document number 0432427093, as amended from time to time, together with their undivided percentage interest in the Common Elements.

UNIT 2805:

Unit 2805 and Parking Space Units P-151 and P-152 in The Lancaster Condominium as delineated on a Survey of the following described parcel of real estate:

Lot 11 in Lakeshore East Subdivision of part of the unsubdivided lands lying east of adjoining Fort Dearborn Addition to Chicago, said addition being in the Southwest fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the Plat thereof recorded March 4, 2003 as document 0030301045, in Cook County, Illinois.

Which Plat of Survey is attached as Exhibit A to the Declaration of Condominium recorded November 19, 2004 as document number 0432427093, as amended from time to time, together with their undivided percentage interest in the Common Elements.

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UNIT 2705:

Unit 2705, and Parking Space Units P-149 and P-150 in The Lancaster Condominium as delineated on a Survey of the following described parcel of real estate:

Lot 11 in Lakeshore East Subdivision of part of the unsubdivided lands lying east of adjoining Fort Dearborn Addition to Chicago, said addition being in the Southwest fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the Plat thereof recorded March 4, 2003 as document 0030301045, in Cook County, Illinois.

Which Plat of Survey is attached as Exhibit A to the Declaration of Condominium recorded November 19, 2004 as document number 0432427093, as amended from time to time, together with their undivided percentage interest in the Common Elements.

UNIT 2305:

Unit 2305, and Parking Space Units P-144 and P-145 in The Lancaster Condominium as delineated on a Survey of the following described parcel of real estate:

Lot 11 in Lakeshore East Subdivision of part of the unsubdivided lands lying east of adjoining Fort Dearborn Addition to Chicago, said addition being in the Southwest fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the Plat thereof recorded March 4, 2003 as document 0030301045, in Cook County, Illinois.

Which Plat of Survey is attached as Exhibit A to the Declaration of Condominium recorded November 19, 2004 as document number 0432427093, as amended from time to time, together with their undivided percentage interest in the Common Elements.

THE REGATTA CONDOMINIUM UNITS**ADDRESS**

420 East Waterside Drive
Chicago, Illinois 60601

PERMANENT TAX IDENTIFICATION NUMBER

17-10-318-048
17-10-400-019

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UNIT 905:

Parcel 1: Unit 905 and Parking Space Unit P-70, together with the exclusive right to use Storage Space S-256, a limited common element, in The Regatta Condominium, as delineated and defined on the plat of survey of the following described parcels of real estate:

Lot 6 and the East 20 feet of Lot 5 in Lakeshore East subdivision of part of the unsubdivided lands lying East of and adjoining Fort Dearborn Addition to Chicago, said addition being in the Southwest Fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the plat thereof recorded March 4, 2003 as document 0030301045, in Cook County, Illinois.

Which Survey is attached as Exhibit A to the Declaration of Condominium recorded August 15, 2006 as document number 0622717054, as amended from time to time, together with their undivided percentage interest in the common elements.

Parcel 2: Non-exclusive easements appurtenant to and for the benefit of Parcel 1, including easements for access to improvements being constructed over temporary construction easement areas, for pedestrian and vehicular ingress and egress on, over, through and across the streets, and to utilize the utilities and Utility Easements, all as more particularly defined, described and created by Declaration of Covenants, Conditions, Restrictions and Easements for Lakeshore East made by and between Lakeshore East LLC, Lakeshore East Parcel P LLC, and ASN Lakeshore East LLC dated as of June 26, 2002 and recorded July 2, 2002 as document 0020732020, as amended, from time to time.

Parcel 3: Non-exclusive easements appurtenant to and for the benefit of Parcel 1 as created by the Declaration of Easements, Reservations, Covenants and Restrictions recorded August 15, 2006 as document number 0622717053 for support, common walls, ceilings and floors, equipment and utilities, ingress and egress, maintenance and encroachments, over the land described therein. (Said burdened land commonly referred to in the aforementioned Declaration as the "Retail Parcel.")

UNIT 906:

Parcel 1: Unit 906 and Parking Space Unit P-71, together with the exclusive right to use Storage Space S-350 a limited common element, in The Regatta Condominium, as delineated and defined on the plat of survey of the following described parcels of real estate:

Lot 6 and the East 20 feet of Lot 5 in Lakeshore East subdivision of part of the unsubdivided lands lying East of and adjoining Fort Dearborn Addition to Chicago, said addition being in the Southwest Fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the plat thereof recorded March 4, 2003 as document 0030301045, in Cook County, Illinois.

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Which Survey is attached as Exhibit A to the Declaration of Condominium recorded August 15, 2006 as document number 0622717054, as amended from time to time, together with their undivided percentage interest in the common elements.

Parcel 2: Non-exclusive easements appurtenant to and for the benefit of Parcel 1, including easements for access to improvements being constructed over temporary construction easement areas, for pedestrian and vehicular ingress and egress on, over, through and across the streets, and to utilize the utilities and Utility Easements, all as more particularly defined, described and created by Declaration of Covenants, Conditions, Restrictions and Easements for Lakeshore East made by and between Lakeshore East LLC, Lakeshore East Parcel P LLC, and ASN Lakeshore East LLC dated as of June 26, 2002 and recorded July 2, 2002 as document 0020732020, as amended from time to time.

Parcel 3: Non-exclusive easements appurtenant to and for the benefit of Parcel 1 as created by the Declaration of Easements, Reservations, Covenants and Restrictions recorded August 15, 2006 as document number 0622717053 for support, common walls, ceilings and floors, equipment and utilities, ingress and egress, maintenance and encroachments, over the land described therein. (Said burdened land commonly referred to in the aforementioned Declaration as the "Retail Parcel.")

UNIT 1005:

Parcel 1: Unit 1005 and Parking Space Unit P-13, together with the exclusive right to use Storage Spaces S-255, limited common elements, in The Regatta Condominium, as delineated and defined on the plat of survey of the following described parcels of real estate:

Lot 6 and the East 20 feet of Lot 5 in Lakeshore East subdivision of part of the unsubdivided lands lying East of and adjoining Fort Dearborn Addition to Chicago, said addition being in the Southwest Fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the plat thereof recorded March 4, 2003 as document 0030301045, in Cook County, Illinois.

Which Survey is attached as Exhibit A to the Declaration of Condominium recorded August 15, 2006 as document number 0622717054, as amended from time to time, together with their undivided percentage interest in the common elements.

Parcel 2: Non-exclusive easements appurtenant to and for the benefit of Parcel 1, including easements for access to improvements being constructed over temporary construction easement areas, for pedestrian and vehicular ingress and egress on, over, through and across the streets, and to utilize the utilities and Utility Easements, all as more particularly defined, described and created by Declaration of Covenants, Conditions, Restrictions and Easements for Lakeshore East made by and between Lakeshore East LLC, Lakeshore East Parcel P LLC, and ASN Lakeshore East LLC dated as of June 26, 2002 and recorded July 2, 2002 as document 0020732020, as amended from time to time.

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Parcel 3: ~~Non~~-exclusive easements appurtenant to and for the benefit of Parcel 1 as created by the Declaration of Easements, Reservations, Covenants and Restrictions recorded August 15, 2006 as document number 0622717053 for support, common walls, ceilings and floors, equipment and utilities, ingress and egress, maintenance and encroachments, over the land described therein. (Said burdened land commonly referred to in the aforementioned Declaration as the "Retail Parcel.").

UNIT 1105:

Parcel 1: Unit 1105 and Parking Space Unit P-14, together with the exclusive right to use Storage Space S-253, a limited common element, in The Regatta Condominium, as delineated and defined on the plat of survey of the following described parcels of real estate:

Lot 6 and the East 20 feet of Lot 5 in Lakeshore East subdivision of part of the unsubdivided lands lying East of and adjoining Fort Dearborn Addition to Chicago, said addition being in the Southwest Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the plat thereof recorded March 4, 2003 as document 0030301045, in Cook County, Illinois.

Which Survey is attached as Exhibit A to the Declaration of Condominium recorded August 15, 2006 as document number 0622717054, as amended from time to time, together with their undivided percentage interest in the common elements.

Parcel 2: Non-exclusive easements appurtenant to and for the benefit of Parcel 1, including easements for access to improvements being constructed over temporary construction easement areas, for pedestrian and vehicular ingress and egress on, over, through and across the streets, and to utilize the utilities and Utility Easements, all as more particularly defined, described and created by Declaration of Covenants, Conditions, Restrictions and Easements for Lakeshore East made by and between Lakeshore East LLC, Lakeshore East Parcel P LLC, and ASN Lakeshore East LLC dated as of June 26, 2002 and recorded July 2, 2002 as document 0020732020, as amended from time to time.

Parcel 3: Non-exclusive easements appurtenant to and for the benefit of Parcel 1 as created by the Declaration of Easements, Reservations, Covenants and Restrictions recorded August 15, 2006 as document number 0622717053 for support, common walls, ceilings and floors, equipment and utilities, ingress and egress, maintenance and encroachments, over the land described therein. (Said burdened land commonly referred to in the aforementioned Declaration as the "Retail Parcel.").

UNIT 1914D:

Parcel 1: Unit 1914D and Parking Space Unit P-9, together with the exclusive right to use Storage Space S-51, a limited common element, in The Regatta Condominium, as delineated and defined on the plat of survey of the following described parcels of real estate:

Lot 6 and the East 20 feet of Lot 5 in Lakeshore East subdivision of part of the unsubdivided lands lying East of and adjoining Fort Dearborn Addition to Chicago, said addition being in the

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Southwest Fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the pint thereof recorded March 4, 2003 as document 0030301045, in Cook County, Illinois.

Which Survey is attached as Exhibit A to the Declaration of Condominium recorded August 15, 2006 as document number 0622717054, as amended from time to time, together with their undivided percentage interest in the common elements.

Parcel 2: Non-exclusive easements appurtenant to and for the benefit of Parcel 1, including easements for access to improvements being constructed over temporary construction easement areas, for pedestrian and vehicular ingress and egress on, over, through and across the streets, and to utilize the utilities and Utility Easements, all as more particularly defined, described and created by Declaration of Covenants, Conditions, Restrictions and Easements for Lakeshore East made by and between Lakeshore East LLC, Lakeshore East Parcel P LLC, and ASN Lakeshore East LLC dated as of June 26, 2002 and recorded July 2, 2002 as document 0020732020, as amended, from time to time.

Parcel 3: Non-exclusive easements appurtenant to and for the benefit of Parcel I as created by the Declaration of Easements, Reservations, Covenants and Restrictions recorded August 15, 2006 as document number 0622717053 for support, common walls, ceilings and floors, equipment and utilities, ingress and egress, maintenance and encroachments, over the land described therein. (Said burdened land commonly referred to in the aforementioned Declaration as the "Retail Parcel.")

UNIT 3712C:

Parcel 1: Unit 3712 C and Parking Space Unit P-8, together with the exclusive right to use Storage Space S-59, a limited common element, in The Regatta Condominium, as delineated and defined on the pint of survey of the following described parcels of real estate:

Lot 6 and the East 20 feet of Lot 5 in Lakeshore East subdivision of part of the unsubdivided lands lying East of and adjoining Fort Dearborn Addition to Chicago, said addition being in the Southwest Fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the pint thereof recorded March 4, 2003 as document 0030301045, in Cook County, Illinois.

Which Survey is attached as Exhibit A to the Declaration of Condominium recorded August 15, 2006 as document number 0622717054, as amended from time to time, together with their undivided percentage interest in the common elements.

Parcel 2: Non-exclusive easements appurtenant to and for the benefit of Parcel 1, including easements for access to improvements being constructed over temporary construction easement areas, for pedestrian and vehicular ingress and egress on, over, through and across the streets, and to utilize the utilities and Utility Easements, all as more particularly defined, described and created by Declaration of Covenants, Conditions, Restrictions and Easements for Lakeshore East made by and between Lakeshore East LLC, Lakeshore East Parcel P LLC, and ASN Lakeshore

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East LLC dated as of June 26, 2002 and recorded July 2, 2002 as document 0020732020, as amended, from time to time.

Parcel 3: Non-exclusive easements appurtenant to and for the benefit of Parcel I as created by the Declaration of Easements, Reservations, Covenants and Restrictions recorded August 15, 2006 as document number 0622717053 for support, common walls, ceilings and floors, equipment and utilities, ingress and egress, maintenance and encroachments, over the land described therein. (Said burdened land commonly referred to in the aforementioned Declaration as the "Retail Parcel.")

UNIT 3612:

Parcel 1: Unit 3612 and Parking Space Unit P-68, together with the exclusive right to use Storage Space S-_____, a limited common element, in The Regatta Condominium, as delineated and defined in the plat of survey of the following described parcels of real estate:

Lot 6 and the East 20 feet of Lot 5 in Lakeshore East subdivision of part of the unsubdivided lands lying East of and adjoining Fort Dearborn Addition to Chicago, said addition being in the Southwest Fractional Quarter of Section 10, Township 39 North, Range 14, East of the Third Principal Meridian, according to the plat thereof recorded March 4, 2003 as document 0030301045, in Cook County, Illinois.

Which Survey is attached as Exhibit A to the Declaration of Condominium recorded August 15, 2006 as document number 0622717054, as amended from time to time, together with their undivided percentage interest in the common elements.

Parcel 2: Non-exclusive easements appurtenant to and for the benefit of Parcel 1, including easements for access to improvements being constructed over temporary construction easement areas, for pedestrian and vehicular ingress and egress on, over, through and across the streets, and to utilize the utilities and Utility Easements, all as more particularly defined, described and created by Declaration of Covenants, Conditions, Restrictions and Easements for Lakeshore East made by and between Lakeshore East LLC, Lakeshore East Parcel P LLC, and ASN Lakeshore East LLC dated as of June 26, 2002 and recorded July 2, 2002 as document 0020732020, as amended, from time to time.

Parcel 3: Non-exclusive easements appurtenant to and for the benefit of Parcel I as created by the Declaration of Easements, Reservations, Covenants and Restrictions recorded August 15, 2006 as document number 0622717053 for support, common walls, ceilings and floors, equipment and utilities, ingress and egress, maintenance and encroachments, over the land described therein. (Said burdened land commonly referred to in the aforementioned Declaration as the "Retail Parcel.")