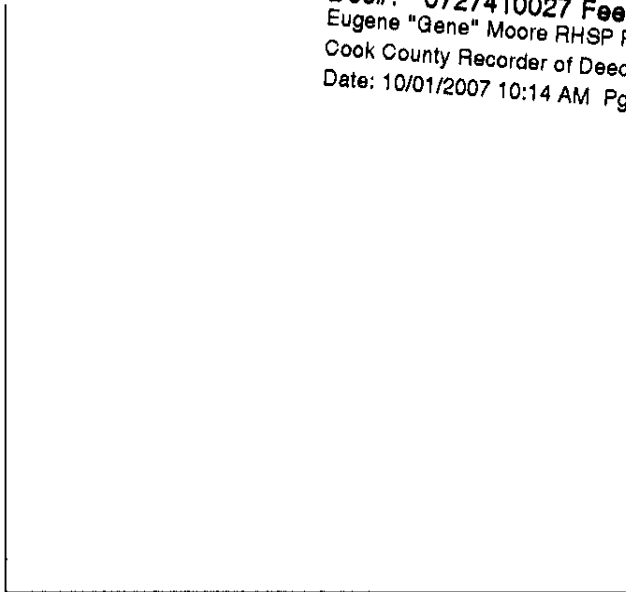




Doc#: 0727410027 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 10/01/2007 10:14 AM Pg: 1 of 11

TCF NATIONAL BANK

**FIFTH AMENDMENT TO
COMMERCIAL MORTGAGE,
ASSIGNMENT OF RENTS,
SECURITY AGREEMENT AND
FINANCING STATEMENT**



This Box For Recorder's Use Only

This FIFTH AMENDMENT TO COMMERCIAL MORTGAGE, ASSIGNMENT OF RENTS, SECURITY AGREEMENT AND FINANCING STATEMENT ("Agreement") is made as of August 1, 2007, by Chris Coyne and Steve Servant (collectively referred to herein as "Existing Mortgagors"), and Sauk Trail Group, LLC, an Illinois limited liability company ("Additional Mortgagor") to TCF National Bank, a national banking association, with an office located at 800 Burr Ridge Parkway, Burr Ridge, Illinois 60527 (hereinafter referred to as "Mortgagee").

RECITALS

WHEREAS, Existing Mortgagors and Additional Mortgagor are indebted to Mortgagee in the outstanding principal amount as of the date hereof of Five Hundred Forty One Thousand Eight Hundred Eleven and 91/100ths Dollars (\$541,811.91) as evidenced by that certain Commercial Mortgage Non-Revolving Note dated October 31, 2003 in the principal amount not to exceed One Million Fifty Thousand Dollars (\$1,050,000.00) executed and delivered by Existing Mortgagors to Mortgagee as extended and modified by that certain First Note Modification Agreement dated May 1, 2005 ("First Modification Agreement") between Existing Mortgagors and Mortgagee, that certain Second Note Modification Agreement dated February 1, 2006 ("Second Modification Agreement") between Existing Mortgagors and Mortgagee, that certain Third Note Modification, Extension and Assumption Agreement dated August 1, 2006 ("Third Modification Agreement") between Existing Mortgagors, Additional Mortgagor and Mortgagee and that certain Fourth Note Modification and Extension Agreement dated February 1, 2007 ("Fourth Modification Agreement") between Existing Mortgagors, Additional Mortgagor and Mortgagee and as extended to a Maturity Date of February 1, 2008 (the "Maturity Date") as modified by that certain Fifth Note Modification, Extension of even date herewith (the "Note"); and

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WHEREAS, the loan evidenced by the Note is secured in part by that certain Commercial Mortgage, Assignment of Rents, Security Agreement and Financing Statement dated October 31, 2003 made by Existing Mortgagors to Mortgagee and recorded on February 4, 2004 with the Cook County Recorder of Deeds as Document No. 0403546122 ("Mortgage"), relating to and encumbering the property legally described on Exhibit "1" attached hereto and made a part hereof (the "Premises"), as amended by that certain First Amendment to Commercial Mortgage, Assignment of Rents, Security Agreement and Financing Statement dated May 1, 2005 made by Existing Mortgagors ("First Amendment") and recorded on September 20, 2005 with the Cook County Recorder of Deeds as Document No. 0526354025, that certain Second Amendment to Commercial Mortgage, Assignment of Rents, Security Agreement and Financing Statement dated February 1, 2006 made by Existing Mortgagors ("Second Amendment") and recorded on April 25, 2006 with the Cook County Recorder of Deeds as Document No. 0611545066 and that certain Third Amendment to Commercial Mortgage, Assignment of Rents, Security Agreement and Financing Statement and Assumption Agreement dated August 1, 2006 made by Existing Mortgagors and Additional Mortgagor ("Third Amendment") and recorded on March 26, 2007 with the Cook County Recorder of Deeds as Document No. 0708549157 and that certain Fourth Amendment to Commercial Mortgage, Assignment of Rents, Security Agreement and Financing Statement and Assumption Agreement dated February 1, 2007 made by Existing Mortgagors and Additional Mortgagor ("Fourth Amendment") and recorded on August 22, 2007 with the Cook County Recorder of Deeds as Document No. 0723408072 (the "Mortgage");

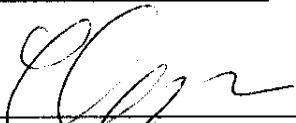
NOW, THEREFORE, in consideration of the mutual covenants and conditions herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by all parties hereto, Existing Mortgagors and Additional Mortgagor hereby agree with Mortgagee as follows:

1. The foregoing recitals are true and correct and are hereby incorporated herein by reference as if fully set forth in this Paragraph 1 of the Agreement.
2. The Mortgage is hereby further modified to provide that the Mortgage secures the full and prompt payment of the Note as modified and as extended to a Maturity Date of February 1, 2008.
3. In all respects, other than those expressly amended, modified or supplemented hereby, Existing Mortgagors and Additional Mortgagor do hereby ratify and confirm the provisions, terms and conditions of the Mortgage.

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IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed the day and year above written.

EXISTING MORTGAGORS:



Chris Coyne, Individually

Steve Servant, Individually

ADDITIONAL MORTGAGOR:

Sauk Trail Group, LLC,
an Illinois limited liability company,
By: Intercoastal Administration Company, Inc.,
a Delaware corporation, its Manager

By: _____
William Kanatas, President

By: Midwest Management Corp.,
a Delaware corporation, its Manager

By: _____
John Thomas Matthews, President

This instrument prepared by and return to:
TCF NATIONAL BANK
800 BURR RIDGE PARKWAY
BURR RIDGE, IL 60527
ATTN: COMMERCIAL LENDING DEPARTMENT

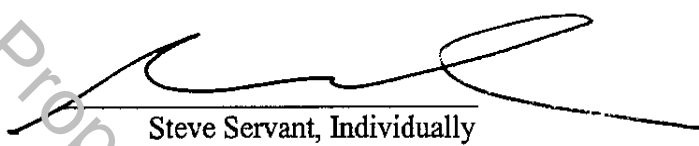
Properly Filed Cook County Clerk's Office

UNOFFICIAL COPY

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed the day and year above written.

EXISTING MORTGAGORS:

Chris Coyne, Individually



Steve Servant, Individually

ADDITIONAL MORTGAGOR:

Sauk Trail Group, LLC,
an Illinois limited liability company,
By: Intercoastal Administration Company, Inc.,
a Delaware corporation, its Manager

By: _____
William Kanatys, President

By: Midwest Management Corp.,
a Delaware corporation, its Manager

By: _____
John Thomas Matthews, President

This instrument prepared by and return to:
TCF NATIONAL BANK
800 BURR RIDGE PARKWAY
BURR RIDGE, IL 60527
ATTN: COMMERCIAL LENDING DEPARTMENT

UNOFFICIAL COPY

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed the day and year above written.

EXISTING MORTGAGORS:

Chris Coyne, Individually

Steve Servant, Individually

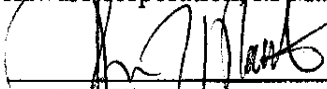
ADDITIONAL MORTGAGOR:

Sauk Trail Group, LLC,
an Illinois limited liability company,
By: Intercoastal Administration Company, Inc.,
a Delaware corporation, its Manager

By: 

William Kanatas, President

By: Midwest Management Corp.,
a Delaware corporation, its Manager

By: 

John Thomas Matthews, President

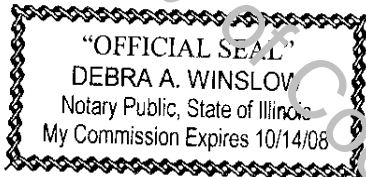
This instrument prepared by and return to:
TCF NATIONAL BANK
800 BURR RIDGE PARKWAY
BURR RIDGE, IL 60527
ATTN: COMMERCIAL LENDING DEPARTMENT

UNOFFICIAL COPY

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said county, in the State aforesaid, DO HEREBY CERTIFY that Chris Coyne, 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 for the uses and purposes therein set forth.

Given under my hand and notarial seal this 23rd day of August, 2007.



Debra A. Winslow
Notary Public

STATE OF ILLINOIS)
) SS
COUNTY OF _____)

I, the undersigned, a Notary Public in and for said county, in the State aforesaid, DO HEREBY CERTIFY that Steve Servant, 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 for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____, 2007.

Notary Public

UNOFFICIAL COPY

STATE OF ILLINOIS)
) SS
COUNTY OF _____)

I, the undersigned, a Notary Public in and for said county, in the State aforesaid, DO HEREBY CERTIFY that Chris Coyne, 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 for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____, 2007.

Notary Public

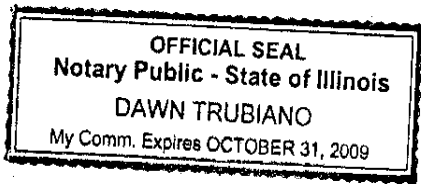
STATE OF ILLINOIS)
) SS
COUNTY OF Will)

I, the undersigned, a Notary Public in and for said county, in the State aforesaid, DO HEREBY CERTIFY that Steve Servant, 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 for the uses and purposes therein set forth.

Given under my hand and notarial seal this 27 day of August, 2007.

Dawn Trubiano

Notary Public



UNOFFICIAL COPY

STATE OF ILLINOIS)
COUNTY OF Cook)

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that William Kanatas and John Thomas Matthews, personally known to me to be the same persons whose names as Presidents of Intercoastal Administration Company, Inc., a Delaware corporation, and of Midwest Management Corp., a Delaware corporation, respectively, as the Managers of Sauk Trail Group, LLC, an Illinois limited liability company, subscribed to the foregoing instrument, appeared before me this day in person and acknowledged to me that they, being thereunto duly authorized, signed and delivered said instrument as their own free and voluntary acts and as the free and voluntary acts of said Intercoastal Administration Company, Inc., a Delaware corporation, Midwest Management Corp., a Delaware corporation, and Sauk Trail Group, LLC, an Illinois limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 30th day of August, 2007.

Stacia M. Thielmann
Notary Public

My Commission Expires: 7-10-11



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EXHIBIT "1"

LEGAL DESCRIPTION

PARCEL 1:

UNIT 1

THAT PART OF LOT 9 IN LORAC SUBDIVISION UNIT 2, BEING A SUBDIVISION OF THE WEST HALF OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF LOT 9 IN SAID LORAC SUBDIVISION THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 9 36.46 FEET THENCE NORTH THROUGH THE CENTER OF A PARTY WALL 100.00 FEET TO THE NORTH LINE OF SAID LOT 9; THENCE WEST 36.43 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 9 TO THE POINT OF BEGINNING.

UNIT 2

THAT PART OF LOT 9 IN LORAC SUBDIVISION UNIT 2, BEING A SUBDIVISION OF THE WEST HALF OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF LOT 9 IN SAID LORAC SUBDIVISION THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 9 58.72 FEET TO THE POINT OF BEGINNING; THENCE NORTH THROUGH THE CENTER OF A PARTY WALL 100.00 FEET TO THE NORTH LINE OF SAID LOT 9; THENCE WEST 22.06 FEET ALONG SAID NORTH LINE; THENCE SOUTH THROUGH THE CENTER OF A PARTY WALL 100.00 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE EAST 22.26 FEET TO THE POINT OF BEGINNING.

UNIT 3

THAT PART OF LOT 9 IN LORAC SUBDIVISION UNIT 2, BEING A SUBDIVISION OF THE WEST HALF OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF LOT 9 IN SAID LORAC SUBDIVISION THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 9 80.97 FEET TO THE POINT OF BEGINNING THENCE NORTH THROUGH THE CENTER OF A PARTY WALL 100.00 FEET TO THE NORTH LINE OF SAID LOT 9; THENCE WEST 22.46 FEET ALONG SAID NORTH LINE; THENCE SOUTH THROUGH THE CENTER OF A PARTY WALL 100.00 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE EAST 22.25 FEET TO THE POINT OF BEGINNING.

COMMONLY KNOWN AS: PARCEL 1: 1632 (UNIT 1), 1634 (UNIT 2) AND 1636 (UNIT 3)

CAROLE LANE, SAUK VILLAGE, ILLINOIS

P.I.N.: 32-25-116-045-1016 (UNIT 1), 32-25-116-045-1017 (UNIT 2) AND

32-25-116-045-1018 (UNIT 3)

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PARCEL 2

UNIT 2

THAT PART OF THE WEST HALF OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 BLOCK 27 OF SOUTHDALE SUBDIVISION UNIT 2, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1958 AS DOCUMENT 17331660; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID BLOCK 27 AS FOLLOWS: NORTH 6 DEGREES 08 MINUTES 02 SECONDS WEST, 85.56 FEET TO THE POINT OF COMMENCEMENT OF UNIT 2; THENCE CONTINUING NORTH 06 DEGREES, 08 MINUTES, 02 SECONDS WEST 15.03 FEET; THENCE NORTH 13 DEGREES, 23 MINUTES, 17 SECONDS WEST, 5.91 FEET; THENCE SOUTH 72 DEGREES, 17 MINUTES, 12 SECONDS WEST, THROUGH THE CENTER OF A PARTY WALL 116.38 FEET TO THE EASTERLY RIGHT OF WAY LINE OF JEFFERY AVENUE; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE, BEING A CURVE CONVEX EASTERLY WITH A RADIUS OF 387.32 FEET AND AN ARC LENGTH OF 22.76 FEET; THENCE NORTH 72 DEGREES 15 MINUTES, 11 SECONDS EAST, THROUGH THE CENTER OF A PARTY WALL 114.66 FEET TO THE POINT OF COMMENCEMENT, ALL IN COOK COUNTY, ILLINOIS.

UNIT 4

THAT PART OF THE WEST HALF OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 BLOCK 27 OF SOUTHDALE SUBDIVISION UNIT 2, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1958 AS DOCUMENT 17331660; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID BLOCK 27 AS FOLLOWS: NORTH 6 DEGREES 08 MINUTES 02 SECONDS WEST, 100.59 FEET; THENCE NORTH 13 DEGREES, 23 MINUTES, 17 SECONDS WEST, 28.45 FEET TO THE POINT OF COMMENCEMENT OF UNIT 4; THENCE CONTINUING NORTH 13 DEGREES, 23 MINUTES, 17 SECONDS WEST, 22.97; THENCE SOUTH 72 DEGREES, 16 MINUTES, 01 SECONDS WEST, THROUGH THE CENTER OF A PARTY WALL 119.88 FEET, TO THE EASTERLY RIGHT OF WAY LINE OF JEFFERY AVENUE; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE BEING A CURVE CONVEX EASTERLY WITH A RADIUS OF 387.32 FEET AND AN ARC DISTANCE OF 22.91 FEET; THENCE NORTH 72 DEGREES, 22 MINUTES, 09 SECONDS EAST, THROUGH THE CENTER OF A PROPERTY WALL, 117.45 FEET TO THE POINT OF COMMENCEMENT, ALL IN COOK COUNTY, ILLINOIS.

UNIT 5

THAT PART OF THE WEST HALF OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 14, EAST OF THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 BLOCK 27 OF SOUTHDALE SUBDIVISION UNIT 2, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1958 AS DOCUMENT 17331660; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID BLOCK 27 AS FOLLOWS: NORTH 6 DEGREES 08 MINUTES 02 SECONDS WEST, 100.59 FEET; THENCE NORTH 13 DEGREES, 23 MINUTES, 17 SECONDS WEST, 51.97 FEET TO THE POINT OF COMMENCEMENT OF UNIT 5; THENCE CONTINUING NORTH 13 DEGREES, 23 MINUTES, 17 SECONDS WEST, 20.72 FEET; THENCE SOUTH 72 DEGREES, 14 MINUTES, 10 SECONDS

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WEST, THROUGH THE CENTER OF A PARTY WALL, 123.23 FEET, TO THE EASTERLY RIGHT OF WAY LINE OF JEFFERY AVENUE; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE BEING A CURVE CONVEX EASTERLY WITH A RADIUS OF 387.32 FEET, AND AN ARC DISTANCE OF 20.67 FEET; THENCE NORTH 72 DEGREES, 16 MINUTES 01 SECONDS EAST, THROUGH THE CENTER OF A PARTY WALL, 119.88 FEET, TO THE POINT OF COMMENCEMENT, ALL IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: PARCEL 2: 21917 (UNIT 5), 21919 (UNIT 4) AND 21923 (UNIT 2)
JEFFREY AVENUE, SAUK VILLAGE, ILLINOIS

P.I.N.: 32-25-116-045-1011 (UNIT 5), 32-25-116-045-1012 (UNIT 4) AND
32-25-116-045-1014 (UNIT 2)

FORMERLY KNOWN AS:

PARCEL 1:

LOT 9 IN LORAC SUBDIVISION UNIT 2, A SUBDIVISION OF PART OF THE SOUTHWEST 1/45 OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLAT RECORDED DECEMBER 6, 1978 AS DOCUMENT 23751840.

COMMONLY KNOWN AS: PARCEL 1: 1635-1641 CAROLE LANE, SAUK VILLAGE, ILLINOIS

P.I.N.: 32-25-300-031-0000 (PARCEL 1)

PARCEL 2:

THAT PART OF THE WEST ½ OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 BLOCK 27 OF SOUTHDALE SUBDIVISION UNIT 2 ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1958 AS DOCUMENT 17331660; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID BLOCK 27 AS FOLLOWS: NORTH 6 DEGREES 04 MINUTES 57 SECONDS WEST, 100.70 FEET; THENCE NORTH 13 DEGREES 29 MINUTES 57 SECONDS WEST, 121.36 FEET; THENCE NORTH 23 DEGREES 22 MINUTES 48 SECONDS WEST, 31.05 FEET TO THE SOUTHEAST CORNER OF LOT 7 IN LORAC SUBDIVISION; THENCE SOUTH 57 DEGREES 48 MINUTES 59 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 7, 136.29 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF JEFFREY AVENUE; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE BEING A CURVE CONVEX EASTERLY WITH A RADIUS OF 387.32 FEET, AN ARC DISTANCE OF 175.29 FEET; THENCE SOUTH 5 DEGREES 12 MINUTES 35 SECONDS EAST, 12.39 FEET TO THE NORTHERLY LINE OF 219TH PLACE; THENCE NORTH 88 DEGREES 16 MINUTES 10 SECONDS EAST, 111.37 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: PARCEL 2: 21915, 21917, 21919, 21921 and 21923 JEFFREY AVENUE,
SAUK VILLAGE, ILLINOIS

32-25-315-027-0000 (PARCEL 2)