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Doc#: 073116038 Fee: \$36.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 11/07/2007 01:22 PM Pg: 1 of 7

PREPARED BY, AND UPON
RECORDATION RETURN, TO:

Katten Muchin Rosenman LLP
525 West Monroe Street
Chicago, Illinois 60661-3693
Attention: Blake E. Schulman, Esq.

215 Developer, LLC, an Illinois limited liability company, as mortgagor
(Borrower)

to

SFT I, Inc., a Delaware corporation, as mortgagee
(Lender)

**FIFTH AMENDMENT TO
MORTGAGE, ASSIGNMENT OF LEASES AND RENTS,
SECURITY AGREEMENT AND FIXTURE FILING**

30x 400-CTCC

Dated: As of November 7, 2007

Location: 215 N. Michigan Ave., Chicago, Illinois

Permanent Tax ID No.: 17-10-304-020-0000

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FIFTH AMENDMENT TO MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING

THIS FIFTH AMENDMENT TO MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING is made and entered into as of the 7th day of November, 2007 and effective as of October 1, 2007 (this "**Amendment**") by 215 DEVELOPER, LLC, an Illinois limited liability company, having its principal place of business at 44 Minebrook Road, Colts Neck, NJ 07722, as Borrower ("**Borrower**"), for the benefit of SFT I, INC., a Delaware corporation, having an address at 1114 Avenue of the Americas, 27th Floor, New York, New York 10036, as Lender ("**Lender**").

RECITALS

A. On September 1, 2005, Borrower executed and delivered to Lender that certain Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing, which Mortgage was recorded with the Recorder of Deeds of Cook County, Illinois on September 7, 2005 as Document No. 0525033195 in the official records of Cook County, Illinois (as amended, the "**Mortgage**"), and which Mortgage encumbers among other things, the property legally described in Exhibit A. All terms not otherwise defined herein, shall have the meanings ascribed to such terms in that certain Loan and Security Agreement dated as of September 1, 2005 by and between Borrower and Lender, as amended (the "**Loan Agreement**").

B. Borrower and Lender have concurrently with the execution and delivery of this Amendment amended the Loan Agreement to extend the First Extended Maturity Date from October 1, 2007 to January 15, 2008.

C. Accordingly, Borrower and Lender now desire to amend the Mortgage.

NOW THEREFORE, the Mortgage is hereby amended as follows:


1. All references in the Loan Agreement to the first Extended Maturity Date shall refer to a First Extended Maturity Date of January 15, 2008.
2. Except as expressly set forth above, all terms and conditions of the Mortgage shall remain unchanged and in full force and effect.

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IN WITNESS WHEREOF, the Borrower has caused these presents to be executed as of the day and date first written above.

215 DEVELOPER, LLC, an Illinois limited liability company

By: LEO 215, LLC, a Delaware limited liability company, its Manager

By: 

Name: Frank A. Leo

Its: Manager

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ACKNOWLEDGMENT

STATE OF NY)
)
COUNTY OF NY)

On ~~September~~ October 2, 2007 before me, Patricia Gay, a Notary Public in and for said State, personally appeared Frank A. Leo, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Patricia Gay (Seal)

PATRICIA E. GAY
Notary Public, State of New York
No. 01GA4823694
Qualified in Kings County
Commission Expires Nov. 30, 2010

Cook County Clerk's Office

UNOFFICIAL COPY**EXHIBIT A****LEGAL DESCRIPTION****PARCEL 1:**

THAT PART OF THE LANDS, LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO, BEING THE WHOLE OF THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF A LINE 241.00 FEET, MEASURED PERPENDICULARLY, EAST FROM AND PARALLEL WITH THE EAST LINE OF NORTH BEAUBIEN COURT, 50.00 FEET WIDE, VACATED BY ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF CHICAGO ON JULY 5, 1972 AND RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY ON DECEMBER 8, 1972 AS DOCUMENT 22152086, WITH THE SOUTH LINE OF E. SOUTH WATER STREET, 92.00 FEET WIDE, AS SAID E. SOUTH WATER STREET WAS DEDICATED BY INSTRUMENT RECORDED ON MAY 3, 1972 AS DOCUMENT 21889519, AND RUNNING THENCE EAST ALONG SAID SOUTH LINE OF E. SOUTH WATER STREET, A DISTANCE OF 136.50 FEET TO AN INTERSECTION WITH THE WEST LINE OF NORTH STETSON AVENUE, 74.00 FEET WIDE, AS SAID STREET WAS DEDICATED BY INSTRUMENT RECORDED ON MARCH 26, 1984 AS DOCUMENT 27018355; THENCE SOUTH ALONG SAID WEST LINE OF NORTH STETSON AVENUE (SAID WEST LINE BEING A LINE 377.50 FEET, MEASURED PERPENDICULARLY, EAST FROM AND PARALLEL WITH SAID EAST LINE OF VACATED NORTH BEAUBIEN COURT), A DISTANCE OF 297.673 FEET TO THE NORTHEAST CORNER OF PARCEL "K" IN 'PLAT OF MID-AMERICA', A RESUBDIVISION OF THE PRUDENTIAL AND ILLINOIS CENTRAL SUBDIVISION (WHICH RESUBDIVISION WAS RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY ON NOVEMBER 20, 1957 IN BOOK 504 OF PLATS AT PAGES 1 TO 11, BOTH INCLUSIVE, AS DOCUMENT 17069914); THENCE WEST ALONG THE NORTH LINE OF SAID PARCEL "K", A DISTANCE OF 136.50 FEET TO AN INTERSECTION WITH SAID LINE 241.00 FEET, MEASURED PERPENDICULARLY, EAST FROM AND PARALLEL WITH SAID EAST LINE OF VACATED NORTH BEAUBIEN COURT, AND THENCE NORTH ALONG SAID PARALLEL LINE, A DISTANCE OF 297.673 TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE PROPERTY AND SPACE LYING ABOVE AND EXTENDING UPWARD FROM THE INCLINED PLANES ESTABLISHING THE UPPER LIMITS OF THE LAND, PROPERTY AND SPACE DEDICATED FOR E. SOUTH WATER STREET, 92.00 FEET WIDE, BY INSTRUMENT RECORDED MAY 3, 1972 AS DOCUMENT 21889519, AND LYING WITHIN THE BOUNDARIES, PROJECTED VERTICALLY UPWARD FROM SURFACE OF THE EARTH OF THAT PART OF THE LANDS LYING EAST OF AND ADJOINING FORT DEARBORN ADDITION TO CHICAGO BEING THE WHOLE OF THE

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SOUTHWEST FRACTIONAL 1/4 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF SAID E. SOUTH WATER STREET, 92.00 FEET WIDE, WITH A LINE 241.00 FEET, MEASURED PERPENDICULARLY, EAST FROM AND PARALLEL WITH THE EAST LINE OF THAT PART OF NORTH BEAUBIEN COURT, 50.00 FEET WIDE, VACATED BY ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF CHICAGO ON JULY 5, 1972 AND RECORDED DECEMBER 8, 1972 AS DOCUMENT 22152086; AND RUNNING THENCE NORTH ALONG SAID PARALLEL LINE, AND ALONG A NORTHWARD EXTENSION THEREOF, A DISTANCE OF 25.34 FEET TO AN INTERSECTION WITH A LINE 20.66 FEET, MEASURED PERPENDICULARLY, SOUTH FROM AND PARALLEL WITH THE CENTERLINE OF SAID E. SOUTH WATER STREET, 92.00 FEET WIDE; THENCE EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 136.50 FEET TO AN INTERSECTION WITH A SOUTHWARD EXTENSION OF THE WEST LINE OF NORTH STETSON AVENUE, 74.00 FEET WIDE, AS SAID NORTH STETSON AVENUE WAS DEDICATED BY SAID INSTRUMENT RECORDED ON MAY 3, 1972 AS DOCUMENT 21889519; THENCE SOUTH ALONG SAID SOUTHWARD EXTENSION OF SAID WEST LINE OF NORTH STETSON AVENUE, A DISTANCE OF 25.34 FEET TO AN INTERSECTION WITH SAID SOUTH LINE OF E. SOUTH WATER STREET; AND THENCE WEST ALONG SAID SOUTH LINE OF E. SOUTH WATER STREET, A DISTANCE OF 136.50 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

PERPETUAL RIGHT AND EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 TO PLACE, MAINTAIN AND REPAIR (AND TO REPLACE IF DESTROYED) THE STRUCTURE, FOUNDATIONS AND SUPPORTS AT THE APPROXIMATE LOCATIONS WITHIN DEDICATED E. SOUTH WATER STREET, AS SHOWN AND DESCRIBED ON SHEET 2 OF PLAT OF DEDICATION DATED APRIL 14, 1972, MADE BY ILLINOIS CENTRAL RAILROAD COMPANY, RECORDED MAY 3, 1972 AS DOCUMENT 21889519, AS:

- (1) RESERVED IN PLAT OF DEDICATION RECORDED AS DOCUMENT 21889519; AND,
- (2) CONVEYED BY DEED DATED OCTOBER 7, 1976 AND RECORDED OCTOBER 7, 1976 AS DOCUMENT 23665777 MADE BY ILLINOIS CENTRAL GULF RAILROAD COMPANY, A CORPORATION OF DELAWARE TO AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST NO. 75802; AND,
- (3) CONVEYED BY DEED DATED OCTOBER 6, 1977 AND RECORDED OCTOBER 11, 1977 AS DOCUMENT 24141633 MADE BY ILLINOIS CENTRAL GULF RAILROAD COMPANY TO AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO,

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AS TRUSTEE UNDER TRUST NO. 75802, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

EASEMENTS AS CREATED BY BOULEVARD TOWERS EASEMENTS, RESERVATIONS, COVENANTS AND RESTRICTIONS BY AND AMONG AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 1, 1979 AND KNOWN AS TRUST NUMBER 46448, AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 16, 1982 AND KNOWN AS TRUST NUMBER 55461, AND AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 11, 1971 AND KNOWN AS TRUST NUMBER 75802, DATED JUNE 13, 1983 AND RECORDED JUNE 29, 1983 AS DOCUMENT 26665607 FOR PARKING, PEDESTRIAN AREAS, DOMESTIC WATER SUPPLY, SPRINKLER AND FIRE PROTECTION, SUPPORT, MINOR ENCROACHMENTS, GROUND WATER DRAINAGE SYSTEM, AND ENERGY MANAGEMENT SYSTEM AND AS AMENDED BY AMENDMENT OF BOULEVARD TOWERS EASEMENTS, RESERVATIONS, COVENANTS AND RESTRICTIONS DATED OCTOBER 16, 1986 AND RECORDED OCTOBER 24, 1986 AS DOCUMENT 86496543.

PARCEL 5:

SLAB SUPPORT EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 CREATED BY SLAB SUPPORT EASEMENT DATED NOVEMBER 15, 1979 AND RECORDED DECEMBER 5, 1979 AS DOCUMENT 25268635 MADE BY METROPOLITAN TWO ILLINOIS CENTER IN FAVOR OF AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST NO. 75802 TO UTILIZE CERTAIN STRUCTURES OR PROPERTY DESCRIBED THEREIN TO SUPPORT STRUCTURES ON PARCELS 1 AND 2, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

RECIPROCAL EASEMENT FOR THE USE OF CONCOURSE LEVEL OF "TWO ILLINOIS CENTER", AS CREATED BY RECIPROCAL EASEMENT AGREEMENT BY AND AMONG METROPOLITAN TWO ILLINOIS CENTER, AN ILLINOIS GENERAL PARTNERSHIP; AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 11, 1971 AND KNOWN AS TRUST NO. 75802 AND AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 1, 1979 AND KNOWN AS TRUST NO. 46448, DATED FEBRUARY 2, 1982 AND RECORDED FEBRUARY 3, 1982 AS DOCUMENT 26133433, IN COOK COUNTY, ILLINOIS.