

# UNOFFICIAL COPY



0735218051

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Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
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## WHEN RECORDED MAIL TO:

Crowley Barrett & Karaba, Ltd.  
20 S. Clark Street, Suite 2310  
Chicago, IL 60603  
Attention: Bruno W. Tabis, Jr.

## This Instrument prepared by:

Crowley Barrett & Karaba, Ltd.  
20 S. Clark Street, Suite 2310  
Chicago, IL 60603  
Attention: Bruno w. Tabis, Jr.

## FIRST MODIFICATION OF MORTGAGE, SECURITY AGREEMENT, AND ASSIGNMENT OF LEASES AND RENTS AND FIXTURE FILING AGREEMENT

THIS FIRST MODIFICATION OF MORTGAGE, SECURITY AGREEMENT, AND ASSIGNMENT OF LEASES AND RENTS AND FIXTURE FILING AGREEMENT ("First Modification Agreement") is made as of November 22, 2007, by and between LAKIN PROPERTY PARTNERSHIP, an Illinois general partnership ("Mortgagor"), and FIFTH THIRD BANK, a Michigan banking corporation, located at 250 W. Main Street, Lexington, Fayette County, Kentucky 40507, for itself and as agent for any affiliate of Fifth Third Bancorp, an Ohio banking corporation, together with its successors and assigns ("Lender").

### PREAMBLE

A. WHEREAS, FIFTH THIRD BANK KENTUCKY, INC., a Kentucky banking corporation ("Original Mortgagee"), on or about November 22, 2007, did loan A. Lakin & Sons, Inc. (the "Borrower") the principal amount of Twenty Million and no/100 Dollars (\$20,000,000.00) (the "Loan");

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**B. WHEREAS**, the Loan was evidenced by a Note dated November 22, 2002 made by Borrower to the Original Mortgagee in the principal amount of the Loan (the "Original Note").

**C. WHEREAS**, Mortgagor executed a Mortgage, Security Agreement, and Assignment of Leases and Rents and Fixture Filing dated November 22, 2002, and recorded in the office of the Cook County, Illinois Recorder of Deeds on November 27, 2002, as Document 21313812 (the "Mortgage") granting Original Mortgagee a lien on various parcels of real estate located in the City of Chicago, Cook County, Illinois (the "Original Real Estate").

**D. WHEREAS**, Original Mortgagee has released several parcels included within the Original Real Estate from its lien under the Mortgage, with the result that the Mortgage is a lien only on the parcels of Real Estate legally described on Exhibit "A" hereto.

**E. WHEREAS**, Lender is the corporate successor to Original Mortgagee.

**F. WHEREAS**, Mortgagor and Lender wish to amend the Mortgage as set forth below to, among other things, reflect an extension of the maturity date of the Loan.

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, Mortgagor and Lender adopt the Preamble as part of this First Modification Agreement and agree to be bound legally thereby, and further agree to the following:

**A.1.** Section A of the Recitals of the Mortgage is hereby modified and amended by replacing the second sentence thereof with the following:

The Loan is evidenced by a certain Revolving Note dated November 22, 2007 (as it may be amended, restated or replaced, from time to time, the "Note") made by the Borrower to the Lender in the principal amount of Twenty Million Dollars and 00/100 cents (\$20,000,000.00) and due on November 18, 2011. The Note amends, restates and replaces the note dated November 22, 2002, made by the Borrower in the same principal amount, together with all amendments, restatements and replacements thereto prior to the date of the Note.

**2.** Effective the date hereof all references in the Mortgage to Original Mortgagee shall be changed to Lender.

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**B. Miscellaneous.**

1. Ratification. Except as amended hereby, the Mortgage and all Schedules, Exhibits and attachments thereto are hereby ratified and confirmed in all respects and remain in full force and effect. All representations and warranties set forth in the Mortgage are hereby restated as of the date hereof.

**MORTGAGOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS FIRST MODIFICATION AGREEMENT, AND MORTGAGOR AGREES TO ITS TERMS. THIS FIRST MORTGAGE MODIFICATION AGREEMENT IS DATED AS OF THE DATE AND YEAR FIRST ABOVE WRITTEN.**

(Signature page follows)

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**MORTGAGOR:**

**LAKIN PROPERTY PARTNERSHIP,**  
an Illinois general partnership

By: \_\_\_\_\_

A. Lakin & Sons, Inc.,  
an Illinois corporation,  
General Partner

By: \_\_\_\_\_

Name: Lewis G. Lakin  
Title: Chairman

STATE OF ILLINOIS )

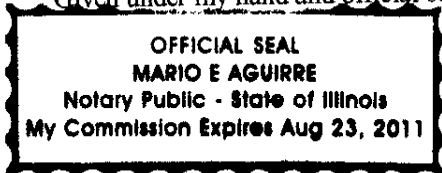
) SS

COUNTY OF COOK )

I, the undersigned, a Notary Public in and for the County of Cook in the State of Illinois, DO HEREBY CERTIFY that Lewis G. Lakin, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Chairman of A. Lakin & Sons, Inc., the general partner of Lakin Property Partnership, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and on behalf of said Corporation and Partnership, for the uses and purposes therein set forth.

Given under my hand and official seal, this

7<sup>TH</sup> day of December, 2007



\_\_\_\_\_  
Notary Public

**LENDER:**

**FIFTH THIRD BANK,**  
a Michigan Banking Corporation,  
located at 250 W. Main Street  
Lexington, Fayette County, Kentucky 40507,  
for itself and as agent for any affiliate of  
Fifth Third Bancorp, an Ohio banking corporation,  
together with its successors and assigns.

By: \_\_\_\_\_

Its: \_\_\_\_\_

Vice President

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## EXHIBIT A

### LEGAL DESCRIPTION

PARCEL 1:

PARCEL 1A:

LOT 12 AND THAT PART OF LOT 11 IN BLOCK 6 HEREINAFTER DESCRIBED AS FOLLOWS TO WIT:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 11; THENCE RUNNING NORTHERLY ALONG THE WEST LINE OF DOMINICK STREET 33 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT TO THE NORTH BRANCH OF THE CHICAGO RIVER; THENCE SOUTHERLY ALONG THE RIVER TO THE SOUTHWEST CORNER OF SAID LOT; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT TO THE PLACE OF BEGINNING, SAID PREMISES ALSO BEING DESCRIBED AS LOT 12 AND THE SOUTH 33 FEET MEASURED ALONG THE STREET LINE OF LOT 11 IN BLOCK 6 IN DOMINICK'S SUBDIVISION OF LOTS 1, 2 AND 3 IN BLOCK 14 IN SHEFFIELDS ADDITION TO CHICAGO IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN;

PARCEL 1B:

THAT PART OF LOTS 5, 6, 7 AND 8 IN BLOCK 5 LYING NORTHERLY OF THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY AND THAT PART OF LOTS 5, 6, 7 AND 8 IN BLOCK 5 LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY IN DOMINICK'S SUBDIVISION OF LOTS 1, 2 AND 3 IN BLOCK 14 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN;

PARCEL 1C:

LOTS 1, 2 AND 3 IN BLOCK 5 IN DOMINICK'S SUBDIVISION OF LOTS 1, 2 AND 3 IN BLOCK 14 IN SHEFFIELD'S ADDITION TO CHICAGO;

PARCEL 1F:

LOTS 9 TO 15 IN BOTH INCLUSIVE IN BLOCK 1 IN J. F. LAWRENCE'S SUBDIVISION OF LOT 4 IN BLOCK 14 IN SHIEFFIELD'S ADDITION TO CHICAGO AND THAT PART OF LOTS 7 AND 8 IN SAID BLOCK 1 IN J. F. LAWRENCE'S SUBDIVISION WHICH LIES WESTERLY OF THE CENTER LINE OF AN EXISTING RAILROAD SERVICE TRACK (SAID CENTER LINE DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE SOUTH LINE OF SAID BLOCK 1, WHICH IS 14.31 FEET WEST OF THE SOUTHEAST

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CORNER OF SAID LOT 7; THENCE NORTH AT RIGHT ANGLES TO SAID LINE 11.0 FEET TO A POINT OF CURVE; THENCE NORTHERLY IN THE ARC OF A CIRCLE TANGENT TO THE LAST DESCRIBED LINE CONVEX EASTERLY AND HAVING A RADIUS OF 177.53 FEET FOR A DISTANCE OF 93.23 FEET TO A POINT IN THE NORTH LINE OF SAID LOT 8, WHICH IS 14.17 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 8 IN THE NORTH 1/2 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN;

## PARCEL 1G:

ALL THAT PART OF THE EAST AND WEST 12 FOOT PUBLIC ALLEY LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOT 7 IN BLOCK 5 LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOT 12 IN BLOCK 6 AND LYING SOUTH OF AND ADJOINING A LINE DRAWN FROM THE SOUTHERLY CORNER OF LOT 8 IN SAID BLOCK 5 TO THE SOUTHEASTERLY CORNER OF SAID LOT 12 IN BLOCK 6 IN W. F. DOMINICK'S SUBDIVISION OF LOTS 1, 2 AND 3 IN BLOCK 14 OF SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTH OF AND ADJOINING THE NORTH LINE OF LOTS 8 TO 15 BOTH INCLUSIVE IN BLOCK 1 OF J. F. LAWRENCE'S SUBDIVISION OF LOT 4 IN BLOCK 14 OF SHEFFIELD'S ADDITION TO CHICAGO AFOREMENTIONED LYING EASTERLY OF AND ADJOINING THE DOCK LINE OF THE NORTH BRANCH OF THE CHICAGO RIVER AND LYING WESTERLY OF AND ADJOINING A CURVED LINE CONVEX TO THE NORTHEAST WITH A RADIUS OF 177.53 FEET SAID CURVED LINE INTERSECTING A POINT ON THE SOUTH LINE OF LOT 7 IN BLOCK 5 OF W. F. DOMINICK'S SUBDIVISION AFOREMENTIONED SAID POINT BEING 5.57 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT AND INTERSECTING A POINT ON THE NORTH LINE OF LOT 8 IN BLOCK 1 OF J. F. LAWRENCE'S SUBDIVISION AFOREMENTIONED, SAID POINT BEING 14.17 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT;

## PARCEL 1H:

THAT PART OF THE FOLLOWING DESCRIBED PREMISES LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOTS 6, 7 AND 8 IN BLOCK 5 AND SOUTH OF AND ADJOINING THE SOUTH LINE OF LOT 12 IN BLOCK 6 TOGETHER WITH THAT PART OF SAID STRIP LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF PARCEL E;

A STRIP OF LAND LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF LOTS 4, 5, 6, 7 AND 8 IN BLOCK 5 AND SOUTH OF AND ADJOINING THE SOUTH LINE OF LOT 12 IN BLOCK 6 TOGETHER WITH THAT PART OF SAID STRIP LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF VACATED DOMINICK STREET (RECORDED MARCH 2, 1956 AS DOCUMENT NO. 16509792 IN BOOK 463 OF PLATS ON PAGE 48) ALL IN DOMINICK'S SUBDIVISION OF LOTS 1, 2 AND 3 IN BLCOK 14 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE WEST 1/2 OF THE NORHTWEST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN AND NORTH OF AND ADJOINING THE 12 FOOT PUBLIC ALLEY

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(INCLUDING THAT PART OF SAID PUBLIC ALLEY VACATED BY ORDINANCE RECORDED AS DOCUMENT NO. 19121032 IN BOOK 661 OF PLATS ON PAGE 43) IN J. F. LAWRENCE'S SUBDIVISION IN SAID SECTION 32 AND LYING WEST OF THE WEST LINE OF SOUTHPORT AVENUE (EXCEPT THAT PART OF SAID STRIP WHICH LIES SOUTH OF THE NORTH AND SOUTH 16 FOOT PUBLIC ALLEY LYING WEST OF SAID LOT 4 AND EAST OF SAID LOT 5, IN COOK COUNTY, ILLINOIS.

## PARCEL 2:

THOSE PORTIONS OF LOTS 5, 6, 7 AND 8 IN W. F. DOMINICK'S SUBDIVISION OF LOTS 1, 2 AND 3 IN BLOCK 14 IN SHEFFIELD'S ADDITION TO CHICAGO DESCRIBED AS FOLLOWS:

COMMENCING ON A POINT ON THE EAST LINE OF SAID LOT 5 WHICH IS 30 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 289 FEET TO A POINT; SAID POINT BEING 33.46 FEET NORTH OF AND 2.71 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 5 TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 289 FEET TO A POINT ON THE EAST LINE OF LOT 6, WHICH IS 34 FEET FROM THE SOUTHWEST CORNER THEREOF; THENCE TO A POINT ON THE EAST LINE OF LOT 8 WHICH IS 47 FEET FROM THE NORTHEAST CORNER THEREOF; THENCE TO A POINT ON THE WEST LINE OF LOT 8 WHICH IS 22 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE ALONG THE WEST LINE OF SAID LOT 8 TO A POINT WHICH IS 33 FEET NORTHERLY FROM THE SOUTHWEST CORNER THEREOF; THENCE TO A POINT ON THE EAST LINE OF LOT 8 WHICH IS 22 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE TO A POINT ON THE EAST LINE OF LOT 7 WHICH IS 6 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE TO THE SOUTHWEST CORNER OF LOT 6; THENCE SOUTHERLY ALONG A SOUTHERLY PROLONGATION OF THE EAST LINE OF LOT 6, A DISTANCE OF 2.20 FEET; THENCE "DUE EAST", A DISTANCE OF 2.71 FEET; THENCE NORTHERLY ALONG A LINE WHICH IS 2.71 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 5, A DISTANCE OF 35.62 FEET TO THE POINT OF BEGINNING; ALL IN BLOCK 5 IN W. F. DOMINICK'S SUBDIVISION OF LOTS 1, 2 AND 3 IN BLOCK 14 IN SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL 3:

THE SOUTH 1/2 OF LOT 9 (MEASURED ON THE WEST LINE OF DOMINICK STREET) ALL OF LOT 10 AND THE NORTHERLY 50 FEET (MEASURED ON THE WEST LINE OF DOMINICK STREET) OF LOT 11 IN BLOCK 6 IN W. F. DOMINICK'S SUBDIVISION OF LOTS 1, 2 AND 3 IN BLOCK 14 IN SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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LOTS 22, 23, AND 24 IN BLOCK 4 IN W. F. DOMINICK'S SUBDIVISION OF LOTS 1, 2 AND 3 IN BLOCK 14 IN SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PARCEL 5:**

LOTS 17, 18, 19, 20 AND 21 IN BLOCK 4 IN W. F. DOMINICK'S SUBDIVISION OF LOTS 1, 2, AND 3 IN BLOCK 14 IN SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PARCEL 6:****PARCEL 6A:**

LOTS 49, 50, 51, 52 AND 53 (EXCEPT THE WEST 12.00 FEET OF THAT PART LYING SOUTHWESTERLY OF THE RAILROAD RIGHT OF WAY OF LOTS 52 AND 53 INCLUSIVE) IN BLOCK 4 (INCLUDING THERETO THE RIGHT OF WAY PER INSTRUMENT RECORDED AS DOCUMENT 87675225 AND RE-RECORDED 88092694) IN NICKERSON'S ADDITION TO CHICAGO, A SUBDIVISION OF THE WEST 1/2 OF BLOCK 15 AND THE SUB-BLOCK 5 OF THE LAST 1/2 OF SAID BLOCK 15 OF SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN; TOGETHER WITH THE RESUBDIVISION OF LOTS 28, 29 AND 30 IN SAID NICKERSON'S SUBDIVISION RECORDED AUGUST 19, 1872 AS DOCUMENT 50549. ALL BEING IN COOK COUNTY, ILLINOIS.

**PARCEL 6B:**

A STRIP OF LAND 28.00 FEET WIDE, EXTENDING OVER AND ACROSS LOTS 49 TO 53 IN BLOCK 4 OF NICKERSON'S ADDITION TO CHICAGO, BEING A SUBDIVISION OF THE WEST 1/2 OF BLOCK 15 OF SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS:

14.00 FEET IN WIDTH ON EITHER SIDE OF A CENTERLINE LOCATED AS FOLLOWS:

ENTERING LOT 49 FROM THE SOUTH AT A POINT IN ITS SOUTH LINE, 14.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 49; THENCE UPON AND ALONG A 12 DEGREE CURVE (RADIUS 478.43 FEET) CONVEX TO THE NORTHEAST TO A POINT IN THE WEST LINE OF LOT 51, A DISTANCE OF 67.8 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 51; THENCE CONTINUING UPON AND ALONG THE SAME 12 DEGREE CURVE TO A POINT IN THE NORTH LINE OF LOT 52, A



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DISTANCE OF 93.5 FEET FROM ITS INTERSECTION WITH THE SOUTHWESTERLY LINE OF DOMINICK STREET; THENCE CONTINUING UPON AND ALONG THE SAME 12 DEGREE CURVE TO A POINT IN LOT 53, A DISTANCE OF 313.00 FEET FROM THE POINT OF BEGINNING, AS MEASURED ALONG THE CENTERLINE THUS DESCRIBED; THENCE UPON AND ALONG A 14 DEGREE CURVE (RADIUS 410.28 FEET) CONVEX TO THE SOUTHWEST 82.5 FEET TO A POINT IN THE NORTHWESTERLY LINE OF LOT 53, A DISTANCE OF 149.5 FEET FROM ITS INTERSECTION WITH THE SOUTHWESTERLY LINE OF DOMINICK STREET AT THE NORTHEAST CORNER OF SAID LOT 53, IN COOK COUNTY, ILLINOIS.

Permanent Index Numbers: 14-32-120-004-0000  
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