

# UNOFFICIAL COPY



Doc#: 0824029027 Fee: \$46.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 08/27/2008 11:37 AM Pg: 1 of 6

THIS INSTRUMENT WAS PREPARED BY, AND  
AFTER RECORDING, PLEASE RETURN TO:

Deutsch, Levy & Engel, Chtd.  
225 W. Washington, Suite 1700  
Chicago, IL 60606  
Attn: Alvin J. Helfgot

Address of Property:  
350 and 358 W. Ontario  
Chicago, IL

PIN: 17-09-127-017  
17-09-221-007  
17-19-221-008

## AMENDMENT TO MORTGAGE

**THIS AMENDMENT TO MORTGAGE** (this "Amendment") is made as of August 4, 2008 between **ONTARIO WEST LLC**, an Illinois limited liability company ("Mortgagor"), and **THE PRIVATEBANK AND TRUST COMPANY** ("Mortgagee"), and pertains to the real estate located in the State of Illinois and legally described on Exhibit "A" attached hereto and made a part thereof.

### RECITALS:

WHEREAS, Mortgagor executed and delivered to Mortgagee that certain Mortgage dated as of August 4, 2003, which was recorded with the Cook County, Illinois, Recorder of Deeds on August 12, 2003 as Document Number 0322447048 (as heretofore amended, modified or otherwise supplemented, the "Mortgage").

WHEREAS, Mortgagor and Mortgagee simultaneously with the execution and delivery of this Amendment have executed and delivered an Amendment to Loan Agreement (as defined in the Mortgage) dated as of the date hereof (the "Loan Agreement Amendment").

WHEREAS, it is a condition precedent to the effectiveness of the Loan Agreement Amendment that Mortgagor and Mortgagee execute and deliver this Amendment.

NOW, THEREFORE, in consideration of the premises set forth herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Mortgagor and Mortgagee agree to amend the Mortgage as follows:

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1. Section 1.2 of the Mortgage is amended by adding the following thereto after the phrase "an Assignment of Leases and Rents (the "Assignment of Rents")":

"instruments, documents and agreements evidencing Rate Management Transactions (as defined in the Loan Agreement) entered into by Mortgagor with Mortgagee or an affiliate of Mortgagee (the "Rate Management Documents"),".

2. Section 1.2 of the Mortgage is further amended by adding the following thereto after the phrase "the Assignment of Rents," appearing in the final parenthetical phrase therein: "the Rate Management Documents,".

3. Section 1.3 of the Mortgage is amended and restated in its entirety as follows:

1.3 As further security for any and all obligations owing from Mortgagor to Mortgagee under the Loan Documents (including, without limitation, any and all obligations, contingent or otherwise, whether now existing or hereafter arising, of Borrower to Bank or its affiliates arising under or in connection with Rate Management Transactions) (collectively, the "Obligations"), Mortgagor has agreed to give Mortgagee the first mortgage lien on the Mortgaged Property (as defined below) according to the terms of this Mortgage.

4. All the terms and provisions of the Mortgage are incorporated by reference into this Amendment. Mortgagor hereby ratifies, reaffirms and remakes the grant, set forth in Section 2 of the Mortgage, of a lien on and security interest in the Mortgaged Property (as defined in the Mortgage).

5. Except as specifically amended hereby, the Mortgage shall remain in full force and effect in accordance with its terms, conditions and provisions.

6. This Amendment may be executed in any number of counterparts and each such counterpart shall be deemed to be an original, but all such counterparts shall together constitute but one and the same Amendment.

7. Capitalized terms used and not defined herein have the meanings assigned to them in the Mortgage.

**Signature Page Follows.**

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IN WITNESS WHEREOF, Mortgagor and Mortgagee have executed this Amendment to Mortgage as of the date and year first above written.

ONTARIO WEST LLC

By: *Barry L. Weinstein*

Name: BARRY L. WEINSTEIN

Title: Manager

THE PRIVATEBANK AND TRUST COMPANY

By: *[Signature]*

Name: Mark Smaroff

Title: Associate Managing Director

Property of Cook County Clerk's Office

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STATE OF ILLINOIS     )  
                                   )  
 COUNTY OF COOK        )     SS

I, Diana Cernestean a Notary Public in and for said County, in the State aforesaid, do hereby certify that Barry L. Weinstein, the Manager of Ontario West LLC, who is personally known to me to be the same person whose name is subscribed to the following instrument as such \_\_\_\_\_, 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 company, for the uses and purposes set forth therein.

GIVEN under my hand and notarial seal, this 14 of August, 2008.

Diana Cernestean  
 NOTARY PUBLIC

(SEAL)

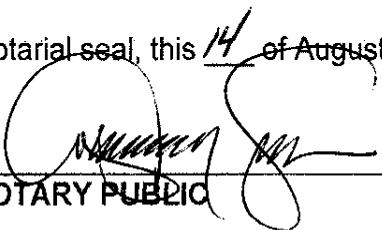


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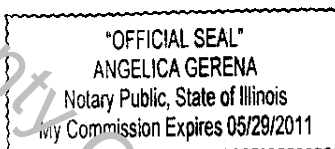
STATE OF ILLINOIS     )  
   )  
 COUNTY OF COOK        )     SS

I, Angelica Gerena a Notary Public in and for said County, in the State aforesaid, do hereby certify that Mark Smarck, the Associate Managing Director of The PrivateBank and Trust Company, who is personally known to me to be the same person whose name is subscribed to the following instrument as such \_\_\_\_\_, 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 company, for the uses and purposes set forth therein.

GIVEN under my hand and notarial seal, this 14 of August, 2008.

  
 \_\_\_\_\_  
 NOTARY PUBLIC

(SEAL)



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## EXHIBIT "A"

### LEGAL DESCRIPTION

PARCEL 1:

LOTS 1 TO 4 IN YOUNG'S SUBDIVISION OF PART OF KINGSBURY TRACT BEING PART OF THE EAST  $\frac{1}{2}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 28, 1863 IN BOOK 162 PAGE 17, COOK COUNTY, ILLINOIS.

PARCEL 2:

LOT 9 IN BLOCK 11 IN BUTLER, WRIGHT AND WEBSTER'S ADDITION TO CHICAGO A SUBDIVISION OF THE WEST  $\frac{1}{2}$  OF THE WEST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

LOTS 10, 11 AND 12 IN BLOCK 11 IN BUTLER WRIGHT AND WEBSTER ADDITION TO CHICAGO, A SUBDIVISION OF THE WEST  $\frac{1}{2}$  OF THE WEST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.