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Doc#: 0832403015 Fee: \$46.25  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 11/19/2008 09:45 AM Pg: 1 of 5

RECORDATION REQUESTED BY:  
MB Financial Bank, N.A.  
Commercial Division 8  
800 West Madison  
Chicago, IL 60607

WHEN RECORDED MAIL TO:  
MB Financial Bank, N.A.  
Loan Documentation  
6111 N. River Rd.  
Rosemont, IL 60018

FOR RECORDER'S USE ONLY

This Modification of Mortgage prepared by:  
Stella Periaswamy/Ln #4217249/LR #51732  
MB Financial Bank, N.A.  
6111 N. River Rd.  
Rosemont, IL 60018

**MODIFICATION OF MORTGAGE**



\*0740\*

THIS MODIFICATION OF MORTGAGE dated November 5, 2008, is made and executed between Pilsen Retail, L.L.C., whose address is 1702 S. Halsted Street, Chicago, IL 60608 (referred to below as "Grantor") and MB Financial Bank, N.A., whose address is 800 West Madison, Chicago, IL 60607 (referred to below as "Lender").

**MORTGAGE.** Lender and Grantor have entered into a Mortgage dated November 5, 2003 (the "Mortgage") which has been recorded in Cook County, State of Illinois, as follows:

Mortgage dated as of November 5, 2003 executed by Pilsen Retail, LLC ("Grantor") for the benefit of MB Financial Bank, N.A. ("Lender"), recorded on December 8, 2003 as document no. 0334249192, and Assignment of Rents of even date therewith executed by Grantor for the benefit of Lender, recorded on December 8, 2003 as document no. 0334249193.

**REAL PROPERTY DESCRIPTION.** The Mortgage covers the following described real property located in Cook County, State of Illinois:

PARCEL 1: UNITS C-3 AND C-4 IN THE PILSEN GATEWAY CONDOMINIUM, AS DELINEATED ON THE SURVEY OF CERTAIN LOTS OR PARTS THEREOF IN BROOKS' SUBDIVISION OF LOT 1 OF BLOCK 46 OF CANAL TRUSTEES' SUBDIVISION, BEING A SUBDIVISION OF THE WEST 1/2 AND SO MUCH OF THE SOUTHEAST 1/4 AS LIES WEST OF THE SOUTH BRANCH OF CHICAGO RIVER IN SECTION 21, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH SURVEY IS ATTACHED AS EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED JUNE 25, 2002, AS DOCUMENT 0020704530, AS AMENDED FROM TIME TO TIME, IN COOK COUNTY,

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**UNOFFICIAL COPY****MODIFICATION OF MORTGAGE  
(Continued)**

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ILLINOIS, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS APPURTENANT TO SAID UNIT, AS SET FORTH IN SAID DECLARATION.

PARCEL 2: THE EXCLUSIVE USE OF COMMERCIAL STORAGE AREA AS A LIMITED COMMON ELEMENT AS DELINEATED AND DEFINED IN THE DECLARATION OF CONDOMINIUM, AFORESAID, IN COOK COUNTY, ILLINOIS

The Real Property or its address is commonly known as 1601-21 South Halsted Street, Unit C-3 & C-4, Chicago, IL 60608. The Real Property tax identification number is 17-21-300-035-1035; 17-21-300-035-1036; 17-21-300-001; 17-21-300-002; 17-21-300-003; 17-21-300-004; 17-21-300-005; 17-21-300-006, 17-21-300-007 and 17-21-300-008.

**MODIFICATION.** Lender and Grantor hereby modify the Mortgage as follows:

The definition of "Note" set forth in the Mortgage is hereby amended and restated in its entirety as follows: The word "Note" means that certain Promissory Note dated November 5, 2008 as of in the original principal amount of \$353,176.97 executed by Borrower and payable to the order of Lender, as amended, supplemented, modified or replaced from time to time.

**CONTINUING VALIDITY.** Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Mortgage as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Mortgage (the "Note"). It is the intention of Lender to retain as liable all parties to the Mortgage and all parties, makers and endorser to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Mortgage does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

**WAIVER.** GRANTOR HEREBY EXPRESSLY AND UNCONDITIONALLY WAIVES AND RELINQUISHES:

- (1) ANY RIGHT TO TRIAL BY JURY IN ANY ACTION OR PROCEEDING (i) TO ENFORCE OR DEFEND ANY RIGHTS UNDER OR IN CONNECTION WITH THIS AGREEMENT OR ANY AMENDMENT, INSTRUMENT, DOCUMENT OR AGREEMENT DELIVERED OR WHICH MAY BE DELIVERED RELATED TO THIS AGREEMENT OR (ii) ARISING FROM ANY DISPUTE OR CONTROVERSY IN CONNECTION WITH, IN FURTHERANCE OF, OR RELATED TO THIS AGREEMENT OR ANY AMENDMENT, INSTRUMENT, DOCUMENT OR AGREEMENT RELATED THERETO, AND AGREES THAT ANY SUCH ACTION OR PROCEEDING SHALL BE TRIED BEFORE A JUDGE AND NOT A JURY;
- (2) EVERY DEFENSE, INCLUDING, WITHOUT LIMITATION, BREACH OF THE IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING, AND ANY CAUSE OF ACTION, COUNTERCLAIM OR SETOFF WHICH GRANTOR MAY HAVE TO ANY ACTION BY LENDER IN ENFORCING THIS AGREEMENT OR ANY DOCUMENT EXECUTED IN CONNECTION WITH, RELATED TO, OR IN FURTHERANCE OF THIS AGREEMENT.

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## MODIFICATION OF MORTGAGE (Continued)

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GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED NOVEMBER 5, 2008.

GRANTOR:

PILSEN RETAIL, L.L.C.

By:   
Richard R. Callahan, Member of Pilsen Retail, L.L.C.

By:   
Peter H. Landon, Member of Pilsen Retail, L.L.C.

LENDER:

MB FINANCIAL BANK, N.A.

X   
Authorized Signer

Cook County Clerk's Office

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Loan No: 4217249

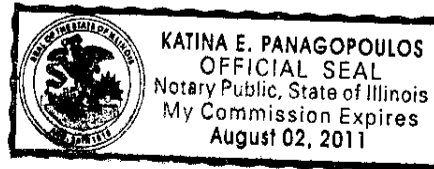
## MODIFICATION OF MORTGAGE (Continued)

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### LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF IL

COUNTY OF Cook



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On this 12th day of November, 2008 before me, the undersigned Notary Public, personally appeared **Richard R. Callahan, Member of Pilsen Retail, L.L.C. and Peter H. Landon, Member of Pilsen Retail, L.L.C.**, and known to me to be members or designated agents of the limited liability company that executed the Modification of Mortgage and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By K. Panagopoulos Residing at Chicago, IL

Notary Public in and for the State of IL

My commission expires 8-2-11

Cook County Clerk's Office

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Loan No: 4217249

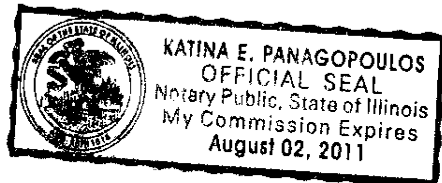
## MODIFICATION OF MORTGAGE (Continued)

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### LENDER ACKNOWLEDGMENT

STATE OF IL

COUNTY OF COOK



On this 11<sup>th</sup> day of November, 2008 before me, the undersigned Notary Public, personally appeared PAUL JOHNSON and known to me to be the SVP, authorized agent for **MB Financial Bank, N.A.** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of **MB Financial Bank, N.A.**, duly authorized by **MB Financial Bank, N.A.** through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and in fact executed this said instrument on behalf of **MB Financial Bank, N.A.**

By K Panagopoulos Residing at 800 W Madison Chicago IL

Notary Public in and for the State of IL

My commission expires 8-2-11

PROPERTY OF COOK COUNTY CLERK'S OFFICE