

# UNOFFICIAL COPY



Doc#: 0908355044 Fee: \$48.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 03/24/2009 01:40 PM Pg: 1 of 7

## PREPARED BY AND WHEN RECORDED MAIL TO:

Pamela J. Sandborg, Esq.  
Levenfeld Pearlstein, LLC  
400 Skokie Boulevard  
Suite 700  
Northbrook, Illinois 60062

### AMENDMENT NO. 1 TO ASSIGNMENT OF LEASES AND RENTS - ELSTON AVENUE PROPERTIES, L.L.C.

Amendment No. 1 to Assignment of Leases and Rents (this "Amendment") dated as of ~~January 11~~ <sup>March</sup>, 2009, made by ELSTON AVENUE PROPERTIES, L.L.C. ("Assignor") in favor of FIRST MIDWEST BANK ("Assignee"). This Amendment pertains to the real estate described on Exhibit A attached hereto and made a part hereof.

#### P R E A M I L E:

Assignor gave to Assignee that certain Assignment of Leases and Rents dated August 25, 2008, which was recorded on November 13, 2008, in the Office of the Cook County, Illinois Recorder of Deeds as Document No. 0831841159 (the "Assignment"). Assignor has requested Assignee to modify Assignee's existing financing of Assignor. Assignee has agreed to do so, so long as, among other things, Assignor executes and delivers to Assignee this Amendment.

NOW, THEREFORE, in consideration of the premises which are incorporated herein by this reference and constitute an integral part hereof and the execution and delivery of this Amendment, Assignor agrees as follows:

1. Section 1.01 of the Assignment is deleted in its entirety and replaced by the following:

"1.01 Note. Pursuant to that certain Loan and Security Agreement dated as of August 25, 2008, as amended from time to time, including, without limitation, as of the date of Amendment No. 1 to this Assignment entered into by and between Assignee and Assignor (said Loan and Security Agreement, as amended, and as may be further amended or restated from time to time, shall be hereinafter referred to as the "Loan Agreement"), that certain Construction Note (said Construction Note, as may from time to time be amended, modified, substituted, restated, renewed and/or extended, shall hereinafter be referred to as the "Note") in the principal amount of \$20,875,000.00 payable, along with interest, and maturing as specified in the Note, has been or is being contemporaneously executed and delivered by Assignor to Assignee. The Note contemplates a variable rate of interest."

2. All references to the "Assignment" in the Assignment shall mean the "Assignment" as amended by this Amendment and as may be further amended and/or restated from time to time.

ad  
all

PREMIER TITLE 2008-03861

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3. In all other respects, the Assignment is hereby restated, reaffirmed and incorporated herein, the only amendments intended to be made thereto being those above set forth. Except as specifically set forth herein to the contrary, all terms defined in the Assignment shall have the same meanings herein as therein.

ELSTON AVENUE PROPERTIES, L.L.C.

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

John Novak, Manager

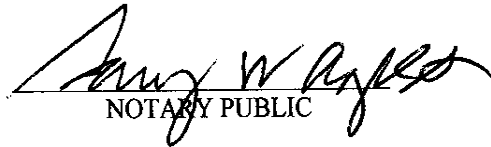
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STATE OF ILLINOIS )  
  ) SS.  
COUNTY OF                    )

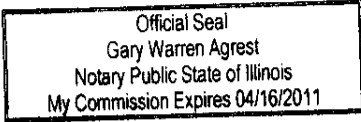
I, \_\_\_\_\_, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that John Novak, Manager of Elston Avenue Properties, L.L.C., personally is known to me to be the same person whose name is subscribed to the foregoing instrument as such Manager, appeared before me this day in person and acknowledged that such person signed and delivered the said instrument as such person's own free and voluntary act and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 11<sup>th</sup> day of March, 2009.

  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_



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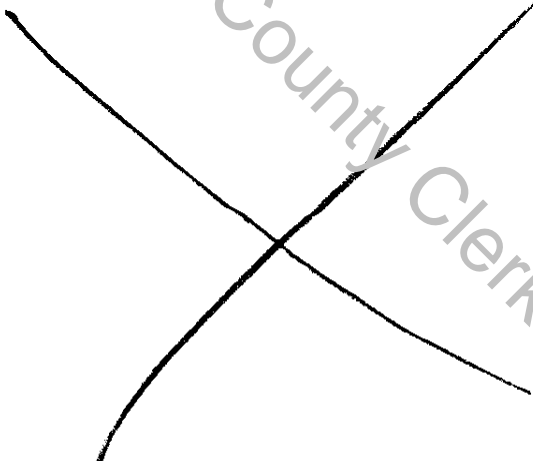
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**EXHIBIT A**  
**LEGAL DESCRIPTION**

PIN Number: 14-30-300-020-0000

Common Address: Elston Avenue and Logan Boulevard, Chicago, Illinois

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**UNOFFICIAL COPY****EXHIBIT "A"**

File No.: 2008-03861-PT

Commitment No.: 2008-03861-PT

**PROPERTY DESCRIPTION**

The land referred to in this commitment is described as follows:

LOTS 11 THROUGH 29 AND LOT 49 IN GEORGE R. HOTCHKISS JR'S SUBDIVISION OF LOT 5 (EXCEPT PART LYING EAST OF LOGAN BOULEVARD AND EXCEPT BOULEVARD AND EXCEPT STREETS) IN SUPERIOR COURT PARTITION OF SNOW ESTATE IN THE SOUTHWEST QUARTER OF SECTION 30, IN TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO

ALL THAT PART OF THE NORTHWESTERLY-SOUTHEASTERLY 16 FOOT PUBLIC ALLEY, INCLUDING TWO (2), 5 FOOT BY 5 FOOT TRIANGULAR PUBLIC ALLEYS ADJOINING THE SOUTHEASTERLY TERMINUS OF THE AFORESAID NORTHWESTERLY-SOUTHEASTERLY 16 FOOT PUBLIC ALLEY AND TWO (2) IRREGULARLY SHAPED PUBLIC ALLEYS ADJOINING THE NORTHERLY TERMINUS OF THE AFORESAID NORTHWESTERLY-SOUTHEASTERLY 16 FOOT PUBLIC ALLEY, LYING EASTERLY AND NORTHEASTERLY OF THE EASTERLY AND NORTHEASTERLY LINES OF LOT 18, LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF LOTS 19 TO 27, BOTH INCLUSIVE, LYING NORTHWESTERLY, SOUTHWESTERLY AND SOUTHERLY OF THE NORTHWESTERLY, SOUTHWESTERLY AND SOUTHERLY LINES OF LOT 49, LYING SOUTHERLY OF THE NORTHERLY LINE OF LOT 27 EXTENDED SOUTHEASTERLY TO THE POINT OF INTERSECTION WITH THE NORTH LINE OF LOT 49 EXTENDED WESTERLY, LYING SOUTH AND SOUTHERLY OF THE NORTH LINE OF LOT 49 EXTENDED WESTERLY TO THE POINT OF INTERSECTION WITH THE NORTHERLY LINE OF LOT 27 EXTENDED SOUTHEASTERLY AND LYING NORTHWESTERLY OF A LINE DRAWN FROM THE POINT OF INTERSECTION OF THE EASTERLY AND SOUTHEASTERLY LINES OF LOT 18 TO THE POINT OF INTERSECTION OF THE SOUTHEASTERLY AND SOUTHERLY LINES OF LOT 49 ALL IN GEORGE R. HOTCHKISS JR'S SUBDIVISION OF LOT 5 (EXCEPT PART LYING EAST OF LOGAN BOULEVARD AND EXCEPT BOULEVARD AND EXCEPT STREETS) IN SUPERIOR COURT PARTITION OF SNOW ESTATE IN THE SOUTHWEST QUARTER OF SECTION 30, IN TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, SAID PART OF PUBLIC ALLEY HEREIN VACATED BEING FURTHER DESCRIBED AS THE NORTHWESTERLY-SOUTHEASTERLY 16 FOOT PUBLIC ALLEY WHOSE SOUTHWESTERLY LINE IS 120 FEET, MORE OR LESS, NORTHEASTERLY OF THE NORTHEASTERLY LINE OF N. ELSTON AVENUE, SAID PART OF PUBLIC ALLEY LYING NORTHWESTERLY OF THE NORTHWESTERLY LINE OF A NORTHEASTERLY-SOUTHWESTERLY 20 FOOT PUBLIC ALLEY WHOSE SOUTHEASTERLY LINE IS 125 FEET, MORE OR LESS, NORTHWESTERLY OF THE NORTHWESTERLY LINE OF W. LOGAN BOULEVARD SAID PART OF THE PUBLIC ALLEY ALSO LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE EAST-WEST 16 FOOT PUBLIC ALLEY WHOSE NORTH LINE IS 125 FEET, MORE OR LESS, SOUTH OF THE SOUTH LINE OF W. DIVERSEY AVENUE AND LYING SOUTHERLY OF THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF THE EASTERLY-WESTERLY 20 FOOT PUBLIC ALLEY IN THE BLOCK BOUNDED BY W. DIVERSEY AVENUE, W. LOGAN BOULEVARD AND N. ELSTON AVENUE AS VACATED PER ORDINANCE RECORDED DECEMBER 31, 2007 AS DOCUMENT NO. 0736503042.

ALSO

ALL THAT PART OF THE NORTHEASTERLY/SOUTHWESTERLY 20 FOOT PUBLIC ALLEY VACATED PER ORDINANCE RECORDED SEPTEMBER 12, 2008 AS DOCUMENT NO. 0825631101 AND DEPICTED ON PLAT OF VACATION/DEDICATION RECORDED SEPTEMBER 12, 2008 AS DOCUMENT NO. 0825631102.

ALSO

EXCEPT THE NORTHEASTERLY 20.00 FEET OF LOT 12, IN GEORGE R. HOTCHKISS JR'S SUBDIVISION OF LOT 5 (EXCEPT PART LYING EAST OF LOGAN BOULEVARD AND EXCEPT BOULEVARD AND EXCEPT STREETS) IN SUPERIOR COURT PARTITION OF SNOW ESTATE IN SOUTHWEST QUARTER OF SECTION 30, IN TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS AS DEDICATED PER ORDINANCE RECORDED SEPTEMBER 12, 2008 AS DOCUMENT NO. 0825631101 AND DEPICTED ON PLAT

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EXHIBIT "A"

(Continued)

File No.: 2008-03861-PT

Commitment No.: 2008-03861-PT

OF VACATION/DEDICATION RECORDED SEPTEMBER 12, 2008 AS DOCUMENT NO. 0825631102.

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## PIN NUMBERS

PIN NUMBER	LOT NUMBER	0 OF 19
14-30-300-020-0000	LOT 29	1 OF 19
14-30-300-023-0000	LOT 25	2 OF 19
14-30-300-024-0000	LOT 24	3 OF 19
14-30-300-025-0000	LOT 23	4 OF 19
14-30-300-026-0000	LOT 22	5 OF 19
14-30-300-027-0000	LOT 21	6 OF 19
14-30-300-028-0000	LOT 20	7 OF 19
14-30-300-029-0000	LOT 19	8 OF 19
14-30-300-030-0000	LOT 18	9 OF 19
14-30-300-031-0000	LOT 49	10 OF 19
14-30-300-041-0000	LOT 11	11 OF 19
14-30-300-042-0000	LOT 12	12 OF 19
14-30-300-043-0000	LOT 13	13 OF 19
14-30-300-044-0000	LOT 14	14 OF 19
14-30-300-045-0000	LOT 15	15 OF 19
14-30-300-046-0000	LOT 16	16 OF 19
14-30-300-047-0000	LOT 17	17 OF 19
14-30-300-048-0000	LOTS 26 AND PART OF 27	18 OF 19
14-30-300-049-0000	PART OF LOT 27 AND LOT 28	19 OF 19