

# UNOFFICIAL COPY



This document prepared by:

Crowley & Lamb, P.C.  
350 North LaSalle Street, Suite 900  
Chicago, Illinois 60610

Doc#: 0908418072 Fee: \$50.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 03/25/2009 02:59 PM Pg: 1 of 8

AFTER RECORDING RETURN TO:

Diamond Bank, FSB  
1051 Perimeter Drive  
Schaumburg, IL 60173  
Attn: Kariann B. Braga  
Senior Vice President

*This space reserved for Recorder's use only*

## MEMORANDUM OF MODIFICATION

THIS MEMORANDUM OF MODIFICATION is made and entered into as of this 1st day of February, 2009, by and between **TFGC, L.L.C.**, an Illinois limited liability company ("Borrower"), having an address of 11404 S. Magnolia Lane, Alsip, Illinois 60803, **Wicker Ave. Investments, LLC**, an Indiana limited liability company ("Wicker"), and **DIAMOND BANK, FSB**, its successors and assigns, having an address as set forth above ("Lender").

### RECITALS

WHEREAS, Borrower, certain other parties, including Wicker, and Lender have executed a Modification of Loan Documents ("Modification"), of even date herewith, which modifies certain loan documents including (i) that certain Mortgage dated July 23, 2008, from Borrower to Lender recorded with the Recorder of Deeds in Cook County, Illinois (the "Recorder's Office") on August 1, 2008 as Document No. 0821449014 (the "Mortgage") against the real property and all improvements thereon legally described on Exhibit "A" attached hereto ("Property") and (ii) that certain Junior Mortgage dated July 23, 2008, from Wicker to Lender recorded with the Recorder of Deeds in Lake County, Indiana on August 12, 2008 as Document No. 2008 057351 (the "Junior Mortgage"), which Junior Mortgage encumbers the real property and all improvements thereon legally described on Exhibit B hereto; and

WHEREAS, Borrower, Wicker and Lender desire to evidence their agreement with respect to the Modification by this Memorandum of Lease.

NOW, THEREFORE, in consideration of the Modification and for good and valuable consideration therefor, the receipt and sufficiency of which are hereby acknowledged, the parties have agreed as follows:

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1. The foregoing recitals are hereby incorporated herein by this reference. All capitalized terms used herein shall have the same meaning as ascribed to such terms in the Modification unless otherwise defined herein.

2. Lender and Borrower agree that the Maturity Date for the Loan shall hereby be amended and extended from February 1, 2009 until May 1, 2009. All references in any and all Loan Documents to "Maturity Date" or words of similar import shall now mean May 1, 2009.

3. The Note shall be amended and restated by that certain Amended and Restated Promissory Note of even date herewith executed by Borrower (the "Amended Note"). As of the date hereof, the Amended Note restates and replaces the Note and is not a repayment or novation of the Note. All references in any and all Loan Documents to the Note shall now mean the Amended Note. Notwithstanding any other provision contained in the Loan Documents, the interest rate applicable to the Loan shall be as set forth in the Amended Note.

4. The specific terms of the Modification and the rights and obligations of the parties with respect thereto are fully set forth in the Modification.

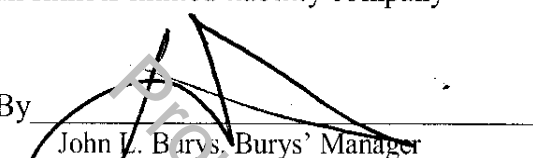
**THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK**

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IN WITNESS WHEREOF, the undersigned have executed this Memorandum of Modification as of the day and date first above written.

**BORROWER:**

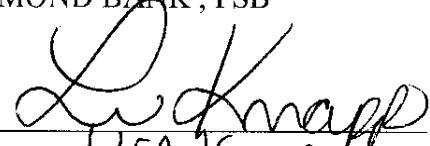
**TFGC, L.L.C.**,  
an Illinois limited liability company

By:   
John L. Burys, Burys' Manager

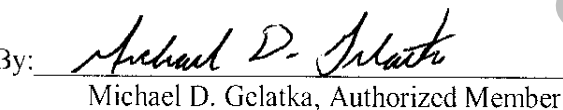
By:   
Michael D. Gelatka, GC Manager

**TENANT:**

**DIAMOND BANK, FSB**

By:   
Name: USA 1000  
Title: AVP

**WICKER AVE. INVESTMENTS, LLC**,  
an Indiana limited liability company

By:   
Michael D. Gelatka, Authorized Member

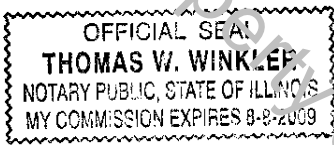
Property of Cook County Clerk's Office

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STATE OF ILLINOIS )  
 ) ss  
COUNTY OF Cook )

I, THOMAS W Winkler, a Notary Public in and for said County, in the State aforesaid, do hereby certify that John L. Burys and Michael D. Gelatka personally known to be the managers of TFGC, L.L.C, an Illinois limited liability company, in whose names the above and foregoing instrument is executed, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act and as the free and voluntary act of the Borrower for the uses and purposes therein set forth, and as the free and voluntary act of said persons for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 16 day of March, 2009.



[Signature]  
Notary Public

My Commission Expires: 8/8/09

STATE OF ILLINOIS )  
 ) ss  
COUNTY OF Cook )

I, Sandra Gallardo, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Lisa Krapp personally known to be the AVP of DIAMOND BANK, FSB in whose name the above and foregoing instrument is executed, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act and as the free and voluntary act of said the Lender for the uses and purposes therein set forth, and as the free and voluntary act of said person for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 16 day of March, 2009.

[Signature]  
Notary Public

My Commission Expires: 05/22/11

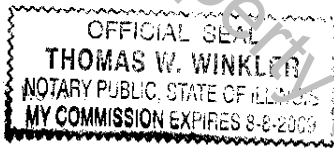


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STATE OF ILLINOIS            )  
  ) ss.  
COUNTY OF COOK            )

I, THOMAS W. WINKLER, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that Michael D Gelatka, member of Wicker Ave. Investments, LLC, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such person appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as his free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 16 day of March, 2009.



Thomas W. Winkler

Notary Public

My Commission Expires

8/8/09

Property of Cook County Clerk's Office

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## EXHIBIT A

### PROPERTY LEGAL DESCRIPTION

#### PARCEL 1:

THE SOUTH 300.0 FEET (EXCEPT THE WEST 250.0 FEET THEREOF) OF THE FOLLOWING DESCRIBED TRACT OF LAND: A TRACT OF LAND IN FRACTIONAL SECTION 22, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, (SOUTH OF THE INDIAN BOUNDARY LINE) WHICH LIES WESTERLY OF SOUTH DOTY AVENUE NORTH OF THE EAST 121ST STREET AND EAST OF THE PULLMAN RAILROAD MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF EAST 121ST STREET AND 50 FEET WEST OF THE WESTERLY LINE OF SOUTH DOTY AVENUE AS DEDICATED BY DOCUMENT NO. 9002353, RECORDED AUGUST 11, 1925 THENCE NORTH 90 DEGREES WEST ON THE NORTH LINE OF SAID EAST 121ST STREET A DISTANCE OF 589.99 FEET, THENCE NORTH 0 DEGREES WEST A DISTANCE OF 530.58 FEET, THENCE NORTH 90 DEGREES EAST A DISTANCE OF 476.79 FEET TO A POINT ON A LINE 50 FEET WEST OF THE WESTERLY LINE OF DOTY AVENUE AFORESAID, THENCE SOUTHERLY ALONG A CURVED LINE CONCENTRIC WITH AND 50 FEET WESTERLY OF SAID WESTERLY LINE OF SOUTH DOTY AVENUE CONVEXED WESTERLY AND HAVING A RADIUS OF 2964.93 FEET A DISTANCE OF 543.28 FEET-ARC-TO THE POINT OF BEGINNING; BEING A PART OF A TRACT OF LAND IN FRACTIONAL SECTION 22, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, (SOUTH OF THE INDIAN BOUNDARY LINE) WHICH LIES WESTERLY OF SOUTH DOTY AVENUE NORTH OF THE EAST 121ST STREET AND EAST OF THE PULLMAN RAILROAD MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON A LINE 474.50 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, (NORTH OF THE INDIAN BOUNDARY LINE) PRODUCED EAST, SAID POINT BEING 50 FEET WEST OF THE WESTERLY LINE OF SOUTH DOTY AVENUE; AS DEPICTED BY DOCUMENT NO. 9002353, RECORDED AUGUST 11, 1925, THENCE SOUTH PARALLEL WITH SAID DOTY AVENUE; A DISTANCE OF 5 FEET; THENCE SOUTHERLY ALONG A CURVED LINE, CONCENTRIC WITH AND 50 FEET WESTERLY OF SAID WESTERLY LINE OF SOUTH DOTY AVENUE CONVEXED WESTERLY AND HAVING A RADIUS OF 2964.93 FEET, A DISTANCE OF 805.60 FEET-ARC-TO THE NORTH LINE OF EAST 121ST STREET, BEING A LINE DRAWN PARALLEL WITH AND 433 FEET NORTH OF THE SOUTH LINE OF SECTION 22 TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN (SOUTH OF THE INDIAN BOUNDARY LINE), THENCE WEST ALONG SAID PARALLEL LINE A DISTANCE OF 1138.36 FEET TO A POINT 248.99 FEET EAST OF THE EASTERLY LINE OF SOUTH COTTAGE GROVE AVENUE THENCE NORTHWESTERLY ON A STRAIGHT LINE A DISTANCE OF 803.73 FEET TO A POINT ON A LINE 474.50 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 22, (NORTH OF THE INDIAN BOUNDARY LINE) PRODUCED EAST, A DISTANCE OF 66 FEET EAST OF THE 100 FOOT PULLMAN RAILROAD RIGHT OF WAY; THENCE EAST ALONG SAID PARALLEL LINE A DISTANCE OF 1251.22 FEET TO THE POINT OF BEGINNING SITUATED IN COOK COUNTY, ILLINOIS

P.I.N. 25-22-401-031

COMMONLY KNOWN AS: 12050-52 S. DOTY ROAD, CHICAGO, ILLINOIS 60628

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## EXHIBIT B

### LEGAL DESCRIPTION

PARCEL 2: PART OF THE NORTH  $\frac{1}{2}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 28, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILROAD, WHICH POINT IS 230.16 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$ ; THENCE WEST PARALLEL TO THE SAID NORTH LINE 250 FEET; THENCE SOUTH 99.73 FEET TO THE SOUTH LINE OF THE NORTH  $\frac{1}{2}$  OF THE NORTH  $\frac{1}{2}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$ ; THENCE EASTERLY ALONG SAID SOUTH LINE 328.71 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID RAILROAD; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY, 127.05 FEET TO THE PLACE OF BEGINNING, IN LAKE COUNTY, INDIANA EXCEPTING THEREFROM PART OF SAID PARCEL DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE 165.66 FEET WEST OF THE INTERSECTION OF SAID SOUTH LINE OF SAID NORTH  $\frac{1}{2}$  OF THE NORTH  $\frac{1}{2}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 28 AND THE SOUTHWESTERLY 50 FOOT RIGHT OF WAY LINE OF THE SOUTHERN RAILROAD (FORMERLY THE MONON RAILROAD AND ALSO THE CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILROAD); THENCE CONTINUING NORTH 88 DEGREES 45 MINUTES 21 SECONDS WEST ALONG THE LAST SAID SOUTH LINE 163.05 FEET THENCE NORTH 01 DEGREES 14 MINUTES 39 SECONDS WEST, 99.73 FEET; THENCE SOUTH 88 DEGREES 45 MINUTES 21 SECONDS EAST 163.05 FEET; THENCE SOUTH 01 DEGREES 14 MINUTES 39 SECONDS EAST 99.73 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, INDIANA

PARCEL 3: PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 28, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$ ; THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILROAD; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE TO A POINT WHICH IS 230.16 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  (AS MEASURED AT RIGHT ANGLES TO SAID NORTH LINE); THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  TO A POINT WHICH IS 158.41 FEET EAST OF THE WEST LINE OF SAID SECTION 28; THENCE WESTWARDLY 158.77 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 28; SAID POINT BEING 244.76 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART LYING WEST OF THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 41, IN LAKE COUNTY, INDIANA

PARCEL 4: PART OF THE NORTH  $\frac{1}{2}$  OF THE NORTH  $\frac{1}{2}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 28, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE TOWN ST. JOHN, LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  AND 244.76 FEET SOUTH OF NORTHWEST CORNER THEREOF; THENCE EASTERLY 158.77 FEET, MORE OR LESS, TO A POINT ON A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  AND 230.16 FEET

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SOUTH OF SAID NORTH LINE (MEASURED AT RIGHT ANGLES THERETO), SAID POINT BEING 158.41 FEET WEST OF THE WEST LINE OF SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$ ; THENCE EAST 50 FEET ALONG SAID PARALLEL LINE; THENCE NORTH 50 FEET; THENCE WEST 208.41 FEET PARALLEL TO THE SAID NORTH LINE TO THE WEST LINE OF SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$ ; THENCE SOUTH ALONG SAID WEST LINE 64.60 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART OF SAID TRACT LYING WEST OF THE EAST LINE OF U.S. HIGHWAY 41.

PARCEL 5: THAT PART OF THE NORTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 28, TOWNSHIP 35 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LYING SOUTHWESTERLY OF THE RIGHT OF WAY LINE OF THE LOUISVILLE, NEW ALBANY AND CHICAGO RAILROAD COMPANY NOW CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILROAD COMPANY, LAKE COUNTY, INDIANA

AFFECTS PARCEL 2  
 PARCEL NO.: 45-11-28-351-004.000-035  
 TOWNSHIP NO.: 009  
 TAXING UNIT: 22  
 KEY NO.: 12-2-32

AFFECTS PARCEL 2  
 PARCEL NO.: 45-11-28-351-001.000-035  
 TOWNSHIP NO.: 009  
 TAXING UNIT NO.: 22  
 KEY NO.: 12-2-30

AFFECTS PARCELS 3 AND 4  
 PARCEL NO.: 45-11-28-351-001.000-035  
 TOWNSHIP NO.: 009  
 TAXING UNIT: 22  
 KEY NO.: 12-2-30

AFFECTS PARCELS 3 AND 4  
 PARCEL NO.: 45-11-28-301-001-000-035  
 TOWNSHIP NO.: 009  
 TAXING UNIT NO.: 22  
 KEY NO.: 12-1-2

AFFECTS PARCEL 5  
 PARCEL NO.: 45-11-28-301-001-000-035  
 TOWNSHIP NO.: 009  
 TAXING UNIT: 22  
 KEY NO.: 12-1-2

COMMONLY KNOWN AS: 9125 WICKER, ST. JOHN, INDIANA 46373