



Doc#: 0933644058 Fee: \$64.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 12/02/2009 02:41 PM Pg: 1 of 15

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, California 90067
Attention: John F. Nicholson, Esq.

**MEMORANDUM OF FIRST MODIFICATION AGREEMENT
AMENDING MORTGAGE AND ADDENDUM TO MORTGAGE**

The undersigned declare that they have entered into that certain First Modification Agreement dated of even date herewith (the "Modification Agreement"), wherein provision is made for (a) amendment of that certain Mortgage, Assignment of Leases, Rents and Contracts, Security Agreement and Fixture Filing, dated April 4, 2006, executed by Maple Ave Medical, LLC, a Delaware limited liability company, ET Medical, LLC, a Delaware limited liability company, GL Medical, LLC, a Delaware limited liability company, and HL Medical, LLC, a Delaware limited liability company (collectively, "Borrower"), for the benefit of Allstate Life Insurance Company and Allstate Life Insurance Company of New York (collectively, "Original Lender"), which was recorded on April 7, 2006, with the Cook County Recorder of Deeds, as Document No. 0609745081, and assigned by Original Lenders to HTA - Maple Avenue, LLC, a Delaware limited liability company ("Lender"), pursuant to that certain Assignment of Mortgage and Security Agreement dated as of December 1, 2009 by Original Lender, as Assignor, in favor of Lender, as Assignee, and recorded on December 2, 2009, with the Cook County Recorder of Deeds, as Document No. 0933622009 (as assigned, the "Mortgage"), which encumbers that certain real property located in the Village of Oak Park, County of Cook, State of Illinois, as more particularly described on Exhibit A attached hereto, and (b) amendment of certain obligations secured by the Mortgage. This instrument is a memorandum of the Modification Agreement, and the same is incorporated herein by this reference with the same effect and as though set forth herein in its entirety. To facilitate execution, this instrument may be executed in as many counterparts as may be convenient or required. It shall not be necessary that the signature of, or on behalf of, each party, or that the signature of all persons required to bind any party, appear on each counterpart. All counterparts shall collectively constitute a single instrument.

*(Remainder of Page Left Intentionally Blank;
Signatures Appear on Following Page)*

2

833 0739

arells/p1

UNOFFICIAL COPY

Dated as of: December 1, 2009

“LENDER”

HTA – MAPLE AVENUE, LLC,
a Delaware limited liability company

By: Kellie S. Pruitt
Name: KELLIE S. PRUITT
Title: Authorized Signatory

“BORROWER”

MAPLE AVE MEDICAL, LLC,
a Delaware limited liability company

By: Bradley Associates, L.L.C., its Manager
By: _____
Sherwin Jarol, Manager

ET MEDICAL, LLC,
a Delaware limited liability company

By: _____
Z.E. Taheri, as an authorized Trustee of the
Z.E. Taheri Revocable Trust dated June 10,
1999, Sole Member

GL MEDICAL, LLC,
a Delaware limited liability Company

By: Classroom LLC, an Illinois limited
liability company
By: _____
Harold Lichterman

HL MEDICAL, LLC,
a Delaware limited liability Company

By: Clark School Partnership, an Illinois general
partnership, its Sole Member
By: _____
Harold Lichterman

UNOFFICIAL COPY

Dated as of: December 1, 2009

“LENDER”

HTA – MAPLE AVENUE, LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: Authorized Signatory

“BORROWER”

MAPLE AVE MEDICAL, LLC,
a Delaware limited liability company

By: Bradley Associates, L.L.C., its Manager
By: _____
Sherwin Jarol, Manager

ET MEDICAL, LLC,
a Delaware limited liability company

By: *Z.E. Taheri* / Trustee
Z.E. Taheri, as an authorized Trustee of the
Z.E. Taheri Revocable Trust dated June 10,
1999, Sole Member

GL MEDICAL, LLC,
a Delaware limited liability Company

By: Classroom LLC, an Illinois limited
liability company
By: _____
Harold Lichterman

HL MEDICAL, LLC,
a Delaware limited liability Company

By: Clark School Partnership, an Illinois general
partnership, its Sole Member
By: _____
Harold Lichterman

UNOFFICIAL COPY

Dated as of: December 1, 2009

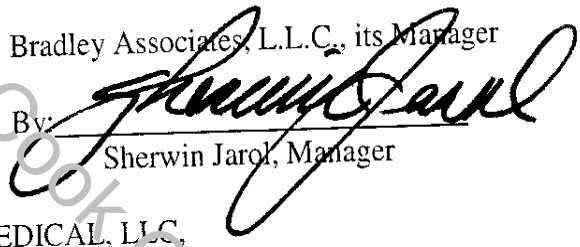
“LENDER”

HTA – MAPLE AVENUE, LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: Authorized Signatory

“BORROWER”

MAPLE AVE MEDICAL, LLC,
a Delaware limited liability company

By: Bradley Associates, L.L.C., its Manager
By: 
Sherwin Jarol, Manager

ET MEDICAL, LLC,
a Delaware limited liability company

By: _____
Z.E. Taheri, as an authorized Trustee of the
Z.E. Taheri Revocable Trust dated June 10,
1999, Sole Member

GL MEDICAL, LLC,
a Delaware limited liability Company

By: GGL LLC, Series 11, a Delaware limited liability company
that is a partial successor to Classroom, LLC

By: _____
Geraldine Lichterman, Manager

HL MEDICAL, LLC,
a Delaware limited liability Company

By: HL LLC, Series 11, a Delaware limited liability company
company that is a partial successor to Classroom, LLC

By: _____
Len Lichterman, Manager

UNOFFICIAL COPY

Dated as of: December 1, 2009

“LENDER”

HTA – MAPLE AVENUE, LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: Authorized Signatory

“BORROWER”

MAPLE AVE MEDICAL, LLC,
a Delaware limited liability company

By: Bradley Associates, L.L.C., its Manager

By: _____
Sherwin Jarol, Manager

ET MEDICAL, LLC,
a Delaware limited liability company

By: _____
Z.E. Taheri, as an authorized Trustee of the
Z.E. Taheri Revocable Trust dated June 10,
1999, Sole Member

GL MEDICAL, LLC,
a Delaware limited liability Company

By: GGL LLC, Series 11, a Delaware limited liability company
that is a partial successor to Classroom, LLC

By: *Geraldine Lichterman*
Geraldine Lichterman, Manager

HL MEDICAL, LLC,
a Delaware limited liability Company

By: HL LLC, Series 11, a Delaware limited liability company
company that is a partial successor to Classroom, LLC

By: _____
Len Lichterman, Manager

UNOFFICIAL COPY

Dated as of: December 1, 2009

“LENDER”

HTA – MAPLE AVENUE, LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: Authorized Signatory

“BORROWER”

MAPLE AVE MEDICAL, LLC,
a Delaware limited liability company

By Bradley Associates, L.L.C., its Manager

By: _____
Sherwin Jarol, Manager

ET MEDICAL, LLC,
a Delaware limited liability company

By: _____
Z.E. Taheri, as an authorized Trustee of the
Z.E. Taheri Revocable Trust dated June 10,
1999, Sole Member

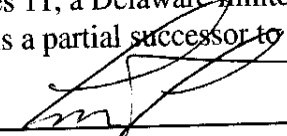
GL MEDICAL, LLC,
a Delaware limited liability Company

By: GGL LLC, Series 11, a Delaware limited liability company
that is a partial successor to Classroom, LLC

By: _____
Geraldine Lichterman, Manager

HL MEDICAL, LLC,
a Delaware limited liability Company

By: HL LLC, Series 11, a Delaware limited liability company
company that is a partial successor to Classroom, LLC

By:  _____
Len Lichterman, Manager

UNOFFICIAL COPY

LENDER'S ACKNOWLEDGEMENT:

STATE OF ARIZONA)
) ss
 COUNTY OF MARICOPA)

On November 30, 2009, before me, Danielle O'Dea (here insert name of the officer) Notary Public, personally appeared Kelie Pruitt, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Danielle O'Dea

 Signature of Notary Public



[Seal]

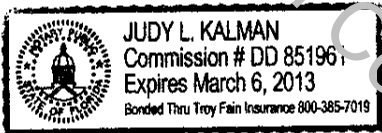
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STATE OF FLORIDA)
COUNTY OF PALM BEACH) SS

I, Judy L. Kalman, a notary public in and for and residing in said county, in the state aforesaid, do hereby certify that E. E. Taheri, an individual person who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such trustee, appeared before me this day in person and acknowledged that he signed the said instrument as his own free and voluntary act and as the free and voluntary act of trustee, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 30th day of Nov., 2009.

Judy L. Kalman
Notary Public



My commission expires:

3/6/13

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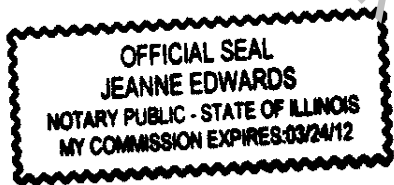
BORROWER'S ACKNOWLEDGEMENT:

STATE OF IL)
COUNTY OF COOK) SS

I, Jeanne Edwards, a notary public in and for and residing in said county, in the state aforesaid, do hereby certify that Sherwin Sardi, a ~~Individual person~~ who is personally 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 he signed the said instrument as his own free and voluntary act and as the free and voluntary act of manager, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 1st day of Dec, 2009.

Jeanne Edwards
Notary Public



My commission expires:
3/24/12

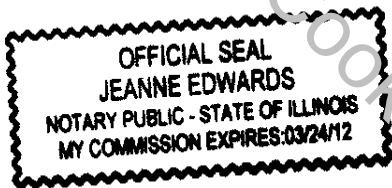
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STATE OF IL)
)
COUNTY OF COOK) SS

I, Jeanne Edwards, a notary public in and for and residing in said county, in the state aforesaid, do hereby certify that Geraldine Lichterman Individual Person who is personally 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 he signed the said instrument as his own free and voluntary act and as the free and voluntary act of manager, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 1st day of Dec, 2009.

Jeanne Edwards
Notary Public



My commission expires:
3/24/12

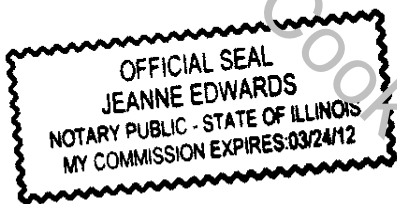
UNOFFICIAL COPY

STATE OF IL)
COUNTY OF Cook) SS

I, Jeanne Edwards, a notary public in and for and residing in said county, in the state aforesaid, do hereby certify that Lenhechternan ~~Individual~~ Person who is personally 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 he signed the said instrument as his own free and voluntary act and as the free and voluntary act of manager, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 1st day of Dec, 2009.

Jeanne Edwards
Notary Public



My commission expires:

3/24/12

Property of Cook County Clerk's Office

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EXHIBIT A

Description of Property

PARCEL 1:

LOTS 1, 2 AND 3, EXCEPT THE SOUTH 11.50 FEET OF SAID LOT 3, LOT 4, EXCEPT THE NORTH 8.50 FEET OF SAID LOT 4 AND LOT 5 IN BLOCK 6 AND LOTS 1 TO 5, INCLUSIVE, IN BLOCK 7, TOGETHER WITH THE NORTH AND SOUTH 18 FOOT PUBLIC ALLEY VACATED PER DOCUMENT NO. 20181526 LYING BETWEEN THE EAST LINE OF SAID BLOCK 6 AND THE WEST LINE OF SAID BLOCK 7, LYING SOUTH OF A LINE DRAWN FROM THE NORTHEAST CORNER OF THE AFORESAID LOT 1 IN SAID BLOCK 6 TO THE NORTHWEST CORNER OF THE AFORESAID LOT 1 IN SAID BLOCK 7, AND LYING NORTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 11.50 FEET OF THE AFORESAID LOT 3 IN SAID BLOCK 6 ALL IN W. J. WILSON'S ADDITION TO OAK PARK, BEING A SUBDIVISION IN SECTION 18, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN;

ALSO

THAT PART OF THE VACATED NORTH AND SOUTH 18-FOOT PUBLIC ALLEY LYING BETWEEN THE EAST LINE OF BLOCK 6 AND THE WEST LINE OF BLOCK 7, LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 11.50 FEET OF LOT 3 IN SAID BLOCK 6, LYING NORTH OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 5 IN SAID BLOCK 6 TO THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK 7 ALL IN W. J. WILSON'S ADDITION TO OAK PARK, BEING A SUBDIVISION IN SECTION 18, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, VACATED BY ORDINANCE RECORDED DECEMBER 21, 1999 AS DOCUMENT NUMBER 09184813 AND RE-RECORDED JANUARY 26, 2000 AS DOCUMENT NUMBER 00065870;

ALSO

THAT PART OF THE VACATED EAST AND WEST 20-FOOT PUBLIC ALLEY LYING BETWEEN THE NORTH LINE OF THE SOUTH 11.50 FEET OF LOT 3 AND THE SOUTH LINE OF THE NORTH 8.50 FEET OF LOT 4 IN BLOCK 6 IN W. J. WILSON'S ADDITION TO OAK PARK, BEING A SUBDIVISION IN SECTION 18, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, VACATED BY ORDINANCE RECORDED DECEMBER 21, 1999 AS DOCUMENT NUMBER 09184813 AND RE-RECORDED JANUARY 26, 2000 AS DOCUMENT NUMBER 00065870;

ALSO

THAT PART OF WEST MONROE STREET VACATED PER DOCUMENT NUMBER 20181526 IN W. J. WILSON'S ADDITION TO OAK PARK LYING EAST OF A LINE

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DRAWN FROM THE SOUTHWEST CORNER OF LOT 9 IN BLOCK 3 TO THE NORTHWEST CORNER OF LOT 1 IN BLOCK 6 AND LYING WEST OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 9 IN BLOCK 2 TO THE NORTHEAST CORNER OF LOT 1 IN BLOCK 7, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 IN BLOCK 7 AFORESAID; THENCE NORTH 66.00 FEET TO THE SOUTHEAST CORNER OF LOT 9 IN BLOCK 2 AFORESAID; THENCE WEST, ALONG THE SOUTH LINE OF LOT 9 AFORESAID AND ITS WESTERLY EXTENSION AND THE SOUTH LINE OF LOT 9 IN BLOCK 3 AFORESAID, 216.90 FEET; THENCE SOUTH PERPENDICULAR TO THE AFORESAID LINE, 32.20 FEET; THENCE WEST, PERPENDICULAR TO THE AFORESAID LINE, 142.03 FEET TO A POINT ON THE LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 9 IN BLOCK 3 AFORESAID TO THE NORTHWEST CORNER OF LOT 1 IN BLOCK 6 AFORESAID; THENCE SOUTH ON THE AFORESAID DESCRIBED LINE 33.80 FEET TO THE NORTHWEST CORNER OF LOT 1 IN BLOCK 6 AFORESAID; THENCE EAST, ALONG THE NORTH LINE OF LOT 1 IN BLOCK 6 AFORESAID AND ITS EASTERLY EXTENSION AND THE NORTH LINE OF LOT 1 IN BLOCK 7 AFORESAID, 359.06 FEET TO THE HEREINABOVE DESIGNATED POINT OF BEGINNING, SAID ADDITION BEING A SUBDIVISION IN SECTION 18, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

AN EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT DATED DECEMBER 16, 1999 AND RECORDED DECEMBER 20, 1999 AS DOCUMENT NUMBER 09181429 BY AND BETWEEN PARTNERS 99, L.L.C. AND OAK PARK HOSPITAL FOR THE PURPOSE OF VEHICULAR AND PEDESTRIAN ACCESS TO, INGRESS AND EGRESS OVER THE WISCONSIN AVENUE EASEMENT AREA DESCRIBED AS FOLLOWS:

THAT PORTION OF WISCONSIN AVENUE LYING WEST OF AND ADJACENT TO LOTS 24 TO 35 OF THE SUBDIVISION OF BLOCK 2 IN WALLEN AND PROBST'S ADDITION TO OAK PARK, A SUBDIVISION OF PART OF LOT 1 IN B. F. JERVIS SUBDIVISION OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 13 (EXCEPT THE WEST 1/2 OF THE SOUTHWEST 1/4) EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

NON-EXCLUSIVE PERPETUAL RIGHT AND EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT DATED DECEMBER 16, 1999 AND RECORDED DECEMBER 20, 1999 AS DOCUMENT NUMBER 09181429 BY AND BETWEEN PARTNERS 99, L.L.C. AND OAK PARK HOSPITAL FOR THE PURPOSE OF PEDESTRIAN AND VEHICULAR ACCESS TO AND INGRESS AND EGRESS OVER, ACCESS THERETO AND THE PERPETUAL RIGHT AND EASEMENT TO PARK VEHICLES WITHIN THE PARKING GARAGE DESCRIBED AS FOLLOWS:

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ALL OF LOTS 24 TO 35, BOTH INCLUSIVE, IN BLOCK 2 IN THE SUBDIVISION OF BLOCKS 1 2, 3, 4, 5, 6, 7, 8 AND 9 OF WALLEN AND PROBST'S ADDITION TO OAK PARK IN THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

PERPETUAL RIGHT AND EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT DATED DECEMBER 16, 1999 AND RECORDED DECEMBER 20, 1999 AS DOCUMENT NUMBER 09181429 BY AND BETWEEN PARTNERS 99, L.L.C. AND OAK PARK HOSPITAL FOR THE PURPOSE OF PEDESTRIAN AND VEHICULAR ACCESS TO AND INGRESS AND EGRESS OVER, AND CONSTRUCTION, MAINTENANCE, REPAIR AND REPLACEMENT OF A SURFACE PARKING LOT AND THE PERPETUAL RIGHT AND EASEMENT TO PARK VEHICLES THEREON, DESCRIBED AS FOLLOWS:

LOT 5 (EXCEPT THE NORTH 43 FEET THEREOF) TOGETHER WITH LOTS 6 TO 9, INCLUSIVE, IN BLOCK 4 IN W. J. WILSON'S ADDITION TO OAK PARK, A SUBDIVISION OF ALL OF LOT 1 (EXCEPT THE EAST 40 ACRES THEREOF) IN THE SUBDIVISION OF SECTION 18 (EXCEPT THE WEST 1/2 OF THE SOUTHWEST 1/4 THEREOF), TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

EXCLUSIVE RIGHT AND EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT DATED DECEMBER 16, 1999 AND RECORDED DECEMBER 20, 1999 AS DOCUMENT NUMBER 09181429 BY AND BETWEEN PARTNERS 99, L.L.C. AND OAK PARK HOSPITAL FOR THE PURPOSE OF CONNECTING THE PEDESTRIAN CORRIDOR TO THE HOSPITAL AS DISCLOSED ON EXHIBIT "C" ATTACHED TO SAID AGREEMENT.

PARCEL 6:

EXCLUSIVE RIGHT AND EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT DATED DECEMBER 16, 1999 AND RECORDED DECEMBER 20, 1999 AS DOCUMENT NUMBER 09181429 BY AND BETWEEN PARTNERS 99, L.L.C. AND OAK PARK HOSPITAL FOR THE PURPOSE OF PEDESTRIAN ACCESS, INGRESS AND EGRESS THROUGH THE PEDESTRIAN CORRIDOR (WHEN COMPLETED) BETWEEN THE MEDICAL OFFICE BUILDING AND THE HOSPITAL AS DISCLOSED ON SKETCH ATTACHED AS EXHIBIT "C" TO SAID AGREEMENT.

PARCEL 7:

MUTUAL EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT DATED DECEMBER 16, 1999 AND RECORDED DECEMBER 20, 1999 AS DOCUMENT NUMBER 09181429 BY AND BETWEEN PARTNERS 99, L.L.C. AND OAK

UNOFFICIAL COPY

PARK HOSPITAL UPON, UNDER, OVER, ACROSS AND ALONG A STRIP OF LAND FIFTEEN (15) FEET INTO EACH OF THE PARTNERS 99 PROPERTY AND THE HOSPITAL PROPERTY FOR THE PURPOSE OF CONTINUED MAINTENANCE OF THE EASEMENT AND IMPROVEMENTS.

PARCEL 8:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT DATED DECEMBER 16, 1999 AND RECORDED DECEMBER 20, 1999 AS DOCUMENT NUMBER 09181429 BY AND BETWEEN PARTNERS 99, L.L.C. AND OAK PARK HOSPITAL IN, OVER, UNDER, UPON, AND ACROSS THE DRIVEWAY EASEMENT AREA AS DISCLOSED ON EXHIBIT "C" OF SAID AGREEMENT FOR THE PURPOSE OF CONSTRUCTING AND INSTALLING A DRIVEWAY, SIDEWALKS AND OTHER IMPROVEMENTS.

PARCEL 9:

MUTUAL EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT DATED DECEMBER 16, 1999 AND RECORDED DECEMBER 20, 1999 AS DOCUMENT NUMBER 09181429 BY AND BETWEEN PARTNERS 99, L.L.C. AND OAK PARK HOSPITAL IN, OVER, UNDER, UPON, AND ACROSS THE DRIVEWAY EASEMENT AREA AS DISCLOSED ON EXHIBIT "C" OF SAID AGREEMENT FOR THE PURPOSE OF PEDESTRIAN AND VEHICULAR ACCESS, INGRESS AND EGRESS OVER THE DRIVEWAY AND SIDEWALKS LOCATED THEREIN.

ADDRESS: 610 SOUTH MAPLE AVENUE, OAK PARK, ILLINOIS

PINs: 16-18-101-010 (also covers other property)
16-18-101-012 (also covers other property)
16-18-110-006
16-18-110-015
16-18-110-016
16-18-110-022
16-18-110-023
16-18-110-024