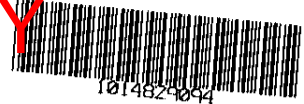


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Doc#: 1014829094 Fee: \$48.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 05/28/2010 03:39 PM Pg: 1 of 7

This instrument was prepared  
by and after recording should  
be returned to:

Illinois Housing Development  
Authority  
401 N. Michigan Avenue  
Suite 700  
Chicago, Illinois 60611  
Attn: Kathryn Finn

Property Address:  
South Prairie Avenue, between 42<sup>nd</sup>  
and 43<sup>rd</sup> Streets, Chicago, Illinois  
60653

PINs: 20-03-121-031; 20-03-121-043

U399332 DK 5/12

**FIRST AMENDMENT TO  
LOW INCOME HOUSING TAX CREDIT EXTENDED USE AGREEMENT**

This First Amendment to Low Income Housing Tax Credit Extended Use Agreement (this "Amendment") is made this 28<sup>th</sup> day of May, 2010 by and between **ILLINOIS HOUSING DEVELOPMENT AUTHORITY** (the "Authority"), a body politic and corporate established pursuant to the Illinois Housing Development Act, ILCS 3805/1 *et seq.*, as amended from time to time (the "Act") with its principal offices located at 401 North Michigan Avenue, Suite 700, Chicago, Illinois 60611, and **LEGENDS C-2, LLC**, an Illinois limited liability company, (the "Owner"), with its principal offices located at 222 S. Green Street, Chicago, Illinois 60607.

**RECITALS**

A. **WHEREAS**, the Owner and the Authority entered into that certain Low Income Housing Tax Credit Extended Use Agreement dated December 1, 2007 and recorded on December 10, 2007 as Document No. 0734409047 in the Office of the Cook County Recorder of Deeds (the "EUA").

B. **WHEREAS**, the EUA set forth certain covenants governing the use, occupancy and transfer of that certain development located at South Prairie Avenue between 42<sup>nd</sup> and 43<sup>rd</sup> Streets, Chicago, Illinois and commonly known as Legends South Phase C-2 (the "Project"). The Project was legally described in Exhibit A to the EUA ("Original Project Legal Description"). The Project is part of a larger development of several non-contiguous parcels of real estate (the "Development").

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C. **WHEREAS**, Owner is the owner of a leasehold estate (“Leasehold Estate”) in the Development pursuant to a ground lease (the “Ground Lease”) with the Chicago Housing Authority (the “Ground Lessor”). Ground Lessor is the owner of the fee estate in the real estate upon which the Development is constructed (the “Fee Estate”), which was legally described in Exhibits A, B and C attached to the EUA (“Original Development Legal Descriptions”).

C. **WHEREAS**, upon completion of construction of the Project and preparation of an as-built survey of the Project, it was determined that the Project was constructed over the property line of the Original Project Legal Description and onto adjacent property owned by the City of Chicago (“Additional Property”). The Additional Property, along with the Original Project Legal Description, are legally described on **Exhibit A** attached hereto and incorporated herein by reference.

D. **WHEREAS**, the City of Chicago has deeded the Additional Property to the Ground Lessor and the Ground Lease has been amended to include the Additional Property.

E. **WHEREAS**, Owner and the Authority desire to amend the EUA to include the Additional Property.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The foregoing Recitals are hereby incorporated into this Amendment in their entirety. Initially capitalized terms used herein and not otherwise defined shall have the meanings given them in the Recitals or in the EUA, as applicable.

2. The EUA is hereby amended to include the Additional Property. The Additional Property shall be subject to the terms and conditions of the EUA as though originally part of the real property legally described in and attached to the EUA.

3. Other than as amended by this Amendment, the EUA shall remain in full force and effect without further modification.

4. This Amendment may be executed in counterparts, and each counterpart shall, for all purposes for which an original of this Amendment must be produced or exhibited, be the Amendment but all such counterparts shall constitute one and the same instrument.


*[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURE PAGE FOLLOWS]*

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IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their respective duly authorized representatives, as of the day and year set forth above.

**AUTHORITY:**

**ILLINOIS HOUSING DEVELOPMENT AUTHORITY**

By:   
Linda Thurmond  
Managing Director, Multifamily Programs

**OWNER:**

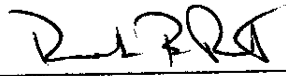
**Legends C-2, LLC,**  
an Illinois limited liability company

By: Legends C-2 Manager, LLC,  
an Illinois limited liability company,  
its managing member


By: Brinshore Holding, LLC,  
an Illinois limited liability company  
a member

By: Brinshore Development, L.L.C.,  
an Illinois limited liability company,  
its sole member

By: Brint Development, Inc.  
an Illinois corporation,  
its member

By:   
David Brint, President

By: Michaels Chicago Holding Company, LLC,  
an Illinois limited liability company  
a member

By:   
Name: John P. Donnell  
Its: Vice President

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STATE OF ILLINOIS            )  
   ) SS  
 COUNTY OF COOK            )

I, the undersigned, a Notary Public in and for the County and State aforesaid, certify that Linda Thurmond, personally known to me to be the Managing Director of Multifamily Programs of **ILLINOIS HOUSING DEVELOPMENT AUTHORITY**, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed and delivered the said instrument in her capacity as the Managing Director of Multifamily Programs of **ILLINOIS HOUSING DEVELOPMENT AUTHORITY** as her free and voluntary act and deed and as the free and voluntary act and deed of **ILLINOIS HOUSING DEVELOPMENT AUTHORITY**, for the uses and purposes therein set forth.

Given under my hand and official seal this 14 day of May, 2010.

*Margaret A. Vizzini*  
 OFFICIAL SEAL  
 MARGARET A VIZZINI Notary Public  
 NOTARY PUBLIC - STATE OF ILLINOIS  
 MY COMMISSION EXPIRES: 11/19/12

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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF Cook )

I, the undersigned, a Notary Public in and for the County and State aforesaid, certify that David Brint, personally known to me to be the President of Brint Development, Inc. and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument in his capacity as President of Brint Development, Inc., in its capacity as member of Brinshore Development, L.L.C., in its capacity as sole member of Brinshore Holding, LLC, in its capacity as member of Legends C-2 Manager, LLC, in its capacity as managing member of Legends C-2, LLC, at his free and voluntary act and deed and as the free and voluntary act and deed of Legends C-2, LLC, for the uses and purposes therein set forth.

Given under my hand and official seal this 24<sup>th</sup> day of May, 2010.

Margaret A. Grassano  
Notary Public





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## EXHIBIT A

### LEGAL DESCRIPTION

#### ORIGINAL PROJECT LEGAL DESCRIPTION

**Parcel 1:** Lot 1 in Legends 4200 Prairie (a resubdivision of Lot 5 (except the north 1 ¼ inches thereof), all of Lots 6 and 7 and the North ½ of Lot 8 in Broad's Subdivision of the West 2/3 of the Southwest ¼ of the Southeast ¼ of the Northwest ¼ of Section 3, Township 38 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois), according to the plat thereof, recorded November 14, 2007 as document number 0731803067, in Cook County, Illinois.

**Parcel 2:** All buildings and improvement located, or to be located after the date of the aforesaid ground lease, on the leasehold estate hereinabove described as Parcel 1.

#### ADDITIONAL PROPERTY

**Parcel 1:** THE SOUTH ½ OF LOT 8 IN BROAD'S SUBDIVISION OF THE WEST 2/3 OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

**Parcel 2:** All buildings and improvement located, or to be located after the date of the aforesaid ground lease, on the leasehold estate hereinabove described as Parcel 1.

Property Address: South Prairie Avenue, between 42<sup>nd</sup> and 43<sup>rd</sup> Streets, Chicago, Illinois 60653

PINs: 20-03-121-031; 20-03-121-043