

UNOFFICIAL COPY

PREPARED BY:
PATTERSON & ROLLINS, LLC
R. Bruce Patterson
2401 W. White Oaks Dr.
Springfield, IL 62704



Doc#: 1015822040 Fee: \$38.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/07/2010 09:32 AM Pg: 1 of 2

WHEN RECORDED MAIL TO:
PATTERSON & ROLLINS, LLC
R. Bruce Patterson
2401 W. White Oaks Dr.
Springfield, IL 62704

SPACE ABOVE THIS LINE IS FOR RECORDERS USE ONLY

MEMORANDUM OF INTER-CREDITOR AGREEMENT

COMMITRUST REAL ESTATE LLC, (hereinafter referred to as "Grantor"), has given a mortgage to secure a loan made by FIRST MIDWEST BANK, (hereinafter referred to as "Bank"), who maintains an office at 8501 WEST HIGGINS ROAD CHICAGO, Illinois. The mortgage recorded on MARCH 3, 2010 as Document number 1006222001 creates a lien on real estate in COOK County located at 7050 NORTH MANNHEIM ROAD, ROSEMONT, Illinois, and legally described as:

SEE ATTACHED EXHIBIT "A"

Grantor has also given a mortgage to secure a loan made by Small Business Growth Corporation, (hereinafter referred to as "SBGC"), who maintains an office at 2401 West White Oak Drive, Springfield, IL 62704, the UNITED STATES SMALL BUSINESS ADMINISTRATION, (hereinafter referred to as "SBA"), of the same address, which creates a junior lien on the same property.

This Memorandum of Inter-Creditor Agreement, is made and recorded to provide notice of the inter-creditor agreement, titled the Third Party Lender Agreement, between the Bank and SBA and provides, among other things, certain limitations and restrictions upon Bank's rights and remedies set forth in its loan and mortgage and is binding upon its successors in interest.

IN TESTIMONY WHEREOF, the said SMALL BUSINESS GROWTH CORPORATION has caused these presents to be duly executed by its officers, attested, and affixed with its corporate seal.

SMALL BUSINESS GROWTH CORPORATION

6/2/2010
Date

By: [Signature]
Phil Maton, Chief Credit Officer

Attest: [Signature]
May E. Patterson

STATE OF ILLINOIS)
) SS:
COUNTY OF SANGAMON)

I, CHRISTOPHER KURTZ, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY, that Phil Maton, who is 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 as his own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and seal this 2 day of JUNE, 2010.

[Signature]
NOTARY PUBLIC

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EXHIBIT "A"

PARCEL 1 :

LOT 4 IN ROSEMONT MARKETPLACE SECOND ADDITION, BEING A RESUBDIVISION OF ROSEMONT MARKETPLACE BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 6, 2001 AS DOCUMENT NUMBER 0010278522 IN THE VILLAGE OF ROSEMONT, COOK COUNTY, ILLINOIS.

PARCEL 2;

A NON-EXCLUSIVE EASEMENT INCLUDING BUT NOT LIMITED TO INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1, AS CREATED AND DESCRIBED IN THE OPERATION AND EASEMENT AGREEMENT DATED OCTOBER 19, 2000 AND RECORDED OCTOBER 24, 2000 AS DOCUMENT 00834791 BY AND BETWEEN TARGET CORPORATION, A MINNESOTA CORPORATION AND RYAN COMPANIES US, INC., A MINNESOTA CORPORATION AND AS AMENDED BY FIRST AMENDMENT TO OPERATION AND EASEMENT AGREEMENT RECORDED APRIL 6, 2001 AS DOCUMENT 0010278524 AND AS AMENDED BY SECOND AMENDMENT TO OPERATION AND EASEMENT AGREEMENT RECORDED APRIL 15, 2004 AS DOCUMENT 0410642310 OVER THE FOLLOWING DESCRIBED LAND:

LOT 1 IN ROSEMONT MARKETPLACE, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF ROSEMONT, COOK COUNTY, ILLINOIS.

PARCEL 3:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1, AS CREATED BY AMENDED AND RESTATED EASEMENT AGREEMENT DATED AUGUST 12, 1999 AND RECORDED SEPTEMBER 8, 1999 AS DOCUMENT 99853687 BY AND BETWEEN FUJISAWA HEALTHCARE, INC., A DELAWARE CORPORATION, INNSKEEPER RI GENERAL, L.P., A VIRGINIA LIMITED PARTNERSHIP AND STEAK N' SHAKE, AN INDIANA CORPORATION FOR THE PURPOSE OF PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS AND ACCESS OVER THE FOLLOWING DESCRIBED LAND:

THE EAST 13.00 FEET (MEASURED AT RIGHT ANGLES) OF LOT 3 IN ROSEMONT CENTER COMMERCIAL DEVELOPMENT SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 19, 1997 AS DOCUMENT 97189092, IN COOK COUNTY ILLINOIS.

PARCEL 4:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1, AS CREATED BY EASEMENT AGREEMENT DATED OCTOBER 19, 2000 AND RECORDED OCTOBER 24, 2000 AS DOCUMENT 00834788 BY AND AMONG STEAK N' SHAKE, INC., AN INDIANA CORPORATION, RYAN COMPANIES US, INC., A MINNESOTA CORPORATION AND TARGET CORPORATION, A MINNESOTA CORPORATION FOR THE PURPOSE OF PEDESTRIAN AND VEHICULAR ACCESS OVER THE FOLLOWING THE EAST 13.00 FEET (MEASURED AT RIGHT ANGLES) OF LOT 3 IN ROSEMONT CENTER COMMERCIAL DEVELOPMENT SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 19, 1997 AS DOCUMENT 97189092, IN COOK COUNTY ILLINOIS.

COMMONLY KNOWN AS: 7050 NORTH MANNHEIM ROAD, ROSEMONT, IL 60018
PIN:09-32-201-040-0000