

# UNOFFICIAL COPY

This document prepared by  
and after recording return to:

Joel V. Sestito, Esq.  
Riemer & Braunstein LLP  
71 South Wacker Drive, Suite 3515  
Chicago, IL 60606



Doc#: 1024533033 Fee: \$74.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 09/02/2010 09:31 AM Pg: 1 of 14

8819195288

## CORRECTIVE REINSTATEMENT OF OPEN-END MORTGAGE, SECURITY AGREEMENT AND UCC FIXTURE FILING

WHEREAS, the undersigned, RBS CITIZENS, N.A. d/b/a Charter One, a national banking association, successor by merger to Charter One Bank, N.A. ("Lender"), is mortgagee under that certain Open-End Mortgage, Security Agreement and UCC Fixture Filing made by OS LEMONT DEVELOPMENT COMPANY, LLC, an Illinois limited liability company ("Mortgagor"), dated November 18, 2005, and recorded November 23, 2005, with the Cook County Recorder of Deeds (the "Recorder") as Document No. 0532719064, as amended and restated by that certain Amended and Restated Open-End Mortgage, Security Agreement and UCC Fixture Filing made by Mortgagor, dated August 1, 2007, and recorded September 12, 2007, with the Recorder as Document No. 0725560065, as amended by that certain First Modification of Mortgage and Loan Documents made by Mortgagor, Anthony F. Randazzo ("Randazzo") and Robert C. Nusbaum ("Nusbaum"), dated August 18, 2008, and recorded August 29, 2008, with the Recorder as Document No. 0824229053, as amended by that certain Second Modification of Mortgage and Loan Documents made by Mortgagor, dated February 26, 2009, and recorded April 16, 2009, with the Recorder as Document No. 0910656038, as amended by that certain Third Modification of Mortgage and Loan Documents made by Mortgagor, Randazzo and Nusbaum, dated June 1, 2009, and recorded August 25, 2009, with the Recorder as Document No. 0923716033 (as amended and modified from time to time, the "Mortgage"), encumbering the property more thoroughly described therein (the "Property").

WHEREAS, Lender recorded that certain Discharge of Open-End Mortgage, Security Agreement and UCC Fixture Filing dated January 9, 2008, with the Recorder on May 20, 2008, as Document No. 0814157001, attached hereto as Exhibit A (the "Release"), which incorrectly released the Mortgage on all of the Property.

WHEREAS, Lender recorded that certain Partial Release of Open-End Mortgage, Security Agreement and UCC Fixture Filing dated December 23, 2009, with the Recorder on January 14, 2010, as Document No. 1001433006, attached hereto as Exhibit B (the "Partial Release"), which correctly released and discharged the lien of the Mortgage against a portion of the Property (the "Released Property").

Box 400-CTCC

S Y  
P 14  
S 6  
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INT Y

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WHEREAS, Lender is recording this Corrective Reinstatement of Open-End Mortgage, Security Agreement and UCC Fixture Filing to confirm that the Mortgage should be and still is a valid mortgage encumbering the property described on Exhibit C attached hereto and made a part hereof (the "**Remaining Property**").

Nothing herein or in the Partial Release shall be construed to discharge from the Mortgage the Remaining Property described on Exhibit C, which Remaining Property shall continue to be subject to the Mortgage under the terms thereof and as provided therein, and this document and the Partial Release shall not be construed to waive or in any manner affect or invalidate the lien or operation of the Mortgage upon the Remaining Property.

**LENDER HEREBY EXPRESSLY CONFIRMS THAT THE MORTGAGE IS A VALID AND EXISTING MORTGAGE ON THE REMAINING PROPERTY AND RETAINS THE LIENS AND ENCUMBRANCES CREATED BY THE MORTGAGE ON THE REMAINING PROPERTY. IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT NOTHING HEREIN SHALL IN ANY WAY IMPAIR, ALTER OR DIMINISH THE EFFECT, LIEN OR ENCUMBRANCE OF THE MORTGAGE ON THE REMAINING PROPERTY, OR ANY OF THE RIGHTS AND REMEDIES OF LENDER UNDER THE MORTGAGE.**

[SIGNATURE PAGE FOLLOWS]

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IN WITNESS WHEREOF, Lender has executed this Corrective Reinstatement of Open-End Mortgage, Security Agreement and UCC Fixture Filing as of the 26<sup>th</sup> day of August, 2010.

RBS CITIZENS, N.A. d/b/a Charter One, a national banking association, successor by merger to Charter One Bank, N.A.

By: [Signature]  
Name: Jennifer Breheny  
Its: Assistant Vice President

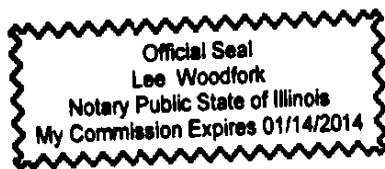
STATE OF ILLINOIS )  
                                  )     SS.  
COUNTY OF COOK     )

I, Lee Woodfork, a Notary Public in and for said County and State, DO HEREBY CERTIFY THAT Jennifer Breheny, a AVP of RBS CITIZENS, N.A. d/b/a Charter One, a national banking association, successor by merger to Charter One Bank, N.A., and personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Jennifer Breheny, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument as his/her own free and voluntary act and as the free and voluntary act of said bank, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 26 day of August, 2010.

[Signature]  
Notary Public

My Commission Expires: 1-14-2014



# UNOFFICIAL COPY

**EXHIBIT A**

**COPY OF RELEASE**

(See Attached)

**COOK COUNTY**  
**RECORDER OF DEEDS**  
**SCANNED BY \_\_\_\_\_**

**COOK COUNTY**  
**RECORDER OF DEEDS**  
**SCANNED BY \_\_\_\_\_**

Property of Cook County Clerk's Office

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Doc#: 0814157001 Fee: \$42.50  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 06/20/2008 09:35 AM Pg: 1 of 4



Doc#: Fee: \$12.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 06/20/2008 09:51 AM Pg: 0

Property of Cook County Clerk's Office

### Discharge of Open-End Mortgage, Security Agreement and UCC Fixture Filing

KNOW ALL MEN BY THESE PRESENTS,

That Charter One, a division of RBS Citizens N.A., fka Charter One Bank, N.A., does hereby Release and Discharge the following Open-End Mortgage, Security Agreement and UCC Fixture Filing, granted to Charter One Bank, N.A., by: **OS Lemont Development Company, LLC, an Illinois limited liability company, dated November 18, 2005** and recorded on November 23, 2005 in Document No. **0532719064 Page 1 of 33** in the Cook County Recorder of Deeds. Open-End Mortgage, Security Agreement and UCC Fixture Filing shall hereafter be of no force and effect. The Undersigned does hereby consent that the Open-End Mortgage, Security Agreement and UCC Fixture Filing be discharged of record.

IN WITNESS WHEREOF, Debbie Stopiak, Assistant Vice President, duly authorized agent of Charter One, a division of RBS Citizens N.A., does hereunto set her hand this 9<sup>th</sup> day of January, 2008

IN PRESENCE OF:

Thomas C Murphy

Charter One, a division of  
RBS Citizens N.A.

Beth Croston

By:   
Debbie Stopiak  
Assistant Vice President

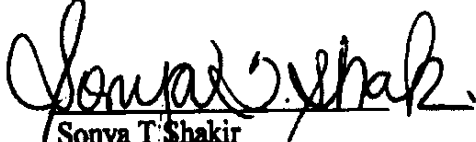
A

# UNOFFICIAL COPY

Property of Cook County Clerk's Office

STATE OF OHIO )  
) ss.  
COUNTY OF CUYAHOGA )

On this the 9<sup>th</sup> day of January, 2008, before me a Notary Public in and for the State of Ohio, personally appeared Debbie Stopiak, Assistant Vice President, who acknowledged she is an officer of Charter One, a division of RBS Citizens N.A., and acknowledged that she, as such officer, has signed this instrument on behalf of such bank for the purpose contained herein.

  
Sonya T. Shakir  
Notary Public, State of Ohio



SONYA T. SHAKIR  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
October 03, 2011

My Commission Expires:  
October 3, 2011

Document prepared by: Thomas C Murphy  
Please return to: Charter One  
1215 Superior Avenue  
Cleveland, Ohio 44114  
OHS 360

Ref: 1022520-0101 OS Lemont Development

**UNOFFICIAL COPY****EXHIBIT A****LEGAL DESCRIPTION:****PARCEL 1:**

The West 165 Feet of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 32, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois; less and except the following described land, conveyed to the County of Cook, a body politic, by deed dated October 23, 2003 and recorded December 13, 2004 as Document Number 0434839063:

The South 5.18 meters (17 feet) of the North 15.24 meters (50 feet) of the West 50.29 meters (165 feet) of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 32, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

COMMONLY KNOWN AS: 15434 West 127<sup>th</sup> Street, Lemont, Illinois  
 PERMANENT INDEX NO.: 22-32-200-034-0000

**PARCEL 2:**

Lot 3 in Lemont Highlands Subdivision, being a Subdivision of the South 372.5 feet of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 29, Township 37 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded March 16, 1949 as Document Number 14513964, in Cook County, Illinois

COMMONLY KNOWN AS: 15645 West 127<sup>th</sup> Street, Lemont, Illinois  
 PERMANENT INDEX NO.: 22-29-309-011-0000

**PARCEL 3:**

The South 123.72 Feet of the West 208.70 Feet of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 32, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois

COMMONLY KNOWN AS: 1217 South State Street, Lemont, Illinois  
 PERMANENT INDEX NO.: 22-32-200-018-0000

**PARCEL 4:**

Lot 2 in Community Bank of Lemont Subdivision of Lot 1 in the Plat of Consolidation of Part of Lot 3 in County Clerk's Division of Section 32, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois

COMMONLY KNOWN AS: 1237 South State Street, Lemont, Illinois  
 PERMANENT INDEX NO.: 22-32-200-044-0000

**UNOFFICIAL COPY****EXHIBIT B (continued)****PARCEL 5:**

The South 100 Feet of the West 225 Feet of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 32, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois

COMMONLY KNOWN AS:  
PERMANENT INDEX NO.:

1243 South State Street, Lemont, Illinois  
22-32-200-029-0000

**PARCEL 6:**

The North  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 32, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

COMMONLY KNOWN AS:  
PERMANENT INDEX NO.:

1251 South State Street, Lemont, Illinois  
22-32-200-008-0000

**PARCEL 7:**

The South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 32, Township 37 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

COMMONLY KNOWN AS:  
PERMANENT INDEX NO.:

1251 South State Street, Lemont, Illinois  
Part of 22-32-200-008-0000



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## EXHIBIT B

### COPY OF PARTIAL RELEASE

(See Attached)

COOK COUNTY  
RECORDER OF DEEDS  
SCANNED BY \_\_\_\_\_

COOK COUNTY  
RECORDER OF DEEDS  
SCANNED BY \_\_\_\_\_

Property of Cook County Clerk's Office

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Doc#: 1001433006 Fee: \$40.00  
Eugene "Gene" Moore RHEP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 01/14/2010 08:51 AM Pg: 1 of 3

8488313 D2 D6 1 of 1

Recording requested by  
and return to: Eric Atkins  
Charter One  
The Jennings Service Center  
4780 Hinckley Parkway  
Cleveland, OH 44109

Ref. No# 1022520-0601

## PARTIAL RELEASE OPEN-END MORTGAGE, SECURITY AGREEMENT AND UCC FIXTURE FILING

FOR TEN DOLLARS AND/OR OTHER CONSIDERATIONS,

KNOW ALL MEN BY THESE PRESENTS, that the undersigned **Charter One**, a division of **RBS Citizens N.A., FKA Charter One Bank N.A.**, a corporation organized and chartered under the laws of the United States of America (herein referred to as "Mortgagee") and the holder of an **OPEN-END MORTGAGE, SECURITY AGREEMENT AND UCC FIXTURE FILING** given by **OS Lemont Development Company, LLC**, (hereinafter referred to as "Borrowers") recorded as Document No.: **0532719064** Whereas the aforementioned Instrument(s) all of even dates and made on November 18, 2005 and recorded on November 23, 2005 with the Cook County Recorder of Deeds. Whereas the Mortgagee hereby releases from the lien of said Instruments all that part of the mortgaged premises situated and described herein or in the attached legal description where required by law. To wit:

LEGAL DESCRIPTION:

SEE ATTACHED EXHIBIT "A"

Without however, invalidating the lien of said Open-End Mortgage, Security Agreement and UCC Fixture Filing upon the remainder of the land therein described.

Box 400-CTCC


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Property of Cook County Clerk's Office

In Presence Of:

Charter One, a division of RBS Citizens N.A.

  
Eric Atkins

  
Joyce Wagner, A.V.P.

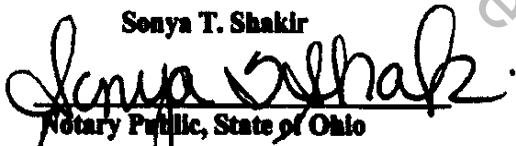
  
Sue Rolay

State of Ohio )  
County of Cuyahoga )ss.

On the 23<sup>rd</sup> day of December in the year 2009, before me, the undersigned, personally appeared, **Joyce Wagner, Assistant Vice President** personally known to me or proved to me on the bases of satisfactory evidence to be the individual(s) whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their capacities: That by their signatures on the instrument, the individuals, or the person upon behalf of which the individuals acted, executed the instrument, and that such individuals made such appearance before the undersigned in the City of Cleveland, and State of Ohio.

IN WITNESS: WHEREOF I have hereunto set my hand and official seal at Cleveland, Ohio this 23<sup>rd</sup> day of December 2009.

Sonya T. Shakir



Notary Public, State of Ohio  
My commission expires: October 03, 2011

This instrument is prepared by Eric Atkins and after recording should be returned to:  
Charter One  
The Jennings Service Center  
4780 Hinckley Industrial Parkway  
Cleveland, OH 44109



SONYA T. SHAKIR  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
October 03, 2011

**UNOFFICIAL COPY**

Lot 3 in Lemont Highlands Subdivision, being a Subdivision of the South 372.5 feet of the East ½ of the Southwest ¼ of Section 29, Township 37 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded March 16, 1949 as Document Number 14513964, in Cook County, Illinois

Pin: 22-29-309-011

Address: 15645 W. 127th St., Lemont, IL

Property of Cook County Clerk's Office

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## EXHIBIT C

### LEGAL DESCRIPTION OF THE REMAINING PROPERTY

#### PARCEL 1:

THE WEST 165 FEET OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; LESS AND EXCEPT THE FOLLOWING DESCRIBED LAND, CONVEYED TO THE COUNTY OF COOK, A BODY POLITIC, BY DEED DATED OCTOBER 23, 2003 AND RECORDED DECEMBER 13, 2004 AS DOCUMENT NUMBER 0434839063:

THE SOUTH 5.18 METERS (17 FEET) OF THE NORTH 15.24 METERS (50 FEET) OF THE WEST 50.29 METERS (165 FEET) OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

LOT 2 IN COMMUNITY BANK OF LEMONT SUBDIVISION OF LOT 1 IN THE PLAT OF CONSOLIDATION OF PART OF LOT 3 IN COUNTY CLERK'S DIVISION OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL3:

THE SOUTH 123.72 FEET OF THE WEST 208.70 FEET OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 4:

PARCEL 1: THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 5:

THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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**PARCEL 6:**

THE SOUTH 100 FEET OF THE WEST 225 FEET OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Common Address: 1237, 1243 and 1251 State Street  
1217 State Street  
15434 127<sup>th</sup> Street  
15645 West State Street  
Lemont, Illinois

PIN No.: 22-32-200-034-0000  
22-32-200-048-0000  
22-32-200-018-0000  
22-32-200-008-0000  
22-32-200-029-0000