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This document was prepared
by: *email to:*

Pat Priestley
First Eagle Bank
1040 E. Lake St.
Hanover Park, IL 60133
615874 3/3



Doc#: 1026435108 Fee: \$48.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 09/21/2010 02:52 PM Pg: 1 of 7

Recorder's Stamp

SUBORDINATION AGREEMENT

THIS SUBORDINATION AGREEMENT ("AGREEMENT") is made this 9th day of August, 2010, by and between Jay & Harry Corp. ("BORROWER"); First Eagle National Bank ("MORTGAGEE"); Carlinville National Bank ("LENDER"); Gopi Hospitality, LLC; Vipul Patel; Nayanaben Patel and Upeshkumar S. Shah.

Kiva First Eagle Bank

lw

WITNESSETH

Whereas Gopi Hospitality, LLC has certain loan obligations with and is indebted to Mortgagee under various loan instruments including, but not limited to, Note dated May 7, 2007 in the original principal amount of \$1,300,000.00. Said loan obligations are personally guaranteed by Vipul Patel, Nayanaben Patel and Upeshkumar S. Shah under written guaranties of payment in favor of Mortgagee. The foregoing loan obligations and guaranties are collectively referred to herein, as the "Indebtedness".

Whereas the Indebtedness is secured, in part, by the following mortgages and liens in favor of Mortgagee which are recorded upon the real estate described herein and owned by Borrower:

1. Mortgage dated May 7, 2007 and recorded May 9, 2007 as document number 0712926117, made by Borrower to Mortgagee, to secure an indebtedness of \$1,300,000.00 and such other sums as provided therein.
2. Assignment of Rents dated May 7, 2007 and recorded May 9, 2007 as document number 0712926118, made by Borrower to Mortgagee.
3. Security interest of Mortgagee, under a financing statement executed by Borrower, and recorded as document number 0712926119.

(The foregoing mortgages and liens are collectively referred to herein as the "Mortgagee Liens".)

S ✓
P 7
S ✓
SC ✓
INT ✓

STEWART TITLE COMPANY
2055 W. Army Trail Road, Suite 110
Addison, IL 60101
630-889-4000

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WHEREAS the Mortgages are recorded upon and cover the following described real property ("Property"):

See Legal Description Attached Hereto as Exhibit A and Made a Part Hereof.

Commonly known as: 1920 East Higgins Road
Elk Grove Village, IL 60007

PINS: 08-26-101-014-0000;
08-26-101-003-0000

AND WHEREAS, LENDER has provided or is about to provide BORROWER with financial accommodation in the form of new credit or loan advances in the principal amount of ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000.00) subject to the condition that MORTGAGEE subordinates its Mortgagee Liens on the Property to the mortgage, assignment of rents and related security instruments executed or to be executed by BORROWER in favor of LENDER in the principal amount of \$1,300,000.00, plus interest and costs and MORTGAGEE and all other parties have agreed thereto.

NOW THEREFORE, in consideration of the above terms and provisions, the parties agree as follows:

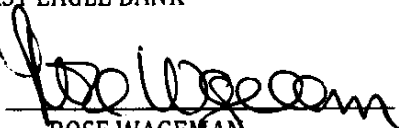
1. MORTGAGEE and all other parties hereby consent and agree that the Mortgages on the Property are and shall be subject and subordinate to the liens of the mortgage, assignment of rents and related security instruments executed or to be executed by BORROWER in favor of LENDER in the principal amount of \$1,300,000.00 plus interest and costs;
2. This Agreement shall be binding and insure to the benefit of the parties' respective successors and assigns.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first written above.

MORTGAGEE:

FIRST EAGLE NATIONAL BANK a/k/a
FIRST EAGLE BANK

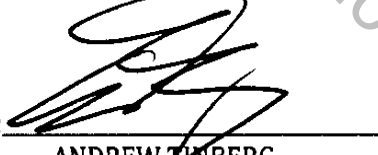
By: _____


ROSE WAGEMAN
SENIOR VICE PRESIDENT

LENDER:

CARLINVILLE NATIONAL BANK

By: _____


ANDREW TINBERG,
MARKET PRESIDENT

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BORROWER:

JAY & HARRY CORP.

GOPI HOSPITALITY, LLC

By: Vipul Patel

By: Vipul Patel

Title: Resident

Title: Resident

Vipul Patel
VIPUL PATEL

Upesh Mar S. Shah
UPESH MAR S. SHAH

Nayanaben Patel
NAYANABEN PATEL

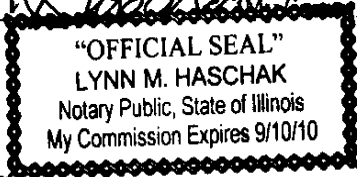
STATE OF ILLINOIS) SS.
COUNTY OF DUPAGE)

I, a Notary Public in and for the County and State listed above, DO HEREBY CERTIFY that Rose Wageman, Senior Vice President of First Eagle National Bank personally appeared before me and acknowledged that she signed this document as her free and voluntary act and deed as well as that of the corporation she represents for the uses and purpose set forth therein.

SUBSCRIBED AND SWORN TO before me this 18 day of August, 2010.

Lynn M. Haschak
Notary Public

My Commission Expires: 9/10/10



STATE OF ILLINOIS) SS.
COUNTY OF COOK)

I, a Notary Public in and for the County and State listed above, DO HEREBY CERTIFY that Andrew Tinberg, Market President of Carlinville National Bank personally appeared before me and acknowledged that he signed this document as his free and voluntary act and deed as well as that of the corporation he represents for the uses and purpose set forth therein.

SUBSCRIBED AND SWORN TO before me this 18 day of August, 2010.

Shari Skinkis
Notary Public

My Commission Expires: 5/7/14



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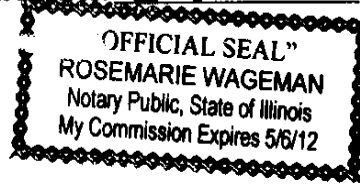
STATE OF ILLINOIS) SS.
COUNTY OF COOK)

I, a Notary Public in and for the County and State listed above, DO HEREBY CERTIFY that Vipul Patel, its President of Jay & Harry Corp. personally appeared before me and acknowledged that (s)he signed this document as his/her free and voluntary act and deed as well as that of the corporation he/she represents for the uses and purpose set forth therein.

SUBSCRIBED AND SWORN TO before me this 18th day of August, 2010.

Rosemarie Wageman
Notary Public

My Commission Expires: 5/6/12



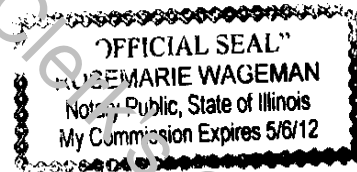
STATE OF ILLINOIS) SS.
COUNTY OF COOK)

I, a Notary Public in and for the County and State listed above, DO HEREBY CERTIFY that Vipul Patel, its President of Gopi Hospitality, LLC personally appeared before me and acknowledged that (s)he signed this document as his/her free and voluntary act and deed as well as that of the company he/she represents for the uses and purpose set forth therein.

SUBSCRIBED AND SWORN TO before me this 18th day of August, 2010.

Rosemarie Wageman
Notary Public

My Commission Expires: 5/6/12



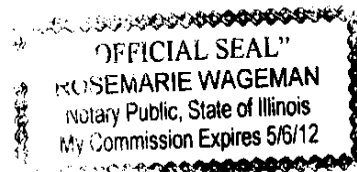
STATE OF ILLINOIS) SS.
COUNTY OF COOK)

I, a Notary Public in and for the County and State listed above, DO HEREBY CERTIFY that Vipul Patel personally appeared before me and acknowledged that (s)he signed this document as his/her free and voluntary act and deed for the uses and purpose set forth therein.

SUBSCRIBED AND SWORN TO before me this 18th day of August, 2010.

Rosemarie Wageman
Notary Public

My Commission Expires: 5/6/12



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STATE OF ILLINOIS) SS.
COUNTY OF COOK)

I, a Notary Public in and for the County and State listed above, DO HEREBY CERTIFY that Nayanaben Patel personally appeared before me and acknowledged that (s)he signed this document as his/her free and voluntary act and deed for the uses and purpose set forth therein.

SUBSCRIBED AND SWORN TO before me this 18th day of August, 2010.

[Signature]
Notary Public

My Commission Expires: 5/6/12
"OFFICIAL SEAL"
ROSEMARIE WAGEMAN
Notary Public, State of Illinois
My Commission Expires 5/6/12

STATE OF ILLINOIS) SS.
COUNTY OF COOK)

I, a Notary Public in and for the County and State listed above, DO HEREBY CERTIFY that Upeshkumar S. Shah personally appeared before me and acknowledged that (s)he signed this document as his/her free and voluntary act and deed for the uses and purpose set forth therein.

SUBSCRIBED AND SWORN TO before me this 18th day of August, 2010.

[Signature]
Notary Public

My Commission Expires: 5/6/12

"OFFICIAL SEAL"
ROSEMARIE WAGEMAN
Notary Public, State of Illinois
My Commission Expires 5/6/12

Property of Cook County Clerk's Office

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EXHIBIT A LEGAL DESCRIPTION

Parcel 1: that part of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 26, Township 41 North, Range 11, East of the Third Principal Meridian, described as follows: Beginning at a point in the center line of Higgins Road, 510 feet Southeasterly of the North line of Section 26 aforesaid; thence Southeasterly along the center line of Higgins Road 425 feet; thence North 49 degrees 25 minutes 49 seconds East at right angles to said center line 257.02 feet; thence North 43 degrees 48 minutes 56 seconds East 92.50 feet to a line 82.5 feet Southwesterly of and parallel with the Southwesterly line of the toll road; thence Northwesterly on said parallel line 440.21 feet; thence Northwesterly 161.97 feet to a point in the South line of Oakton Street 82.5 feet West of the Southwesterly line of said toll road; thence West on the South line of Oakton Street 31.69 feet to a point 82.5 feet Southwesterly of and measured at right angles to the Southwesterly line of toll road; thence Northwesterly parallel with the Southwesterly line of said toll road, 69.22 feet to the North line of Section 26 aforesaid; thence West along the North line of Section 26 aforesaid 17.86 feet; thence South at right angles to the North line of Section 26 aforesaid 101.1 feet thence Southeasterly along a line parallel with and 200 feet Northeasterly of the center line of Higgins Road 205.47 feet; thence Southwesterly to a point of beginning, (except that part taken for Higgins Road as widened and that part falling in Oakton Street) also (except that part lying Northwesterly of the following described line: beginning at a point in the center line of Higgins Road aforesaid 615.14 feet Southeasterly of its intersection with the North line of the Northwest $\frac{1}{4}$ of section 26 aforesaid; thence North 49 degrees 25 minutes 49 seconds East at right angles to the last described line 272.28 feet; thence North 36 degrees 10 minutes 27 seconds West 33.70 feet; thence North 49 degrees 30 minutes 28 seconds East 25 feet more or less to a line 82.50 feet Southwesterly of and parallel with the Southwesterly line of toll road aforesaid, being the terminus of the line herein described), in Cook County, Illinois. Parcel 2: Easement for ingress and egress and for parking as created by deed recorded as document number 17408538 over the following described land: All that part of the Northwest $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 26, Township 41 North, Range 11, East of the Third Principal Meridian, described as follows: commencing at the Northeast corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 26; thence Westerly along the North line of said Section 26, a distance of 457.4 feet to a point in the Southwesterly line in the property acquired by the Illinois State Toll Highway Commission by deed dated October 31, 1956 and recorded November 9, 1956 as document 16750861, said point being the point of beginning of the parcel of land herein described; thence Southeasterly along said Southwesterly line of the Illinois State Toll Highway Commission property, forming an angle 133 degrees 45 seconds to the left with the last described course extended, a distance of 172.5 feet to a point of curve; thence continuing Southeasterly along said Southwesterly line of the Illinois State Toll Highway Commission property being a curved line to which the last described course is tangent concave to the Northeast and having a radius of 2989.79 feet a distance of 463.5 feet to a point in the East line of the Northwest quarter of the Northwest quarter of said Section 26, said point being 429.6 Southerly of the Northeast corner thereof; thence Southerly along the East line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 26, a distance of 103.1 feet to a point distant 82.5 feet Southwesterly measured at right angles from said Southwesterly line of the Illinois State Toll Highway Commission property; thence Northwesterly parallel with said Southwesterly line of the Illinois State Toll Highway Commission property; being a curved line concave to the Northeast having a radius of 3072.29 feet a distance of 539.0 feet to a point; thence Northwesterly in a straight line, a distance of 161.97 feet to a point in the South line of Oakton Street distant 82.5 feet Westerly from its point of intersection with said Southwesterly line of the Illinois State Toll Highway Commission property; thence Westerly along said South line of Oakton

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Street, a distance of 31.69 feet to a point distant 82.5 feet Southwesterly, measured at right angles, from the Southwesterly right of way of the Illinois State Toll Highway Commission property; thence

Northwesterly parallel with the Southwesterly line of the Illinois State Toll Highway Commission property, a distance of 69.22 feet to the North line of said Section 26; thence Easterly along the North line of said Section 26, a distance of 114.19 feet to the point of beginning, in Cook County, Illinois.

Commonly known as: 1920 East Higgins Road
Elk Grove Village, IL 60007

PINS: 08-26-101-014-0000 & 08-26-101-003-0000

Property of Cook County Clerk's Office