

# UNOFFICIAL COPY



Doc#: 1028722059 Fee: \$48.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 10/14/2010 01:18 PM Pg: 1 of 7

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

Glenn T. Sherman, Esq.  
Freeman, Freeman & Smiley, LLP  
3415 Sepulveda Boulevard, Suite 1400  
Los Angeles, CA 91316

NCS-453721

2 12 HV DEC

(Space Above for Recorder's Use Only)

**MEMORANDUM OF FIRST AMENDMENT TO TENANCY-IN-COMMON  
AGREEMENT**

This Memorandum of First Amendment to Tenancy in Common Agreement (this "Memorandum") is made as of October 13, 2010, by and among NMC MELROSE PARK, LLC, a California limited liability company, NMC GROVE MELROSE, LLC, a Delaware limited liability company, MELROSE PARK EQUITY, LLC, a Delaware limited liability company, and MELROSE PARK INVESTMENTS, L.P., a California limited partnership (collectively, the "Owners"), with reference to that certain Memorandum of Tenancy-In-Common Agreement, dated August 8, 2007, by and among the Owners and MELROSE PARK ASSOCIATES, LLC, a Delaware limited liability company ("MPA"), recorded in the office of the Recorder of Deeds for Cook County, State of Illinois, document # 0722122049 (the "Original TIC Memorandum"). Concurrently herewith, the Owners have entered into that certain unrecorded First Amendment to Tenancy-in-Common Agreement (the "Amendment"), in which the Owners have amended certain provisions of that certain Tenancy-In-Common Agreement, dated August 2007, by and among the Owners and MPA, which agreement sets forth, among things, their respective interests in, and their rights and duties to each other with respect to, the real property described on Exhibit A attached to the Original TIC Memorandum and on Exhibit A attached hereto.

All the terms, conditions and provisions of the Amendment are incorporated into this Memorandum as though fully set forth herein.

This Memorandum may be executed and acknowledged in counterparts, all of which executed and acknowledged counterparts shall together constitute a single document. Signature and acknowledgement pages may be detached from the counterparts and attached to a single copy of this document to physically form one document, which may be recorded.

**[Signatures on Following Page]**

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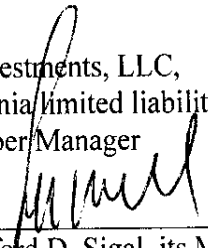
IN WITNESS WHEREOF, the Owners have executed this Memorandum as of the date first written above.

**NMC MELROSE PARK, LLC,**  
a California limited liability company

By: NMC Melrose Park Manager, LLC,  
a Delaware limited liability company,  
its Member Manager

By: NewMark Merrill Companies, LLC,  
a California limited liability company,  
its Manager

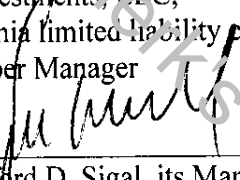
By: Sigal Investments, LLC,  
a California limited liability company,  
its Member Manager

By:   
Sanford D. Sigal, its Manager

**NMC GROVE MELROSE, LLC,**  
a Delaware limited liability company

By: NewMark Merrill Companies, LLC,  
a California limited liability company,  
its Manager

By: Sigal Investments, LLC,  
a California limited liability company,  
its Member Manager

By:   
Sanford D. Sigal, its Manager

[signatures continue on next page]

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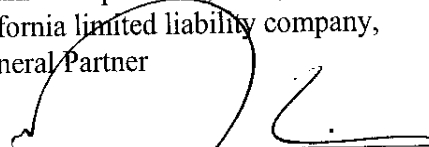
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[signatures continued from prior page]

**MELROSE PARK EQUITY, LLC,**  
a Delaware limited liability company

By: Maxxam Enterprises, L.P.,  
a California limited partnership,  
its Manager/Managing Member

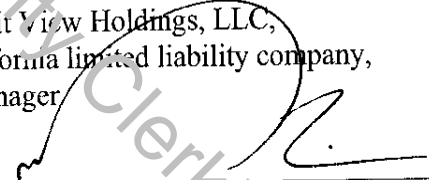
By: Maxxam Enterprises III, LLC,  
a California limited liability company,  
its General Partner

By:   
Michael Soroudi, its Co-Manager

**MELROSE PARK INVESTMENTS, L.P.,**  
a California limited partnership

By: Winston Investment Group, LLC,  
a Delaware limited liability company,  
its General Partner

By: Summit View Holdings, LLC,  
a California limited liability company,  
its Manager

By:   
Michael Soroudi, its Co-Manager

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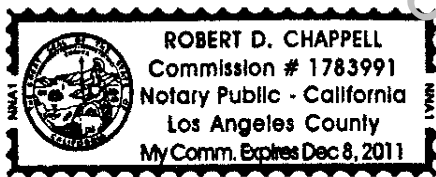
## ACKNOWLEDGMENT

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

On OCTOBER 5, 2010 before me, ROBERT D. CHAPPELL,  
Notary Public, personally appeared SANFORD SIGAL, who proved to me  
on the basis of satisfactory evidence to be the person whose name is subscribed to the within  
instrument and acknowledged to me that he executed the same in his authorized capacity, and  
that by his signature on the instrument the person, or the entity upon behalf of which the person  
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



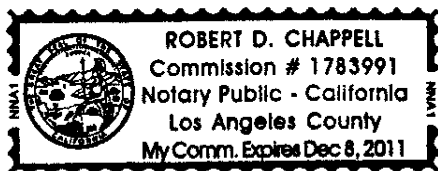
Robert D. Chappell  
NOTARY PUBLIC

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

On OCTOBER 5, 2010 before me, ROBERT D. CHAPPELL,  
Notary Public, personally appeared SANFORD SIGAL, who proved to me  
on the basis of satisfactory evidence to be the person whose name is subscribed to the within  
instrument and acknowledged to me that he executed the same in his authorized capacity, and  
that by his signature on the instrument the person, or the entity upon behalf of which the person  
acted, executed the instrument.

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the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Robert D. Chappell  
NOTARY PUBLIC

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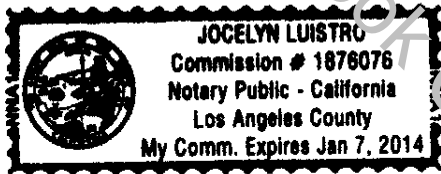
## ACKNOWLEDGMENT

STATE OF CALIFORNIA )  
 )  
COUNTY OF Los Angeles ) ss.

On October 5, 2010 before me, Joelyn Luistro,  
Notary Public, personally appeared Michael Serrano, who proved to me  
on the basis of satisfactory evidence to be the person whose name is subscribed to the within  
instrument and acknowledged to me that he executed the same in his authorized capacity, and  
that by his signature on the instrument the person, or the entity upon behalf of which the person  
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



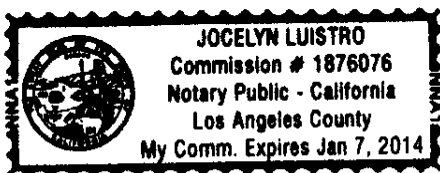
[Signature]  
NOTARY PUBLIC

STATE OF CALIFORNIA )  
 )  
COUNTY OF Los Angeles ) ss.

On October 5, 2010 before me, Joelyn Luistro,  
Notary Public, personally appeared Michael Serrano, who proved to me  
on the basis of satisfactory evidence to be the person whose name is subscribed to the within  
instrument and acknowledged to me that he executed the same in his authorized capacity, and  
that by his signature on the instrument the person, or the entity upon behalf of which the person  
acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]  
NOTARY PUBLIC

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**EXHIBIT A**

**Legal Description**

**[SEE ATTACHED]**

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**UNOFFICIAL COPY** Loan No. 526499:11**EXHIBIT A****LEGAL DESCRIPTION**

A PARCEL OF LAND IN THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 94.82 FEET SOUTH OF THE NORTH LINE OF AFORESAID SECTION 3 AND 33.0 FEET WEST OF THE EAST LINE OF AFORESAID SECTION 3, BEING THE INTERSECTION OF THE WEST LINE OF 9TH AVENUE AND THE SOUTH LINE OF NORTH AVENUE; THENCE NORTH 89 DEGREES 42 MINUTES 10 SECONDS WEST IN THE SOUTH LINE OF AFORESAID NORTH AVENUE, TO A POINT 95.68 FEET SOUTH OF AFORESAID NORTH LINE OF SECTION 3, A DISTANCE OF 1628.12 FEET, TO A POINT IN THE EAST LINE OF 14TH AVENUE AS SHOWN IN THE PLAT OF SUBDIVISION OF WINSTON PARK UNIT NUMBER 1 RECORDED JULY 6, 1955 AS DOCUMENT 16291419 IN PLAT BOOK 448 ON PAGES 22 AND 23; THENCE SOUTH 0 DEGREES 30 MINUTES WEST IN THE EAST LINE OF AFORESAID 14TH AVENUE A DISTANCE OF 855.28 FEET TO THE NORTHWEST CORNER OF LOT 1 IN AFORESAID WINSTON PARK UNIT NUMBER 1; THENCE SOUTHEASTERLY IN A NORTHERLY LINE OF AFORESAID WINSTON PARK UNIT NUMBER 1, BEING A CURVED LINE, CONVEX SOUTHWESTERLY, HAVING A RADIUS OF 1130.0 FEET, AN ARC DISTANCE OF 528.87 FEET TO A POINT OF TANGENCY WITH A LINE PARALLEL TO AND 1643.0 FEET NORTH OF THE SOUTH LINE OF THE AFORESAID NORTHEAST 1/4, AND BEING THE NORTH LINE OF AFORESAID WINSTON PARK UNIT NUMBER 1; THENCE EAST IN AFORESAID NORTH LINE OF UNIT NUMBER 1 A DISTANCE OF 700.01 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY IN A NORTHEASTERLY CURVED LINE OF AFORESAID UNIT NUMBER 1, CONVEX NORTHEASTERLY HAVING A RADIUS OF 520.0 FEET, AN ARC DISTANCE OF 493.51 FEET, TO THE NORTHEASTERLY CORNER OF LOT 26 IN AFORESAID WINSTON PARK UNIT NUMBER 1; THENCE NORTH 0 DEGREES 09 MINUTES EAST IN THE WEST LINE OF AFORESAID 9TH AVENUE A DISTANCE OF 1185.44 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Property Address:

1254 Winston Plaza  
Melrose Park, IL 60160

PINs:

No. 15-03-211-004-0000  
No. 15-03-211-006-0000  
No. 15-03-211-007-0000  
No. 15-03-211-008-0000  
No. 15-03-211-009-0000