

# UNOFFICIAL COPY

PREPARED BY AND UPON  
RECORDATION RETURN TO:

White & Case LLP  
1155 Avenue of the Americas  
New York, New York 10036  
Attention: Leila Rachlin, Esq.



Doc#: 1202033074 Fee: \$54.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 01/20/2012 11:30 AM Pg: 1 of 9

Ref No. 1171002-0143

## MORTGAGEE NOTICE

KNOW ALL MEN BY THESE PRESENTS THAT this is a "Mortgagee

Notice" given pursuant to Section 25.2 of that certain Operating Agreement dated as of June 17, 1975 by and among Carter Hawley Hale Stores, Inc. (hereinafter called "CHH"), Sears, Roebuck and Co. (hereinafter called "Sears"), Adcor Realty Corp. (hereinafter called "Adcor"), and Homart Development Co. (hereinafter called "Homart") and recorded June 24, 1975 as document number 23126333 and re-recorded September 11, 1975, as document number 23219179 and re-recorded January 9, 1976, as document number 23349231 and filed November 18, 1975, as document number LR2841284 and as amended by "Joint Improvement Agreement", dated June 17, 1975, by and among CHH, Sears, Adcor and Homart and as further amended by "First Amendment to Operating Agreement" dated as of February 16, 1976, and recorded March 4, 1976, as document number 23406570 and filed April 2, 1976, as document number LR 2882028, which amendment was corrected by an instrument entitled "Correction to First Amendment to Operating Agreement" dated

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as of April 5, 1976, and recorded May 7, 1976, as document number 23477882 and re-recorded May 20, 1976, as document number 23492076 and filed May 20, 1976, as document number LR2870558 and as further amended by "Second Amendment to Operating Agreement" dated as of August 30, 1978, by and among CHH, Sears, Adcor, Federated Department Stores, Inc. (hereinafter called "Federated") and Homart and recorded August 30, 1978, as document number 24607414 and filed August 30, 1978, as document number LR3043161, and as amended by "Supplement to Second Amendment to Operating Agreement" dated as of August 30, 1978, by and among CHH, Adcor and Federated and recorded August 30, 1978, as document number 24607415 and filed August 30, 1978 as document number LR3043162, and as amended by "Third Amendment to Operating Agreement" dated as of November 2, 1983, by and among CHH, Adcor, Federated, Homart and J.C. Penney Properties, Inc., as successor in interest to Sears (hereinafter called "Penney") and recorded January 26, 1984, as document number 26945586 and filed January 28, 1984, as document number LR3352289, and as amended by "Fourth Amendment to Operating Agreement" dated as of February 1, 1994, by and among The Neiman Marcus Group, Inc., as successor in interest to CHH (hereinafter called "Neiman"), The May Department Stores Company, as successor in interest to Adcor (hereinafter called "Lord & Taylor"), Marshall Field & Company, as successor in interest to Penney (hereinafter called "Field") and Westcoast Estates, as successor in interest to Homart (hereinafter called "Developer") and recorded October 6, 1995 as document number 95681401 and as amended by "Fifth Amendment to Operating Agreement" dated as of

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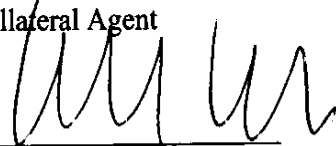
May 7, 1998, by and among Neiman, Lord & Taylor, Dayton Hudson Corporation, as successor by merger to Field, and Developer and recorded November 3, 1998 as document number 98991035 and re-recorded August 23, 2000 as document number 00614560 and document number 00650815 (hereinafter collectively called the "Operating Agreement");

The undersigned, whose address is Credit Suisse AG, Cayman Islands Branch, One Madison Avenue, New York, NY 10010, Attention: Sean Portrait, Telephone No. 919-994-6369, Fax No. 212-322-2291, Email: [agency.loanops@credit-suisse.com](mailto:agency.loanops@credit-suisse.com), does hereby certify that it is the holder of a first lien upon the tract of land described on Exhibit A attached hereto and made a part hereof and being the Parcel of LT Propco LLC, as successor in interest to Lord & Taylor ("Propco") within Northbrook Court, Northbrook, Illinois, and is the trustee of mortgagee holding the security interest in said Parcel. In the event that any notice shall be given of the default of Propco under the Operating Agreement, a copy thereof shall be delivered to the undersigned who shall have all the rights of Propco to cure such default. Failure to deliver a copy of such notice to the undersigned shall in no way affect the validity of the notice of default as it respects Propco, but shall make the same invalid as it respects the interest of the undersigned and its lien upon said property.


*[Signature Page Follows]*

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**CREDIT SUISSE AG, CAYMAN ISLANDS BRANCH,**  
as Collateral Agent

By: 

Name: ROBERT HETU  
Title: MANAGING DIRECTOR

By: 

Name: KEVIN BUDDHDEW  
Title: ASSOCIATE

[Acknowledgment Page Follows]

Property of Cook County Clerk's Office

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## ACKNOWLEDGMENT

STATE OF NEW YORK )  
 ) ss  
 COUNTY OF NEW YORK )

I, Marjorie E. Bull, a Notary Public in and for said County and State, certify that Robert Hefu, a Managing Director of CREDIT SUISSE AG, CAYMAN ISLANDS BRANCH, personally known to me to be the person whose name is subscribed to the foregoing instrument as such Managing Director, appeared before me this day in person and acknowledged that he ~~she~~ signed and delivered said instrument as ~~his~~ own free and voluntary act and as the free and voluntary act of said \_\_\_\_\_, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 9 day of January, 2012

My Commission Expires: February 20, 2015, Notary Public

MARJORIE E. BULL  
 NOTARY PUBLIC, State Of New York  
 No. 01BU6055282  
 Qualified In New York County  
 Commission Expires February 20, 2015

[Signature]  
 Notary Public

My commission expires: 2/20/2015

## ACKNOWLEDGMENT

STATE OF NEW YORK )  
 ) ss  
 COUNTY OF NEW YORK )

I, Marjorie E. Bull, a Notary Public in and for said County and State, certify that Keván Boddhdew, a Associate of CREDIT SUISSE AG, CAYMAN ISLANDS BRANCH, personally known to me to be the person whose name is subscribed to the foregoing instrument as such Associate, appeared before me this day in person and acknowledged that he ~~she~~ signed and delivered said instrument as ~~his~~ own free and voluntary act and as the free and voluntary act of said \_\_\_\_\_, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 9 day of January, 2012

My Commission Expires: February 20, 2015, Notary Public

MARJORIE E. BULL  
 NOTARY PUBLIC, State Of New York  
 No. 01BU6055282  
 Qualified In New York County  
 Commission Expires February 20, 2015

[Signature]  
 Notary Public

My commission expires: 2/20/2015

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## Exhibit A

Northbrook Court: 1455 Lake Cook Road, Northbrook, IL

04-03-200-007-0000

### PARCEL 1:

THAT PART OF THE NORTH EAST QUARTER OF SECTION 3, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH EAST CORNER OF THE NORTH EAST QUARTER OF SECTION 3, AFORESAID; THENCE NORTH 89 DEGREES 56 MINUTES 42 SECONDS WEST ALONG THE NORTH LINE OF THE NORTH EAST QUARTER OF SECTION 3 AFORESAID, 155.85 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 18 SECONDS WEST AT RIGHT ANGLES THERETO 153.93 FEET TO THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED, (FOR THE PURPOSES OF THIS DESCRIPTION THE POINTS HEREIN REFERRED TO AS "SOUTH" AND "WEST" ARE MEASURED SOUTH ALONG A LINE PERPENDICULAR TO THE NORTH LINE OF THE NORTH EAST QUARTER OF SECTION 3 AFORESAID THROUGH A POINT IN SAID NORTH LINE MEASURED WEST ALONG SAID NORTH LINE FROM THE NORTH EAST CORNER OF SAID NORTH EAST QUARTER OF SECTION 3);

THENCE CONTINUE SOUTH 00 DEGREES 03 MINUTES 18 SECONDS WEST, 370.93 FEET; THENCE SOUTH 57 DEGREES 03 MINUTES 18 SECONDS WEST, 61.95 FEET; THENCE SOUTH 82 DEGREES 03 MINUTES 18 SECONDS WEST, 139.81 FEET; THENCE SOUTH 37 DEGREES 03 MINUTES 18 SECONDS WEST, 52.49 FEET TO A POINT "624.77 SOUTH, 1781.45 WEST"; THENCE SOUTH 07 DEGREES 56 MINUTES 42 SECONDS EAST, 84.12 FEET TO A POINT "708.07 SOUTH, 1769.75 WEST"; THENCE SOUTH 82 DEGREES 03 MINUTES 18 SECONDS WEST, 260.26 FEET TO A POINT 744.29 SOUTH, 2027.48 WEST"; THENCE NORTH 07 DEGREES 56 MINUTES 42 SECONDS WEST, 56.00 FEET; THENCE SOUTH 82 DEGREES 03 MINUTES 18 SECONDS WEST, 42.25 FEET; THENCE NORTH 07 DEGREES 56 MINUTES 42 SECONDS WEST, 28.00 FEET; THENCE SOUTH 82 DEGREES 03 MINUTES 18 SECONDS WEST, 38.62 FEET; THENCE NORTH 70 DEGREES 38 MINUTES 11 SECONDS WEST, 118.15 FEET; THENCE SOUTH 82 DEGREES 03 MINUTES 18 SECONDS WEST, 59.32 FEET; THENCE NORTH 29 DEGREES 56 MINUTES 42 SECONDS WEST, 591.85 FEET TO ITS INTERSECTION WITH AN ARC OF A CIRCLE CONVEX NORTH EASTERLY, HAVING A RADIUS OF 325.0 FEET AND WHICH IS TANGENT TO A LINE 25.0 FEET NORTH EASTERLY (MEASURED AT RIGHT ANGLES) OF AND PARALLEL WITH A LINE DRAWN FROM A POINT "126.00 SOUTH, 2619.00 WEST" TO POINT "314.00 SOUTH, 2160.00 WEST"; THENCE SOUTH EASTERLY ALONG SAID ARC 99.27 FEET TO SAID POINT OF TANGENCY; THENCE SOUTH 67 DEGREES 40 MINUTES 18 SECONDS EAST ALONG SAID PARALLEL LINE 262.30 FEET TO A POINT OF CURVE; THENCE NORTH

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EASTERLY ALONG SAID CURVE, CONVEX SOUTH EASTERLY AND HAVING A RADIUS OF 46.00 FEET FOR A DISTANCE OF 90.14 FEET TO A POINT OF TANGENCY WITH A LINE 27.00 FEET WEST (MEASURED AT RIGHT ANGLES) OF A LINE PERPENDICULAR TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 3 AFORESAID DRAWN THROUGH A POINT THEREIN 2156.11 FEET WEST (AS MEASURED ALONG SAID NORTH LINE) OF THE NORTH EAST CORNER THEREOF (SAID PERPENDICULAR LINE HEREINAFTER REFERRED TO AS LINE "2156.11 WEST"); THENCE NORTH 00 DEGREES 03 MINUTES 18 SECONDS EAST ALONG SAID PARALLEL LINE 61.42 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG SAID CURVE, CONVEX NORTH EASTERLY AND HAVING A RADIUS OF 57.00 FEET FOR A DISTANCE OF 53.50 FEET TO A POINT IN A DIAGONAL LINE DRAWN FROM A POINT "105.00 SOUTH, 2326.55 WEST" TO A POINT "82.00 SOUTH, 1521.25 WEST"; THENCE NORTH 88 DEGREES 25 MINUTES 09 SECONDS EAST ALONG SAID DIAGONAL LINE 98.10 FEET TO ITS INTERSECTION OF AN ARC OF A CIRCLE NORTH WESTERLY HAVING A RADIUS OF 57.00 FEET AND WHICH IS TANGENT TO A LINE 27.00 FEET EAST (MEASURED AT RIGHT ANGLES) OF AND PARALLEL WITH LINE "2156.11 WEST" HEREINBEFORE DESCRIBED; THENCE SOUTH WESTERLY ALONG SAID ARC 50.24 FEET TO SAID POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 03 MINUTES 18 SECONDS WEST ALONG SAID PARALLEL LINE 82.35 FEET TO A POINT OF CURVE OF AN ARC OF A CIRCLE CONVEX SOUTH WESTERLY AND HAVING A RADIUS OF 36.00 FEET AND WHICH IS TANGENT TO A LINE 27.00 FEET NORTH WESTERLY (MEASURED AT RIGHT ANGLES) OF AND PARALLEL WITH A LINE DRAWN FROM A POINT "314.00 SOUTH AND 2160.00 WEST" TO A POINT "186.02 SOUTH AND 1804.29 WEST"; THENCE EASTERLY ALONG SAID ARC 68.98 FEET TO SAID POINT OF TANGENCY; THENCE NORTH 70 DEGREES 16 MINUTES 01 SECONDS EAST ALONG SAID PARALLEL LINE 215.13 FEET TO A POINT OF CURVE OF AN ARC CONVEX NORTHERLY, HAVING A RADIUS OF 462.00 FEET AND WHICH IS TANGENT TO A LINE 25.00 FEET NORTHERLY (MEASURED AT RIGHT ANGLES) OF A LINE DRAWN FROM A POINT "186.02 SOUTH, 1804.29 WEST" TO A POINT "778.00 SOUTH, 1523.63 WEST"; THENCE EASTERLY ALONG SAID ARC 146.36 FEET TO SAID POINT OF TANGENCY; THENCE NORTH 88 DEGREES 25 MINUTES 06 SECONDS EAST ALONG SAID PARALLEL LINE 179.50 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

AND

THAT PART OF THE NORTH EAST QUARTER OF SECTION 3, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

(FOR PURPOSES OF THIS DESCRIPTION THE POINTS HEREIN REFERRED TO AS "SOUTH" AND "WEST" ARE MEASURED SOUTH ALONG A LINE PERPENDICULAR TO THE NORTH LINE OF THE, NORTH EAST QUARTER OF SECTION 3 AFORESAID THROUGH A POINT IN SAID NORTH LINE MEASURED WEST ALONG SAID NORTH

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LINE FROM THE NORTH EAST CORNER OF SAID NORTH EAST QUARTER OF SECTION 3) COMMENCING AT THE NORTH EAST CORNER OF THE NORTH EAST QUARTER OF SECTION 3 AFORESAID; THENCE NORTH 89 DEGREES 56 MINUTES 42 SECONDS WEST ALONG THE NORTH LINE OF THE NORTH EAST QUARTER OF SECTION 3 AFORESAID 2156.11 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 18 SECONDS WEST AT RIGHT ANGLES THERETO 100.13 FEET TO THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED; (SAID POINT OF BEGINNING BEING IN A DIAGONAL LINE DRAWN FROM A POINT "105.00 SOUTH, 2326.55 WEST" TO A POINT "82.00 SOUTH, 1521.25 WEST"); THENCE NORTH 88 DEGREES 25 MINUTES 9 SECONDS EAST ALONG SAID DIAGONAL LINE 47.76 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 18 SECONDS EAST, 0.06 FEET TO A POINT IN THE SOUTH LINE OF PROPERTY DESCRIBED IN DEED RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS AS DOCUMENT NO. 23033339; THENCE SOUTH 88 DEGREES 23 MINUTES 57 SECONDS WEST ALONG SAID SOUTH LINE 98.10 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 18 SECONDS WEST, 0.03 FEET TO A POINT IN THE DIAGONAL LINE HEREINBEFORE DESCRIBED; THENCE NORTH 88 DEGREES 25 MINUTES 09 SECONDS EAST ALONG SAID DIAGONAL LINE 50.34 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

PIN: 04-03-200-007-0000

PARCEL 2:

NONEXCLUSIVE EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1 FOR THE USE OF THE COMPLETED PORTIONS OF THE COMMON AREA; OPERATION, MAINTENANCE, RECONSTRUCTION AND REPAIR OF THE COMMON AREA; PARKING; ACCESS (EXCEPT AS TO RING ROAD) ABUTMENT OF MALL AND THE LORD AND TAYLOR BUILDING; UTILITIES, MAINTENANCE, REPAIR OR RECONSTRUCTION OF FACILITIES AND STRUCTURES; CONSTRUCTION, RECONSTRUCTION, ERECTION, AND MAINTENANCE OF FOOTINGS, FOUNDATIONS, SUPPORTS, CANOPIES, ROOF AND BUILDING OVERHANGS, AWNINGS, ALARM BELLS, SIGNS, LIGHTS AND LIGHTING DEVICES AND OTHER SIMILAR APPURTENANCES AS CREATED AND DEFINED BY THAT CERTAIN OPERATING AGREEMENT DATED JUNE 17, 1975 AND RECORDED JUNE 24, 1975 AS DOCUMENT NUMBER 23126333 AND RE-RECORDED SEPTEMBER 11, 1975 AS DOCUMENT 23219179 AND RE-RECORDED JANUARY 9, 1976 AS DOCUMENT 23349231 AND FILED NOVEMBER 18, 1975 AS LR 2841284 AND AS AMENDED BY "FIRST AMENDMENT TO OPERATING AGREEMENT" EXECUTED FEBRUARY 16, 1976 BY AND AMONG HOMART DEVELOPMENT CO., A DELAWARE CORPORATION, SEARS ROEBUCK AND CO., A NEW YORK CORPORATION, ADCOR REALTY CORPORATION, A CORPORATION OF NEW YORK AND CARTER HAWLEY HALE STORES, INC., A CALIFORNIA CORPORATION, AND RECORDED MARCH 4, 1976 AS DOCUMENT 23406570 AND FILED APRIL 2, 1976 AS LR 2862028 WHICH AMENDMENT WAS CORRECTED BY AN INSTRUMENT EXECUTED BY THE ABOVE PARTIES APRIL



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5, 1976 AND RECORDED MAY 7, 1976 AS DOCUMENT 23477882 AND RE-RECORDED MAY 20, 1976 AS DOCUMENT 23492076 AND FILED MAY 20, 1976 AS LR 2870558 BY AND AMONG ADCOR REALTY CORPORATION, SEARS ROEBUCK AND CO., HOMART DEVELOPMENT CO., AND CARTER HAWLEY HALE STORES, INC. IN, OVER, UPON AND UNDER THE SHOPPING CENTER SITE AS SHOWN IN THE PLAT ATTACHED TO THE AFORESAID OPERATING AGREEMENT (EXCEPT AS TO THAT PART FALLING IN PARCEL 1), IN COOK COUNTY, ILLINOIS.

AND AS AMENDED BY "SECOND AMENDMENT TO OPERATING AGREEMENT" BY AND AMONG THE FOREGOING PARTIES AND FEDERATED DEPARTMENT STORES, INC., DATED AUGUST 30, 1978 AND RECORDED AUGUST 30, 1978 AS DOCUMENT NO 24607414 AND FILED AUGUST 30, 1978 AS LR 3043161, AND BY "SUPPLEMENT TO SECOND AMENDMENT TO OPERATING AGREEMENT" DATED AUGUST 30, 1978 AND RECORDED ON AUGUST 30, 1978 AS DOCUMENT NO. 24607415 AND FILED ON AUGUST 30, 1978 AS LR 3043162, AND FURTHER AMENDED BY "THIRD AMENDMENT TO OPERATING AGREEMENT" BY AND AMONG THE FOREGOING PARTIES BUT SUBSTITUTING J. C. PENNEY PROPERTIES, INC., A DELAWARE CORPORATION FOR SEARS ROEBUCK AND COMPANY, A NEW YORK CORPORATION DATED AS OF NOVEMBER 2, 1983 AND RECORDED JANUARY 26, 1984 AS DOCUMENT 26945586 AND FILED JANUARY 25, 1984 AS DOCUMENT LR3352289, AND AS AMENDED BY DOCUMENT RECORDED NOVEMBER 3, 1998 AS DOCUMENT 98991035 AND RE-RECORDED AUGUST 11, 2000 AS DOCUMENT 00614560 AND RE-RE-RECORDED AUGUST 23, 2000 AS DOCUMENT 00650815.

Northbrook Court  
1455 Lake Cook Road  
Northbrook, IL  
(Cook County)