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1218012081

Doc#: 1218012081 Fee: \$54.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 08/28/2012 11:04 AM Pg: 1 of 9

**THIS DOCUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:**

Gary L. Plotnick
Thompson Coburn LLP
55 East Monroe Street
37th Floor
Chicago, Illinois 60603

**MODIFICATION OF CONSTRUCTION MORTGAGE
AND OTHER SECURITY DOCUMENTS**

THIS MODIFICATION OF CONSTRUCTION MORTGAGE AND OTHER SECURITY DOCUMENTS (the "Modification") is made as of the 12th of June, 2012, by **BURBANK 79TH LLC**, an Illinois limited liability company ("Mortgagor"), with a mailing address of 141 West Jackson Street, Suite 3540, Chicago, Illinois 60604, to the order of **NORTH SHORE COMMUNITY BANK & TRUST COMPANY** ("Lender"), having its principal office at 7800 North Lincoln Avenue, Skokie, Illinois 60077 Attention: Bartlett Q. Johnson.

RECITALS:

WHEREAS, Lender has heretofore made a mortgage loan (the "Loan") to Mortgagor in the original principal amount of **Four Million Six Hundred Thousand and 00/100 Dollars (\$4,600,000.00)**; and

WHEREAS, the Loan is evidenced by a Mortgage Note dated as of February 7, 2012, made by Mortgagor to Lender whereby Mortgagor promised to pay to the order of Lender the principal sum of **Four Million Six Hundred Thousand and 00/100 Dollars (\$4,600,000.00)** (the "Note"), all as more specifically set forth in said Note; and

WHEREAS, the Note is secured by, among other things, a Construction Mortgage, Assignment of Leases and Rents, and Security Agreement dated as of the 7th day of February, 2012 by Mortgagor in favor of Lender, recorded in the Office of the Recorder of Deeds of Cook County, Illinois, on February 9, 2012, as Document No. 1204031068 (the "Mortgage"), which Mortgage encumbers the real property legally described on Exhibit "A" attached hereto and hereby made a part hereof; and other instruments and documents executed by or on behalf of Mortgagor and delivered to Lender in connection with the Loan, which are hereinafter collectively referred to as the "Other Security Documents"; and

WHEREAS, the Note is further secured by, among other things, a Guaranty of Payment dated as of the 7th day of February, 2012, by Thomas Morabito, Evan Oliff, Suzanne Morabito, not

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individually, but solely in, and expressly limited to, her capacity as the Trustee of the Suzanne Morabito Trust Dated December 30, 2009 and Staci Sikora Oliff, not individually, but solely in, and expressly limited to, her capacity as the Trustee of the Staci Sikora Oliff Trust Dated December 23, 2009 (collectively, "Guarantor") in favor of Lender (the "Guaranty") and a Limited Guaranty of Payment dated as of the 7th day of February, 2012, by System Solutions, Inc., an Illinois corporation ("System Solution") in favor of Lender ("Limited Guaranty"); and

WHEREAS, the parties desire to modify and amend the terms of the Loan to add additional real estate as collateral for the repayment of the Loan thereunder and, as a condition to such modification, Lender is requiring: (i) this Modification; (ii) a Consent and Reaffirmation of Guarantor and Modification of Guaranty of Payment executed by Guarantor (the "Guaranty Modification") whereby the Guaranty is modified to refer to this Modification; and (iii) a Consent and Reaffirmation of Guarantor and Modification of Limited Guaranty of Payment executed by System Solution (the "System Solution Guaranty Modification") whereby the Limited Guaranty is modified to refer to this Modification.

NOW, THEREFORE, for and in consideration of Ten and 00/100 Dollars (\$10.00) in hand paid, the mutual covenants and conditions herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto do hereby agree as follows:

1. **Incorporation of Recitals.** The aforesaid recitals are hereby incorporated into this Modification by reference as if fully set forth in this Paragraph 1. Wherever the terms and conditions of this Modification conflict with the terms and conditions of the Mortgage, the terms and conditions of this Modification shall control. In all other respects the parties do hereby ratify and declare to be in full force and effect the terms and conditions of the Mortgage and the Other Security Documents.
2. **Mortgage Modification.** Exhibit "A" of the Mortgage is hereby amended and modified by adding the real estate ("Additional Real Estate") legally described on Exhibit "B", which is attached hereto and made apart hereof. Upon the recordation of this Modification, the term "Real Estate" as defined in the Mortgage and the Other Security Documents shall include the Additional Real Estate.
3. **References to Loan Documents and Guaranty.** Any and all references in the Mortgage and the Other Security Documents to the "Loan Documents" shall from and after the date hereof be deemed to refer to such Loan Documents as modified by this Modification.
4. **Reaffirmation of Representations and Warranties.** Mortgagor hereby reaffirms as true and correct in all respects, as of the date hereof, any and all representations and warranties contained in the Mortgage and the Other Security Documents.
5. **Reaffirmation of Covenants.** Mortgagor does hereby reaffirm and agree to perform all of the terms, covenants, conditions and obligations applicable to such parties as set forth in the Mortgage and the Other Security Documents as herein modified.

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6. Laws of Illinois. This Modification shall be covered and construed under the laws of the State of Illinois.

[SIGNATURE APPEARS ON FOLLOWING PAGE]

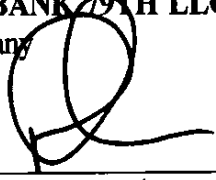
COOK COUNTY
RECORDER OF DEEDS
SCANNED BY _____

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IN WITNESS WHEREOF, the parties have caused this Modification to be executed pursuant to authority duly granted as of the date and year first written above.

BURBANK 79TH LLC, an Illinois limited liability company

By: 
Name: Thomas Morabito
Its: Manager

5544028.1

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STATE OF ILLINOIS)
) SS.
 COUNTY OF COOK)

I, the undersigned, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Thomas Horabik, the Manager of BURBANK 79TH LLC, an Illinois limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Manager, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument, on behalf of said Company and as his free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal, this 7 day of June, 2012.



 Notary Public



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CONSENT OF LENDER

The undersigned Lender hereby consents to and hereby approves the foregoing Modification of Construction Mortgage and Other Security Documents.

Dated as of June 17, 2012.

NORTH SHORE COMMUNITY BANK & TRUST COMPANY

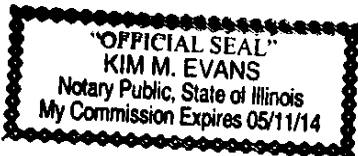
By: [Signature]
Name: Bartlett Johnson
Title: Managing Director

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, Kim M Evans, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that ~~Barry~~ Bart Johnson Managing Director of NORTH SHORE COMMUNITY BANK & TRUST COMPANY, personally known to me to be the same person whose name is subscribed to the foregoing CONSENT OF LENDER, appeared before me this day in person and acknowledged that he/she signed, sealed and delivered the said instrument, on behalf of said Bank and as his/her free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and seal, this 17th day of June, 2012.

Kim M Evans
Notary Public



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EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LOTS 1, 2, 3 AND 4 IN ELMORES 79TH ST AND CENTRAL AVENUE SUBDIVISION BEING A SUBDIVISION OF THE WEST 175 FEET OF THAT PART OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTHERLY AND WESTERLY OF THE CENTRAL LINE OF STATE ROAD (EXCEPT THE EAST 8.46 FEET OF THE NORTH 165.96 FEET THEREOF) IN COOK COUNTY, ILLINOIS .

PARCEL 1A:

LOT 1 IN GEORGE C. DUFFY'S SUBDIVISION OF THE NORTH 183.50 FEET OF THE WEST 117 FEET OF THE EAST 307.46 FEET AND THE NORTH 165.96 FEET OF THE WEST 846 FEET OF THE EAST 315.92 FEET OF THE WEST 7.31 CHAINS OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF STATE ROAD (EXCEPT THE NORTH 50 FEET TAKEN FOR STREET), IN COOK COUNTY, ILLINOIS.

PARCEL 2A:

LOT 2 IN GEORGE C. DUFFY'S SUBDIVISION OF THE NORTH 183.50 FEET OF THE WEST 117.00 FEET OF THE EAST 307.46 FEET AND THE NORTH 165.96 FEET OF THE WEST 8.46 FEET OF THE EAST 315.92 FEET OF THE WEST 7.31 CHAINS OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF STATE ROAD, (EXCEPT THE NORTH 50.00 FEET TAKEN FOR STREET PURPOSES), ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 30, 1973 AS DOCUMENT 22529314, IN COOK COUNTY, ILLINOIS.

PARCEL 2B:

THE NORTH 83.00 FEET OF THE WEST 117.00 FEET OF THE EAST 307.46 FEET, (EXCEPT THE NORTH 183.50 FEET THEREOF) OF THAT PART OF THE WEST 7.31 CHAINS OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13, LYING NORTH OF STATE ROAD, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

LOT 6 IN ELMORE'S 79TH STREET AND CENTRAL AVENUE SUBDIVISION OF THE WEST 175 FEET OF THAT PART OF THE NORTHWEST 1/4 (EXCEPT THE EAST 8.46 FEET OF NORTH 165.96 FEET OF SAID WEST 175 FEET) OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CENTER OF STATE ROAD, IN COOK COUNTY, ILLINOIS .

PARCEL 4:

LOT 5 IN ELMORES 79TH STREET CENTRAL AVENUE SUBDIVISION OF THE WEST 175 FEET OF THAT PART OF THE NORTHWEST 1/4 (EXCEPT THAT EAST 8.46 FEET OF THE NORTH 165.96 FEET OF SAID WEST 175 FEET) OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,

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ILLINOIS.

PARCEL E -1:

THAT PART OF THE NORTH-SOUTH 10 FOOT WIDE PUBLIC ALLEY IN ELMORE'S 79TH STREET AND CENTRAL AVENUE SUBDIVISION, LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 6 IN SAID SUBDIVISION, AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 5 IN SAID SUBDIVISION, AND LYING EAST OF THE EAST LINES OF LINES OF SAID LOTS 5 AND 6, AND LYING WEST OF THE EAST LINE OF SAID SUBDIVISION; SAID ELMORE'S 79TH STREET AND CENTRAL AVENUE SUBDIVISION BEING A SUBDIVISION OF THE WEST 175 FEET OF THAT PART OF THE NORTHWEST 1/4 (EXCEPT THE EAST 8.46 FEET OF NORTH 165.96 FEET OF SAID WEST 175 FEET) OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT 9029643, IN COOK COUNTY, ILLINOIS.

PARCEL E-2:

THAT PART OF THE EAST-WEST 20 FOOT WIDE PUBLIC ALLEY IN ELMORE'S 79TH STREET AND CENTRAL AVENUE SUBDIVISION, LYING NORTH OF THE NORTH LINE OF LOT 5 IN SAID SUBDIVISION AND THE EASTERLY EXTENSION OF SAID NORTH LINE, AND LYING SOUTH OF THE NORTH LINE OF SAID LOT 20 FOOT WIDE PUBLIC ALLEY, AND LYING WEST OF THE EAST LINE OF SAID SUBDIVISION, AND LYING EAST OF A LINE DRAWN FROM THE NORTHWEST CORNER OF SAID LOT 5 TO THE SOUTHWEST CORNER OF LOT 4 IN SAID SUBDIVISION; SAID THAT PART OF THE PROPOSED NORTH-SOUTH 10 FOOT WIDE PUBLIC ALLEY IN ELMORE'S 79TH STREET AND CENTRAL AVENUE SUBDIVISION, BEING A SUBDIVISION OF THE WEST 175 FEET OF THAT PART OF THE NORTHWEST 1/4 (EXCEPT THE EAST 8.46 FEET OF NORTH 165.96 FEET OF SAID WEST 175 FEET) OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AS DOCUMENT 9029643, IN COOK COUNTY, ILLINOIS.

P.I.N.: 19-33-100-001
 19-33-100-002
 19-33-100-003
 19-33-100-004
 19-33-100-005
 19-33-100-006
 19-33-100-018
 19-33-100-025
 19-33-100-026

ADDRESS:

5555 W. 79TH ST.
Burbank, IL 60459

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EXHIBIT "B"

LEGAL DESCRIPTION OF ADDITIONAL REAL ESTATE

THE EAST 17 FEET OF THE WEST 117 FEET OF THE EAST 307.46 FEET (EXCEPT THE NORTH 348.50 FEET THEREOF) OF THAT PART LYING NORTH OF STATE ROAD OF THE WEST 7.31 CHAINS OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 19-53-100-022

ADDRESS: Vacant Property located at 5522 S. State Street
Burbank, Illinois

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