

# UNOFFICIAL COPY



**PREPARED BY:**  
Somercor 504, Inc.  
601 S. LaSalle Street, Suite 510  
Chicago, IL 60605

**Doc#:** 1309545007 **Fee:** \$44.00  
**RHSP Fee:** \$10.00 **Affidavit Fee:**  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
**Date:** 04/05/2013 08:29 AM **Pg:** 1 of 4

**WHEN RECORDED, RETURN TO:**  
Somercor 504, Inc.  
601 S. LaSalle Street, Suite 510  
Chicago, IL 60605

## SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

### MEMORANDUM OF COLLATERAL ASSIGNMENT AND REASSIGNMENT OF LEASE AND RENTS

This Memorandum of Collateral Assignment and Reassignment of Lease and Rents is made March 21, 2013 by and among D'Agostino's Pizzeria Wheeling, Inc. ("SBC"), and D'Agostino's Milwaukee Ave. LLC ("Borrower") and SOMERCOR 504, INC., an Illinois corporation ("Lender").

#### WITNESSETH:

1. SBC has obtained the benefit of a certain loan from Lender to Borrower, and in connection with such loan has agreed to deliver a guaranty secured by a certain Collateral Assignment of Lease covering the property described on Exhibit A attached to and made a part of this Memorandum.
2. Lender has reassigned its interest in the Lease to the United States Small Business Administration ("SBA"), 500 W. Madison, Suite 1150, Chicago, IL 60661 as security for the guaranty by the SBA of a certain debenture to be issued and sold on behalf of the Lender.
3. This Memorandum is executed and recorded solely for the purpose of giving notice of the existence of the Collateral Assignment of Lease and Rents and the reassignment to the SBA and shall not supersede or in any way modify the terms of the Collateral Assignment of Lease and Rents or the instrument of reassignment.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Collateral Assignment and Reassignment of Lease and Rents to be executed as of the date first above written.

**LENDER:**  
SOMERCOR 504, INC.  
By: Milan Maslic  
Milan Maslic  
Executive Vice President

**SBC:**  
D'Agostino's Pizzeria Wheeling, Inc.  
By: Jeffrey J. D'Agostino  
Jeffrey J. D'Agostino  
President

**BORROWER:**  
D'Agostino's Milwaukee Ave. LLC

By: Jeffrey J. D'Agostino  
Jeffrey J. D'Agostino  
Member

By: Debra K. D'Agostino  
Debra K. D'Agostino  
Member

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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

Personally came before me this 27<sup>th</sup> day of March, 2013, the above named Milan Maslic known to me to be the Executive Vice President of SomerCor 504, Inc. and known to me to be the officer of said Corporation who executed the foregoing instrument and acknowledged the same as the deed of said Corporation.

Notary Public *Silvia Sanchez*

My Commission Expires: 8-18-14

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )



Personally came before me this 27<sup>th</sup> day of March, 2013, the above named Jeffrey J. D'Agostino known to me to be the President of D'Agostino's Pizzeria Wheeling, Inc. and known to me to be the officer of said Corporation who executed the foregoing instrument and acknowledged the same as the deed of said Corporation.

Notary Public: *Milan Maslic*

My Commission Expires: 10/1/16

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )



Personally came before me this 27<sup>th</sup> day of March, 2013, the above named Jeffrey J. D'Agostino and Debra K. D'Agostino known to me to be the Members of D'Agostino's Milwaukee Ave. LLC and known to me to be the officers of said Limited Liability Company who executed the foregoing instrument and acknowledged the same as the deed of said Limited Liability Company.

Notary Public: *Milan Maslic*

My Commission Expires: 10/1/16



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## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1:

(A) THAT PART OF LOT 46 IN COUNTY CLERK'S SUBDIVISION OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 28, 1905 AS DOCUMENT 3670973 (SAID LOT 46 BEING A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, AFORESAID), DESCRIBED AS FOLLOWS:

BEGINNING IN THE CENTER OF MILWAUKEE ROAD AT A POINT 80 FEET NORTHERLY (MEASURED ALONG CENTER OF SAID ROAD) FROM THE NORTHWEST CORNER OF LAND FORMERLY OWNED BY HENRY BURGHER; THENCE NORTH 38 DEGREES WEST ALONG THE CENTER OF SAID ROAD 30 FEET; THENCE NORTH 52 DEGREES 35 MINUTES EAST 155.5 FEET; THENCE SOUTH 39 DEGREES EAST 30 FEET; THENCE SOUTH 52 DEGREES 35 MINUTES WEST 156 FEET TO THE PLACE OF BEGINNING;

(B) THAT PART OF LOT 46 IN COUNTY CLERK'S SUBDIVISION OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED MARCH 28, 1905 AS DOCUMENT 3670973 (SAID LOT 46 BEING A PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12, AFORESAID) LYING SOUTHERLY OF A LINE DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE CENTER OF MILWAUKEE ROAD 80 FEET NORTHERLY (MEASURED ALONG CENTER OF SAID ROAD) FROM THE NORTHWEST CORNER OF LAND FORMERLY OWNED BY HENRY BURGHER; THENCE NORTH 52 DEGREES 35 MINUTES EAST TO THE EASTERLY LINE OF SAID LOT 46 (EXCEPT THAT PART OF THE SOUTHERLY 80.0 FEET (MEASURED ALONG CENTER OF MILWAUKEE AVENUE) OF LOT 46, AFORESAID, LYING EAST OF A LINE DESCRIBED AS BEGINNING IN THE SOUTH LINE OF SAID LOT 46 AT A POINT 165 FEET EAST OF ITS INTERSECTION WITH THE CENTER LINE OF MILWAUKEE AVENUE; THENCE NORTHERLY IN A STRAIGHT LINE TO A POINT IN THE NORTHERLY LINE OF SAID SOUTHERLY 80.0 FEET WHICH IS 156.0 FEET EAST OF ITS INTERSECTION WITH SAID CENTER LINE OF MILWAUKEE AVENUE)

(ALSO EXCEPT THOSE PARTS OF PARCELS 1(A) AND (B) FALLING IN THE PART OF SAID LOT 46 TAKEN BY DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS IN CASE NO. 94 L 50897 (CONSOLIDATED WITH 94 L 50895) DESCRIBED AS BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 46; THENCE NORTHWESTERLY 110.03 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 46 ON AN ASSUMED BEARING OF NORTH 37 DEGREES 53 MINUTES 22 SECONDS WEST; THENCE NORTH 54 DEGREES 50 MINUTES 50 SECONDS EAST, 33.04 FEET; THENCE SOUTH 42 DEGREES 19 MINUTES 49 SECONDS EAST, 61.04 FEET; THENCE SOUTH 38 DEGREES 03 MINUTES 43 SECONDS EAST, 43.26 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 46; THENCE SOUTH 45 DEGREES 34 MINUTES 38 SECONDS WEST 38.10 FEET TO THE POINT OF BEGINNING)  
IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

THAT PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 42 NORTH, RANGE 11 EAST OF

(CONTINUED)

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THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER OF MILWAUKEE ROAD WHERE THE SOUTH LINE OF PREMISES CONVEYED BY DEED FROM HENRY WILSON TO BENJAMIN M. WILSON DATED FEBRUARY 11, 1841 AND RECORDED FEBRUARY 17, 1841 IN BOOK 5, PAGE 305, STRIKES THE CENTER OF SAID ROAD; THENCE NORTHWESTERLY ALONG THE CENTER OF SAID ROAD TO CENTER OF DITCH REFERRED TO IN DEED FROM CORNELIUS LANSING AND OTHERS TO HENRY BURGHER DATED FEBRUARY 1, 1844 AND RECORDED MAY 3, 1844 IN BOOK 11, PAGE 407; THENCE NORTHEASTERLY ALONG THE CENTER OF SAID DITCH TO THE CENTER OF DES PLAINES RIVER; THENCE SOUTHEASTERLY ALONG THE CENTER OF SAID RIVER TO THE SOUTH LINE OF PREMISES CONVEYED TO SAID BENJAMIN M. WILSON; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE PLACE OF BEGINNING,

(EXCEPT THAT PART OF LOT 47 IN COUNTY CLERK'S SUBDIVISION OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED MARCH 28, 1905 AS DOCUMENT 3670973, LYING EAST OF A LINE DESCRIBED AS BEGINNING IN THE SOUTH LINE OF SAID LOT 47 AT A POINT 489.0 FEET EAST OF ITS INTERSECTION WITH THE CENTER LINE OF PAVEMENT OF MILWAUKEE AVENUE AND RUNNING THENCE NORTH IN A STRAIGHT LINE TO A POINT IN THE NORTH LINE OF SAID LOT 47 WHICH IS 165.0 FEET EAST OF ITS INTERSECTION WITH SAID CENTER LINE OF PAVEMENT)

(ALSO EXCEPT THAT PART OF SAID LOT 47 TAKEN BY DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS IN CASE NO. 94 L 50855 DESCRIBED AS BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 47; THENCE NORTHEASTERLY 38.10 FEET ALONG THE NORTHWESTERLY LINE OF SAID LOT 47 ON AN ASSUMED BEARING OF NORTH 45 DEGREES. 34 MINUTES 38 SECONDS EAST; THENCE SOUTH 38 DEGREES 03 MINUTES 43 SECONDS EAST 182.07 FEET TO THE SOUTH LINE OF SAID LOT 47; THENCE SOUTH 88 DEGREES 37 MINUTES 33 SECONDS WEST 47.79 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID LOT 47; THENCE NORTH 37 DEGREES 53 MINUTES 22 SECONDS 149.30 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 47 TO THE POINT OF BEGINNING) IN COOK COUNTY, ILLINOIS.

Common address: 241 S. Milwaukee Avenue, Wheeling Illinois 60090

PIN #: 03-12-101-050-0000

03-12-101-052-0000

03-12-101-060-0000