## **UNOFFICIAL COPY**

This instrument was prepared by and, after recording, return to:

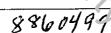
Stephen L. Golan Golan & Christie LLP 70 W. Madison Street, Suite 1500 Chicago, Illinois 60602



1405010002 Fee: \$50.00 RHSP Fee:\$9.00 RPRF Fee: \$1.00

Karen A. Yarbrough

Cook County Recorder of Deeds Date: 02/19/2014 09:16 AM Pg: 1 of 7



Space above this line for Recorder's use only

### FIRST AMENDMENT TO ASSIGNMENT OF RENTS AND LEASES

THIS FIRST AMENDMENT TO MORTGAGE AND SECURITY AGREEMENT ("Amendment") is made effective as of the 1st day of February, 2014 (the "Effective Date"), by and between POINTE 1900 RETAIL, LLC, an Illinois limited liability company ("Borrower"), and GREAT LAKES BANK, N.A., a national banking association whose mailing address is 13057 S. Western Avenue, Blue Island, Illinois 65406 ("Lender").

#### RECITALS.

WHEREAS, Borrower executed an Assignment of Rent's and Leases (the "Assignment") dated March 22, 2012, and recorded on June 1, 2012 as Document 1215316071 in the Office of the Cook County Recorder of Deeds, Cook County, Illinois, mox particularly described on Exhibit A attached hereto and made a part hereof;

WHEREAS, the Assignment secured in part that certain Commercial Mortgage Note dated March 22, 2012, signed by Borrower in the principal amount of Five Million Seven Hundred Fifty Thousand and 00/100 Dollars (\$5,750,000.00) (the "Note");

WHEREAS, concurrently herewith, Borrower executed and delivered a Restated Commercial Mortgage Note (the "Restated Note") to Lender to evidence (1) a reduced interest rate, (2) the updated principal amount under the Restated Note plus disbursements and (3) a change in various terms; and

WHEREAS, Borrower and Lender wish to amend the Assignment as hereinafter set forth.

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NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Borrower and Lender agree as follows:

- The Recitals set forth above are hereby incorporated herein and made a part 1. hereof by reference thereto.
- Notwithstanding anything to the contrary, all references to the Note in the Assignment shall mean the Restated Note.
- Notwithstanding anything to the contrary, Borrower owes Lender the principal sum of FIVE MILLION FOUR HUNDRED THIRTY ONE THOUSAND NINE HUNDRED EIGHTY AND 20/100 Dollars (\$5,431,980.20), as evidenced by Borrower's Restated Note, which provides for monthly payments, with the full debt, if not paid earlier, due and payable on February 1, 2021.
- Except as excressly amended hereby, the terms of the Assignment, are and shall 4. remain unmodified and in full force and effect.
- Borrower acknowledges that there are no other understandings, agreements or 5. representations, either oral or written, coress or implied, that are not embodied in the Restated Note, the Amended Loan Agreement and this Amendment.
- This Amendment shall be effective as of the date first above written upon execution by the parties hereto. The date or dates of the acknowledgments indicate the date(s) of The unit but execution and date of this Amendment of this Amendment of this Amendment of the second execution of this Amendment but execution is as or the above date, and for purposes of identification and reference the date of this Amendment is the above date.

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IN WITNESS WHEREOF, Borrower has executed this instrument as of the day and year first above written.

#### **BORROWER:**

POINTE 1900 RETAIL LLC, an Illinois limited liability company

Patrick J. Turner, Pres

Dynaprop Development Corporation,

Its Manager

STATE OF ILLINOIS

COUNTY OF COOK

I, Howard Ade Steir a Notary Public in and for said County, in the State aforesaid, do hereby certify that Patrick J. Turner, President, Dynaprop Development Corporation, the manager of Pointe 1900 Retail LLC, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said entity for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal, this 7 day of February, 2014.

Notary Public

OFFICIAL SEAL
HOWARD ADELSTEIN
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:07/16/16

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#### EXHIBIT A

#### LEGAL DESCRIPTION

#### PARCEL 11

FLET CHICAGO CITY DATUM AND LYING ABOVE A HORIZONTAL PLANE AT ELEVATION +13.46 FLET CHICAGO CITY DATUM AND LYING AT AND BELOW A HORIZONTAL PLANE AT ELEVATION +21.73 FEET CHICAGO CITY DATUM OF THAT PART OF LOTS 1 AND 2 IN BLOCK 32 IN CANAL TRUSTLE: NEW SUBDIV SION OF BLOCKS IN EAST FRACTIONAL SOUTHEAST 1/4 OF SECTION 21, TOWISHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PART CULARLY DESCRIBED AS FOLLOWS

BEGINNING AT MC NORTHEAST CORNER OF SAID LOT 1. THENCE SOUTH 00' 03' 47" EAST, A DISTANCE OF 121 60 FEET. THENCE SOUTH 90 00 00 WEST, A DISTANCE OF 34.48 FEET. THENCE NORTH 00' 00' 00' EAST, A DISTANCE OF 20' EAST, A DISTANCE OF 9 20 FEET; THENCE SOUTH 90' 00' 00' WEST, A DISTANCE OF 25 60 FEET! THENCE NORTH 00' 00' 00' EAST, A DISTANCE OF 4.72 FEET, THENCE SOUTH 90' 00 00 WEST A DISTANCE OF 9.41 FEET; THENCE SOUTH 00' 00 00' WEST, A DISTANCE OF 22' 49 FEET; THENCE NORTH 89" 35' 12" WEST, A DISTANCE OF 7.87 FEET, THENCE SOUTH (8' 03' 42' WEST, A DISTANCE OF 11.14 FEET; THENCE NORTH 31' 51' 21' WEST A DISTANCE OF 41.60 FEET THENCE NORTH 58' 08' 39" EAST, A DISTANCE OF 10 71 FEET THENCE A DISTANCE OF 21.13 FEET ALONG AN ARC OF A CIRCLE, CONVEX TO THE NORTHWEST, HAVING A PAPILS OF 15 18 FEET ALONG WHOSE CHORD OF 19.46 FEET BEARS NORTH 19' 55 01 EAST, THINCE NORTH 31' 51' 21" WEST, A DISTANCE OF 38.06 FEET; THENCE SOUTH 31' 51' 21" EAST, A DISTANCE OF 15.4' FIFT; THENCE SOUTH 58' 08' 39" WEST, A DISTANCE OF 38.06 FEET; THENCE SOUTH 31' 51' 21" EAST, A DISTANCE OF 15.4' FIFT; THENCE SOUTH 58' 08' 39" WEST, A DISTANCE OF 18.12 FEET; THENCE NORTH 31' 51' 21" WEST, A DISTANCE OF 32 02 FEET; THENCE NORTH 58' 08' 39" EAST, A DISTANCE OF 2.02 FEET, THENCE NORTH; 51' 51' 21" WEST, A DISTANCE OF 32 02 FEET; THENCE NORTH 58' 08' 39" EAST, A DISTANCE OF 2.02 FEET, THENCE NORTH; 51' 51' 21" WEST, A DISTANCE OF 4.78 FEET; THENCE NORTH 58' 08 39' EAST, A DISTANCE OF 175.36 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY. LLIND'S

#### PARCEL 2

THE FOLLOWING PARCEL OF LAND LYING ABOVE A HOR ZONTAL PLANE AT ELEVATION +13.46 FEET CHICAGO CITY DATUM AND LYING AT AND BELOW A HORIZONTAL FLANE AT ELEVATION +28.79 FEET CHICAGO CITY DATUM OF THAT PART OF LOTS 2 TO 5, BCTH INCLUSIVE, IN BLOCK 32 IN CANAL TRUSTEES NEW SUBDIVISION OF BLOCKS IN EAST FRACTIONAL SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD FRINCIPAL MERIDIAN. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1: THENCE SOUTH 00° 03' 47" CAST, A DISTANCE OF 129.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00° 03' 47" EAST, A DISTANCE OF 163.89 FEET; THENCE SOUTH 90° 00' OD" WEST, A DISTANCE OF 51.96 FEET; THENCE NORTH 00° 00' OO" EAST, A DISTANCE OF 6.59 FEET; THENCE HORTH

CONTINUED ON NEXT PAGE

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5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS (CONTINUED):

90° 00° 00° EAST, A DISTANCE OF 5 50 FEET: THENCE NORTH 00° 00° 00" EAST, A DISTANCE OF 3 44 FEET THENCE SOUTH 90° 00° 00" WEST A DISTANCE OF 5.50 FEET; THENCE SOUTH 90° 00° 00 WEST, A DISTANCE OF 18 39 FEET THENCE NORTH 00° 00° 58" WEST, A DISTANCE OF 146.46 FEET, THENCE NORTH 90° 00° 00" EAST, A DISTANCE OF 25.71 FEET, THENCE NORTH 00° 00° 00° EAST, A DISTANCE OF 44.51 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS

#### PARSEL 3:

THE FOLLOWING PARCEL OF LAND LYING ABOVE A HORIZONTAL PLANE AT ELEVATION +12.80 FEET CHICAGO CITY DATUM OF THAT PART OF LOTS 2 10 5 BOTH INCLUSIVE, TOGETHER WITH A FAR? OF THE VACATED 30 FOOT ALLEY, LYING WEST OF AND ADJOINING THE WEST LINE OF SALO LOTS 2 TO 5 IN BLOCK 32 IN CANAL TRUSTEES NEW SUBDIVISION OF BLOCKS IN EAST FRACTIONAL SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN. DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5: THENCE SOUTH 90° 00 00' WEST. A DISTANCE OF 70 35 FEET TO THE POINT OF BEGINNING: THENCE CONTINUING SOUTH 90° 00 00" WEST. A DISTANCE OF 64 97 FEET THENCE NORTH OO° 00' 16' WEST. A DISTANCE OF 76.72 FEET. THENCE NORTH 39' 57 O7 WEST A DISTANCE OF 26.96 FEET; THENCE NORTH 00° 00 37" EAST A DISTANCE OF 15 83 FEET. THENCE NORTH 31° 44' 44" WEST. A DISTANCE OF 16.35 FEET: THENCE NORTH 57° 48' 37' EAST, A DISTANCE OF 57.50 FEET. THENCE SOUTH 31° 54' 03" EAST. A DISTANCE OF 1.25 FEET: THENCE NORTH 58' 03 42 EAST, A DISTANCE OF 51 B7 FEET. THENCE SOUTH 89° 35 12" EAST, A DISTANCE OF 7.15 FEET; THENCE SOUTH 00 00' 50" EAST. A DISTANCE OF 163 43 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY. ILLINOIS.

### PARCEL 4:

THE FOLLOWING PARCEL OF LAND LYING ABOVE A HORILONTAL PLANE AT ELEVATION +12.80 FEET CHICAGO CITY DATUM OF THAT PART OF THE VACATED 30 FOOT ALLEY, LYING WEST OF AND ADJOINING THE WEST LINE OF LOT 5 IN BLOCK 32 IN CANAL TRUSTEES NEW SUBDIVISION OF BLOCKS IN EAST FRACTIONAL SOUTHEAST 370 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DISCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 5. THENCE 503TH 90° 00' 00" WEST. A DISTANCE OF 162.30 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 90° 00' 00" WEST, A DISTANCE OF 13.40 FEET; THENCE NORTH OO° 00' 37" F.ST. A DISTANCE OF 24.42 FEET; THENCE SOUTH 89° 59' 23' EAST. A DISTANCE OF 13.40 FF.T; THENCE SOUTH OO° 00' 37" WEST. A DISTANCE OF 24.42 FEET TO THE POINT OF BEGINNING. "COOK COUNTY, ILLINOIS.

#### PARCEL 5

THAT PART OF LOTS 2 AND 3, AND ALL OF LOTS 6 AND 7. TOGETHER WITH A PART OF THE VACATED 30 FOOT ALLEY LYING EAST OF AND ADJO N NG EAST LINE OF SAID LOT 6 AND LYING WEST OF AND ADJO NING THE WEST LINE OF SAID LOTS 2 AND 3 IN BLOCK 32 IN

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5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS (CONTINUED):

CANAL TRUSTEES NEW SUBDIVISION OF BLOCKS IN EAST FRACT ONAL SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN. MORE PARTICULARLY DESCRIBED AS FOLLOWS

THE FOLLOWING PARCEL OF LAND LYING ABOVE A HORIZONTAL PLANE AT ELEVATION +13.46 TOST CHICAGO CITY DATUM AND LYING AT AND BELOW A HORIZONTAL PLANE AT ELEVATION +18 79 FEET CHICAGO CITY DATUMOF THAT PART OF LOTS 6 AND 7 IN BLOCK 32 IN CANAL TRISTIES NEW SUBDIVISION OF BLOCKS IN EAST FRACTIONAL SOUTHEAST 1/4 OF SECTION TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARY DESCRIBED AS FOLLOWS.

BECENNING AT THE NORTHWEST CORNER OF SAID LOT 7: THENCE NORTH 58 DEGREES 08 MINUTS 30 SECTIONS EAST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 7, SAID LINE ALSO BEING THE SOUTHEASTERLY LINE OF SOUTH ARCHER AVENUE. A DISTANCE OF 58.97

THENCE SOUTH 31 DECREES 51 MINUTES 21 SECONDS EAST, A DISTANCE OF 5,77 FEET; THENCE NORTH 58 DEGREES OF MINUTES 39 SECONDS EAST. A DISTANCE OF 0.61 FEET: THENCE SOUTH 31 DEGREES 51 MINUTES 23 SECONDS EAST. A DISTANCE OF 7.59 FEET;
THENCE SOUTH 58 DEGREES 38 MINUTES 39 SECONDS WEST A DISTANCE OF 7.49 FEET;
THENCE SOUTH 31 DEGREES 51 MINUTES 23 SECONDS EAST A DISTANCE OF 9.45 FEET;
THENCE SOUTH 32 DEGREES 51 MINUTES 23 SECONDS EAST A DISTANCE OF 9.45 FEET; THENCE NORTH 58 DEGREES OU WINTTES 39 SECONDS EAST A DISTANCE OF 8.05 FEET; THENCE SOUTH 31 DEGREES 51 MINITES 21 SECONDS EAST A DISTANCE OF 16,80 FEET. THENCE SOUTH 58 DEGREES ON MINUTE, 39 SCCONDS WEST A DISTANCE OF 21.30 FEET. THENCE SOUTH 31 DEGREES S1 MINUTES 21 SECONDS EAST A DISTANCE OF 15.63 FEET: THENCE NORTH 58 DEGREES OB MINUTES 37 SICONDS EAST A DISTANCE OF 13.09 FEET; THENCE SOUTH 76 DEGREES 51 MINUTES 21 SECONDS EAST. A DISTANCE OF 13.50 FEET. THENCE SOUTH 31 DEGREES 51 MINUTES 21 SELCTOS EAST, A DISTANCE OF 5.50 FEET: THENCE SOUTH 58 DEGREES OF MINUTES OF SECON'S REST, A DISTANCE OF 21.88 FEET; THENCE SOUTH OD DEGREES OD MINUTES OD SECONDS VEST. A DISTANCE OF 38.60 FEET; THENCE SOUTH DO DEGREES OD MINUTES OD SECONDS WEST. A DISTANCE OF 20.65 FEET; THENCE SOUTH OD DEGREES OD MINUTES OD SECONDS WEST. A DISTANCE OF 9.40 FEET; THENCE SOUTH 90 DEGREES OF MINUTES OF SECONDS WEST ALONG THE SOUTH LINE OF SAID LOTS 6 AND 7. SAID LINE ALSO BEING THE NORTH LINE OF ALT CULLERTON STREET, A DISTANCE OF 49.54 FEET: THENCE NORTH OD DEGREES OF MINUTES 13 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 7, SAID LINE ALSO BEING THE EAST LINE OF SOUTH DEARBORN STREET, A DSITANCE OF BG. 83 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY. ILLINOIS

#### PARCEL 5B:

THE FOLLOWING PARCEL OF LAND LYING ABOVE A HORIZONTAL PLANE AT ELEVATION +13.46 FEET CHICAGO CITY DATUM AND LYING AT AND DELOW A HORIZONTAL PLANE AT & EVITION +28 79 FEET CHICAGO CITY DATUM OF THAT PART OF LOTS 2, 3, 6 AND 7 TOGFTHE CHITH A PART OF THE VACATED 30 FOOT ALLEY LYING EAST OF AND ADJOINING THE EAST LINE OF SAID LOT 6 AND LYING WEST OF AND ADJOINING THE WEST LINE OF SAID LOTS 2 AND 3. IN BLOCK 32 IN CANAL TRUSTEES NEW SUBDIVISION OF BLOCKS IN EAST FRACTIONAL SOUTHEAST 1/4 OF SECTION 21. TOWNSHIP 39 NORTH RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

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5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS POLLOWS (CONTINUED):

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7. THENCE NORTH 58 DEGREES OB MINUTES 39 SECONDS EAST, ALONG THE NORTHWESTERLY LINE OF SAID LOTS 6 AND 7 AND THE NORTHWESTERLY LINE OF SAID VACATED 30 FOOT ALLEY. SAID LINE ALSO BEING THE SOUTHEASTERLY LINE OF SOUTH ARCHER AVENUE, A DISTANCE OF 70 24FEET THENCE CONTINUING HORTH 58 DEGREES ON MINUTES 39 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 135.45 FEET: THENCE SOUTH 31 DEGREES 54 MINUTES 03 SECONDS EAST, A DISTANCE OF 68.65 FEET THENCE SOUTH 57 DEGREES 48 MINUTES 37 SECONDS WEST, A DISTANCE OF 57.50 FEET: THENCE SOUTH 31 DEGREES 44 MINUTES 44 SECONDS EAST. A DISTANCE OF O 96 FEET. THENCE SOUTH 50 DEGREES OF MINUTES OF SECONDS WEST, A DISTANCE OF 80.05 FEET; THENCE NORTH 31 DEGREES 51 MINUTES 21 SECONDS WEST, A DISTANCE OF 30 61 FEET. THENCE NORTH 58 DEGREES OR MINUTES 39 SECONDS EAST, A DISTANCE OF 1.50 FEET THEFTE NORTH 31 DEGREES ST MINUTES 21 SECONDS WEST, A DISTANCE OF 9.76 FEET-THING! NORTH 58 DEGREES OB MINUTES 39 SECONDS EAST, A DISTANCE OF 2 50 FEET. THENCE NORTH 31 DEGREES ST MINUTES 21 SECONDS WEST. A DISTANCE OF 1.09 FEET; THENCE WORTH 50 DEGREES ON MINUTES 30 SECONDS EAST, A DISTANCE OF 6 15 FEET; THENCE WORTH 31 DEGREES 51 MINUTES 21 SECONDS WEST, A DISTANCE OF 19.02 FEET; THENCE SOUT 1 58 DEGREES OR MINUTES 39 SECONDS WEST, A DISTANCE OF 8.11 FEET; THENCE NORT (3) DEGREES 51 MINUTES 21 SECONDS WEST, A DISTANCE OF 8.68 FEET TO THE POINT OF PEGANNING. IN COOK COUNTY, ILLINOIS

PARCEL 50

THAT PART OF LOTS 6 AMD 7. TOGETHER WITH A PART OF THE VACATED 30 FOOT ALLEY LYING EAST OF AND ADJOINGING EAST LINE OF SAID LOT 6, IN BLOCK 32 IN CANAL TRUSTEES NEW SUBDIVISION OF BLOCKS IN EAST FRACTIONAL SOUTHEAST 1/4 OF SECTION 21. TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN. MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 7: THENCE NORTH 90 DEGREES 00 MINUTES OO SECONDS EAST, ALONG THE SOUTH TEN OF SAID LOT 7, SAID LINE ALSO BEING THE NORTH LINE OF WEST CULLERTON STRELT A DISTANCE OF 70 19 FEET TO THE POINT OF BEGINNING.

THENCE NORTH OD DEGREES OD MINUTES OD SECONDS EAST. A DISTANCE OF 48.08 FEET;
THENCE NORTH 58 DEGREES OF MINUTES OF SECONDS EAST. A DISTANCE OF 108.96 FEET;
THENCE SOUTH 31 DEGREES 44 MINUTES 44 SECONDS EAST. A DISTANCE OF 15.39 FEET;
THENCE SOUTH OD DEGREES OD MINUTES 37 SECONDS WEST. A DISTANCE OF 68.15 FEET;
THENCE NORTH 69 DEGREES SO MINUTES 23 SECONDS WEST. A DISTANCE OF 13.40 FEET;
THENCE SOUTH OD DEGREES OD MINUTES 37 SECONDS WEST. A DISTANCE OF 24.42 FEET;
THENCE SOUTH 90 DEGREES OD MINUTES OD SECONDS WEST. ALONG SAID SOUTH LINE OF LOTS
6 AND 7. AND SAID SOUTH LINE OF VACATED 30 FOOT ALLEY, SAID LINE ALSO BEING THE
NORTH LINE OF WEST CULLERTON STREET, A DISTANCE OF 67.19 FEET TO THE POINT OF
BEGINNING, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 17-21-414-010-000

Street Address:

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