

# UNOFFICIAL COPY



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

DYKEMA GOSSETT PLLC  
10 South Wacker Drive  
Suite 2300  
Chicago, Illinois 60606  
Attn: Gary P. Segal, Esq.

Doc#: 1414035269 Fee: \$42.00  
RHSP Fee: \$9.00 RPRF Fee: \$1.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 05/20/2014 11:33 AM Pg: 1 of 3

8917250 2012 PL

## ASSUMPTION AND REAFFIRMATION OF MORTGAGE, ASSIGNMENT OF LEASES AND RENTS AND FIXTURE FILING

THIS ASSUMPTION AND REAFFIRMATION OF MORTGAGE, ASSIGNMENT OF LEASES AND RENTS AND FIXTURE FILING (this "Reaffirmation") is made as of April 29, 2014, by NORTH AURORA ICE CREAM, LLC, an Illinois limited liability company ("New Mortgagor"), to and for the benefit of THE PRIVATEBANK AND TRUST COMPANY, an Illinois state chartered bank ("Mortgagee").

### RECITALS:

A. On or about April 29, 2014, Oberweis Dairy, Inc., an Illinois corporation ("Original Mortgagor"), conveyed the fee simple ownership of certain real estate located at 4811 Dempster Street, Skokie, Illinois 60077, as more particularly described on **Exhibit A** attached hereto (the "Real Estate"), to Mortgagor.

B. The Real Estate is encumbered by that certain Mortgage, Assignment of Leases and Rents and Fixture Filing dated as of October 29, 2012 made by Original Mortgagor to and for the benefit of the Mortgagee and recorded with the Recorder of Deeds in Cook County, Illinois on November 5, 2012, as Document No. 1231004027 (as amended, restated, modified or supplemented and in effect from time to time, the "Mortgage").

C. The conveyance of the Real Estate from Original Mortgagor to New Mortgagor has been consented to by Mortgagee provided that such consent was conditioned on, among other things, New Mortgagor's execution and delivery of this Reaffirmation.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, New Mortgagor hereby agrees as follows:

1. **Incorporation of Recitals.** The Recitals set forth above are incorporated herein and made a part hereof.

2. **Definitions.** Capitalized terms used in this Reaffirmation and not otherwise defined herein are used with the meanings given such terms in the Mortgage.

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3. **Assumption and Reaffirmation.** New Mortgagor hereby assumes, undertakes and agrees to be bound by all of the terms, conditions, duties, obligations, undertakings, remedies, indemnities, waivers (including, without limitation, the waiver of the rights of reinstatement and redemption pursuant to Section 25(a) of the Mortgage), covenants, representations and warranties applicable to the "Mortgagor" under the Mortgage to the same extent as if New Mortgagor were an original party to the Mortgage. The Mortgage is hereby reaffirmed as of the date hereof in all respects by New Mortgagor, and shall remain in full force and effect from and after the date hereof with respect to the Obligations. From and after the date hereof, all references to the "Mortgagor" in the Mortgage shall mean New Mortgagor.

4. **Miscellaneous.** This Reaffirmation shall be governed by and construed in accordance with the laws of the State of Illinois. This Reaffirmation shall be binding on New Mortgagor and its successors and permitted assigns, and shall inure to the benefit of Mortgagee and its successors and assigns. The Mortgage and the other Related Documents shall remain in full force and effect in accordance with their respective terms. Time is of the essence of each of New Mortgagor's obligation under the Mortgage.

IN WITNESS WHEREOF, this Reaffirmation has been entered into as of the date first above written.

NORTH AURORA ICE CREAM, LLC, an Illinois limited liability company

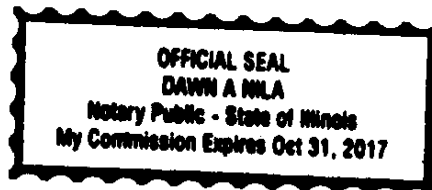
By: *Joseph Oberweis*  
Joseph Oberweis, Manager

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF KENDALL    )

I, Dawn A. Nila, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Joseph Oberweis is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such manager of NORTH AURORA ICE CREAM, LLC (the "New Mortgagor"), appeared before me this day in person and severally acknowledged that he signed and delivered the said instrument as his own free and voluntary act, and as the free and voluntary act of the New Mortgagor for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal, this 29th day of April, 2014.

*Dawn A. Nila*  
NOTARY PUBLIC



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## EXHIBIT A Real Estate

### PARCEL 1:

LOTS 1 TO 5, INCLUSIVE, (EXCEPT THE NORTH 7 FEET OF SAID LOTS TAKEN FOR THE WIDENING OF DEMPSTER STREET); (EXCEPT THAT PORTION OF LOTS 1 AND 2 TAKEN FOR STREET PURPOSES IN CASE NUMBER 80L8688) AND (EXCEPT THE SOUTH 4 FEET OF SAID LOTS TAKEN FOR PUBLIC ALLEY PURSUANT TO THE PLAT OF DEDICATION ATTACHED TO THE ORDINANCE APPROVING SAID PLAT RECORDED AS DOCUMENT NUMBER 1214329017) IN TERMINAL SUBDIVISION IN THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 16, 1924 AS DOCUMENT NUMBER 8368019, IN COOK COUNTY, ILLINOIS.

### PARCEL 2:

LOT 6 (EXCEPT THE NORTH 7 FEET THEREOF) AND (EXCEPT THE SOUTH 4 FEET OF THEREOF TAKEN FOR PUBLIC ALLEY PURSUANT TO THE PLAT OF DEDICATION ATTACHED TO THE ORDINANCE APPROVING SAID PLAT RECORDED AS DOCUMENT NUMBER 1214329017) IN TERMINAL SUBDIVISION IN THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 16, 1924 AS DOCUMENT NUMBER 8368019, IN COOK COUNTY, ILLINOIS.

PINs: 10-21-204-001-0000  
10-21-204-016-0000

Property Address: 4811 Dempster Street, Skokie, Illinois 60077