

# UNOFFICIAL COPY

**RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:**

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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 03/14/2018 01:36 PM PG: 1 OF 6

12 of 31

Recorder's Stamp

## AGREEMENT TO SUBORDINATE TO RENTAL ASSISTANCE DEMONSTRATION USE AGREEMENT

Edward Brown Apartments and Turlington West Apartments

This Agreement to Subordinate to Rental Assistance Demonstration Use Agreement (the "Subordination") is entered into this 12th day of March, 2018, by BMO HARRIS BANK N.A. (the "Lender"), and SOUTH SUBURBAN SENIOR LIVING, LLC (the "Project Owner"), collectively, the "Parties."

WHEREAS, the Project Owner executed that certain Leasehold Construction Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing securing indebtedness in the original principal amount of \$13,975,880.00, as assigned by Illinois Housing Development Authority ("IHDA") to the Lender pursuant to that certain Assignment of Mortgage and Loan Documents (collectively, the "Subordinate Document"), each dated and recorded as of substantially even date herewith; and

WHEREAS, HUD has authorized the conversion of Edward Brown Apartments and Turlington West Apartments (the "Project") located upon the real property described on Exhibit "A" attached hereto, from public housing to Section 8 assistance under the Rental Assistance Demonstration ("RAD") program, pursuant to Public Law 112-55; and

WHEREAS, as a condition of the RAD conversion, the Owner executed a Rental Assistance Demonstration Use Agreement dated and recorded as of substantially even date herewith (the "RAD Use Agreement") for the benefit of HUD; and

WHEREAS, HUD requires as a condition of the RAD conversion that the Parties agree to subordinate the Subordinate Document to the RAD Use Agreement;

NOW THEREFORE, let it be known to all interested parties, that for good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned do hereby agree:

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P le  
S ll  
SCY ll  
INT ll

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1. So long as the RAD Use Agreement, and all extensions thereto, be in effect, the Subordinate Document shall in all respects be subordinate.
2. Subordination extends to and continues in effect with respect to any future amendment, extension, renewal, or any other modification of the RAD Use Agreement or the Subordinate Document.
3. In the event of conflict between the Subordinate Document and the RAD Use Agreement, the RAD Use Agreement controls.
4. The following amendments to the Subordinate Document require the prior written consent of HUD: Any amendment to any HUD-required provisions in the Subordinate Document an increase in the interest rate, an increase of the total indebtedness, an acceleration of the amortization or payment schedule, and any changes that would preclude or impair a reasonable opportunity to cure any defaults by the Project Owner under the Subordinate Document.
5. This Subordination will survive bankruptcy and foreclosure.
6. This Subordination may be signed in counterparts.
7. The invalidity, in whole or in part, of any of the provisions set forth in this Subordination, shall not affect or invalidate any remaining provisions.
8. This Subordination and every covenant hereof shall be binding upon the Parties and their respective successors and assigns. This Subordination shall not be modified or amended except by a written instrument executed by all parties hereto and approved in writing by HUD.

[SIGNATURE PAGE(S) TO FOLLOW]

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In witness whereof, the parties have executed this Subordination as of the date first written above.

**Lender**

BMO HARRIS BANK N.A.,  
a national banking association

By: *Allison Porter-Bell*  
Name: Allison Porter-Bell  
Title: Vice President

STATE OF ILLINOIS )  
  ) SS  
COUNTY OF Cook )

I, the undersigned, a Notary Public in and for the County and State aforesaid, certify that Allison Porter-Bell, personally known to me to be the Vice President of BMO Harris Bank, N.A. and 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/she signed and delivered the said instrument in his/her capacity as Vice President of BMO Harris Bank, N.A., as his free and voluntary act and deed and as the free and voluntary act and deed of BMO Harris Bank, N.A., for the uses and purposes therein set forth.

Given under my hand and official seal this 9 day of March, 2018.

*Tasha R Underwood*  
Notary Public



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**Project/Owner**

**SOUTH SUBURBAN SENIOR LIVING, LLC**, an Illinois limited liability company

By: South Suburban Senior Living Group, LLC,  
its Managing Member

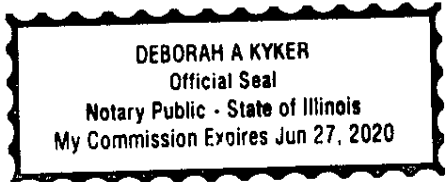
By: Housing Authority of Cook County,  
its Sole Member

By: Richard J. Monocchio  
Name: Richard Monocchio  
Executive Director

STATE OF ILLINOIS )  
  )SS.  
COUNTY OF COOK )

I, DEBORAH A KYKER, the undersigned, a Notary Public, in and for the County and State aforesaid, do certify that Richard J. Monocchio, the Executive Director of the sole member of the managing member of South Suburban Senior Living, LLC, an Illinois limited liability company ("Company") and 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 on behalf of the Company, as the free and voluntary act of such person and the free and voluntary act and deed of the Company, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 7th day of MARCH, 2018.



Deborah A. Kyker  
Notary Public

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## EXHIBIT A

### LEGAL DESCRIPTION

#### TRACT 1:

The leasehold estate or interest in the land described below and covered herein is :

#### PARCEL 1:

LOTS 17 TO 30, BOTH INCLUSIVE, IN BLOCK 5 IN W. L. DEWOLF'S SUBDIVISION OF PARTS OF SECTIONS 1 AND 2, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 13, 1911 AS DOCUMENT NUMBER 4882971, IN COOK COUNTY, ILLINOIS.

#### ALSO

THAT PART OF A PUBLIC ALLEY IN W.L. DEWOLF'S SUBDIVISION OF PARTS OF SECTIONS 1 AND 2, TOWNSHIP 36 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 13, 1911 AS DOCUMENT NUMBER 4882971; LYING EAST AND SOUTH OF LOTS 29 AND 30; WEST AND SOUTH OF LOTS 17 AND 18; AND LYING NORTHERLY OF LOTS 19 THROUGH 28, INCLUSIVE, IN SAID W.L. DEWOLF'S SUBDIVISION, IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

THAT PART OF THE NORTH 10 ACRES, OF THE SOUTH HALF, OF THE NORTHWEST QUARTER, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH TEN (10) ACRES OF THAT PART OF THE SOUTH HALF (1/2), OF THE NORTHWEST QUARTER (1/4), LYING EASTERLY OF VINCENNES ROAD, IN SECTION 18, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, 1174.15 FEET EAST OF THE EAST LINE OF DIXIE HIGHWAY, WHICH SOUTH LINE OF SAID NORTH 10 ACRES IS ON A LINE EAST 89 DEGREES 59 MINUTES 8 SECONDS SOUTH, SAID POINT OF BEGINNING BEING 330.00 FEET WEST OF THE EAST LINE OF SAID NORTHWEST QUARTER (1/4), ACCORDING TO TRUSTEE'S DEED RECORDED AS DOCUMENT NUMBER 3139325; THENCE, FROM SAID POINT OF BEGINNING, NORTH 28 DEGREES 02 MINUTES 05 SECONDS EAST, ALONG A LINE WHICH, IF EXTENDED NORTHEAST, INTERSECTS A LINE 33 FEET WEST OF THE EAST LINE OF SAID NORTHWEST QUARTER, AT A POINT THAT MEASURES 1007.01 FEET FROM A POINT 33 FEET SOUTH, AND 33 FEET WEST, OF THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER, TO THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER (1/4), OF THE NORTHWEST QUARTER (1/4), OF SAID SECTION 18; THENCE EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (1/4), OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 18, TO THE EAST LINE OF THE NORTHEAST QUARTER (1/4), OF THE NORTHWEST QUARTER (1/4), OF SAID SECTION 18; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4), OF SAID SECTION 18, TO THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 10 ACRES, OF THAT PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER, LYING EASTERLY OF VINCENNES ROAD IN SAID SECTION 18; THENCE WEST ALONG SAID SOUTH LINE OF THE NORTH 10 ACRES, TO THE POINT OF BEGINNING (EXCEPT THE EAST 33 FEET THEREOF DEDICATED FOR ROBESY STREET).

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TRACT 2:

FEE SIMPLE OWNERSHIP OF ALL BUILDINGS AND IMPROVEMENTS LOCATED, OR TO BE LOCATED ON THE LAND DESCRIBED AS TRACT 1.

Commonly known as: 3210 W 139th Street, Robbins, IL 60472 as to Parcel 1; and 15306 Robey Avenue, Harvey, Illinois as to Parcel 2

PINS:

- 28-02-230-017-0000 (PORTION PARCEL 1)
- 28-02-230-018-0000 (PORTION PARCEL 1)
- 28-02-230-047-0000 (PORTION PARCEL 1)
- 28-02-230-048-0000 (PORTION PARCEL 1)
- 28-02-230-049-0000 (PORTION PARCEL 1)
- 29-18-108-005-0000 (AFFECTS PARCEL 2)
- 29-18-108-011-0000 (AFFECTS PARCEL 2)

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