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Index Nos.: 17 08 428 026 1002, 17 08 428 026
1004, 17 08 426 026 1006 and 17 08 428 025
THIS DOCUMENT PREPARED BY AND
RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:
Kelley Drye & Warren LLP
One Jefferson Road
Parsippany, New Jersey 07054
Attention: Stephen G. Hauck, Esq.
1855 009 4965 LP 7068 LK



Doc# 1907806082 Fee \$52.00

RHSP FEE: \$9.00 RPRF FEE: \$1.00

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 03/19/2019 12:16 PM PG: 1 OF 8

(Space Above For Recording Use)

1101 WEST LAKE ESD, LLC
(Assignor)

to

AREIT WH I LLC
(Assignee)

AMENDMENT TO ASSIGNMENT OF LEASES AND RENTS

Dated: As of March 15, 2019

Property Location: 1101 West Lake Street, Floors 1, 2, 4 and 6
Chicago, Illinois 60607

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THIS AMENDMENT TO ASSIGNMENT OF LEASES AND RENTS (this "*Amendment*") dated and effective as of the 15th day of March, 2019 made by and between **1101 WEST LAKE BSD, LLC**, a Florida limited liability company, having an office at 2312 North Miami Avenue, 2nd Floor, Miami, Florida 33127 ("*Assignor*") and **AREIT WH I LLC**, a Delaware limited liability company, having an address at 40 West 57th Street, 29th Floor, New York, New York 10019 (together with its successors and assigns, hereinafter referred to as "*Assignee*"), as successor by assignment from **ARGENTIC REAL ESTATE INVESTMENT LLC** ("*Original Assignee*"). Capitalized terms not defined herein shall have the meanings assigned to such terms in the Loan Agreement (defined below).

W I T N E S S E T H :

WHEREAS, Assignor and Original Assignee entered into that certain Loan Agreement dated as of January 15, 2019 ("*Loan Agreement*") pursuant to which Assignee agreed to make a secured loan to Assignor in the maximum principal amount of up to \$11,000,000.00 (the "*Loan*");

WHEREAS, Assignor executed a note in such principal amount, which note is secured by the property located at 1101 West Lake Street, Chicago, Illinois known as floors 2, 4 and 6 thereof, pursuant to (i) that certain Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing recorded with the Cook County Recorder of Deeds as Document Number 1902333095 and (ii) that certain Assignment of Leases and Rents dated as of January 15, 2019 and recorded with the Cook County Recorder of Deeds as Document Number 1902333096 (the "*Assignment*").

WHEREAS, the Loan was assigned by Original Assignee to Assignee.

WHEREAS, Assignor intends to purchase the first floor of the property located at 1101 West Lake Street, Chicago, Illinois 60607 (the "*Additional Property*") and simultaneously herewith, Assignor and Assignee are entering into a Mortgage Amendment and Spreader Agreement to spread the lien created by the Mortgage to include the Additional Property.

WHEREAS, the parties hereto desire to amend the legal description attached to the Assignment to include the Additional Property.

NOW, THEREFORE, for good and valuable consideration, receipt of which by the parties hereto is hereby acknowledged, the parties hereto hereby agree as follows;

1. Exhibit A of the Assignment is hereby deleted in its entirety and replaced with Exhibit A attached hereto.
2. Except as amended hereby, all terms and provisions of the Assignment remain unchanged and in full force and effect.
3. This Amendment may be executed in counterparts, all of which executed counterparts shall together constitute a single document. Signature pages may be detached from the counterparts and attached to a single copy of this Amendment to physically form one document.

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4. All references to the term Loan Documents in the Mortgage and the other Loan Documents shall be modified to include this Assignment.

5. The Assignment shall be binding upon and inure to the benefit of Assignor, Assignee and their respective successors and assigns.

6. This Assignment shall be governed by, construed and enforced in accordance with the laws of the State of New York without regard to conflict of laws principles.

7. It is expressly agreed that recourse against Assignor for failure to perform and observe its obligations contained in this Assignment shall be limited as and to the extent provided in Section 10.1 of the Loan Agreement.

[NO FURTHER TEXT ON THIS PAGE]


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IN WITNESS WHEREOF, this Assignment has been duly executed by Assignor as of the day and year first above written.

ASSIGNOR:

1101 WEST LAKE BSD, LLC,
a Florida limited liability company


By: 
Name: Dan Arev
Title: President

ACKNOWLEDGMENT

STATE OF Florida
COUNTY OF Miami-Dade

I, Salomon V. Bagdadi, a Notary Public in and for said County in said State hereby certify that Dan Arev, whose name as president of 1101 West Lake BSD, LLC, a Florida limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such authorized signatory and with full authority, executed the same voluntarily for and as the act of limited liability company.

Given under my hand this 27 day of February, 2019.


Notary Public

Notarial Seal

My Commission expires:



SALOMON V BAGDADI
Commission # GG 245377
Expires August 5, 2022
Bonded Thru Budget Notary Services

[Signature and Acknowledgment Page to Amendment to Assignment of Leases and Rents]
[Signatures Continue on Next Page]

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EXHIBIT A

Legal Description

First Floor:

PARCEL 1:

THAT PART OF LOTS 1 AND 2 IN HAYES AND SHELBY'S SUBDIVISION OF BLOCK 30 IN CARPENTER'S ADDITION TO CHICAGO IN SECTION 8, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PROPERTY AND SPACE CONTAINED WITHIN AND BETWEEN THAT CERTAIN HORIZONTAL PLANE LOCATED 17.14 FEET ABOVE CHICAGO CITY DATUM AND THAT CERTAIN OTHER HORIZONTAL PLANE LOCATED 30.91 FEET ABOVE CHICAGO CITY DATUM, LYING WITHIN THE BOUNDARIES PROJECTED VERTICALLY OF THAT PART OF LOTS 1 AND 2 IN HAYES AND SHELBY'S SUBDIVISION OF BLOCK 30 IN CARPENTER'S ADDITION TO CHICAGO IN SECTION 8, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2, BEING ALSO THE NORTHWEST CORNER OF A SIX STORY BRICK BUILDING COMMONLY KNOWN AS 1101-09 WEST LAKE STREET IN CHICAGO; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 2, BEING ALSO ALONG THE EXTERIOR FACE OF SAID BUILDING, A DISTANCE OF 1.80 FEET; THENCE SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 2.09 FEET TO A POINT ON THE VERTICAL LINE OF INTERSECTION OF THE INTERIOR FACES OF TWO WALLS OF SAID BUILDING, BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE ALONG THE INTERIOR FACES OF THE WALLS OF THE ENCLOSED SPACE DESCRIBED HEREIN, THE FOLLOWING COURSES AND DISTANCES: EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 50.96 FEET; SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 12.39 FEET; EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 7.47 FEET; SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 14.63 FEET; EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 6.97 FEET; NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 18.48 FEET; WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 5.28 FEET; NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 6.76 FEET; EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 37.53 FEET; SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 51.92 FEET; WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 19.14 FEET TO A BEND IN THE WALL; NORTHWESTERLY ALONG A LINE MAKING AN ANGLE OF 169 DEGREES 44 MINUTES 08 SECONDS MEASURED COUNTER-CLOCKWISE, EAST TO NORTHWESTERLY FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 13.72; NORTH ALONG A LINE MAKING AN ANGLE OF 100 DEGREES 15 MINUTES 52 SECONDS MEASURED COUNTER CLOCKWISE, SOUTHEASTERLY TO NORTH FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 15.04 FEET; EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 0.41 FEET; NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 3.90 FEET; WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 7.00 FEET; SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 47.00 FEET; WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 18.92 FEET; SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 18.20 FEET; WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 0.52 FEET; NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 1.80 FEET; WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 1.40 FEET; SOUTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 1.05 FEET; WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 12.50 FEET; NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 2.61 FEET; WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 25.08 FEET; NORTH AT RIGHT ANGLES TO THE LAST

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DESCRIBED COURSE, A DISTANCE OF 31.62 FEET; EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 3.85 FEET; NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 5.13 FEET; WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 3.85 FEET; NORTH AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 57.40 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

NON-EXCLUSIVE EASEMENT APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS AS CONTAINED IN AND CREATED BY DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS DATED JANUARY 27, 2006 AND RECORDED FEBRUARY 1, 2006 AS DOCUMENT 0603232130 AS AMENDED BY THE FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED MAY 6, 2015 AS DOCUMENT NO. 1512616075 AND AS FURTHER AMENDED BY SECOND AMENDMENT RECORDED NOVEMBER 1, 2018 AS DOCUMENT NO. 1830545052_OVER, ON, ACROSS AND THROUGH THE CONDOMINIUM PROPERTY, AS DEFINED THEREIN.

PARCEL 3:

THE EXCLUSIVE RIGHT TO THE USE OF G-2 AND G-3, LIMITED COMMON ELEMENTS AS DELINEATED ON THE SURVEY ATTACHED TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED FEBRUARY 1, 2006 AS DOCUMENT 0603232130, AS AMENDED BY THE FIRST AMENDMENT RECORDED MAY 6, 2015 AS DOCUMENT 1512616075, AND THE SECOND AMENDMENT RECORDED NOVEMBER 1, 2018 AS DOCUMENT 1830545052.

FOR INFORMATIONAL PURPOSES ONLY:

THE ADDRESS OF THE PROPERTY IS: 101 W. LAKE STREET, FIRST FLOOR, CHICAGO, ILLINOIS 60607

PERMANENT INDEX NUMBER: 17 08 428 025

Second Floor:

Parcel 1:

Unit 2 in the 1101 West Lake Street Condominium, as shown on that certain ALTA/ACSM Land Title Survey, dated January 27, 2006, prepared by Professionals Associated Survey, Inc., and being a portion of that certain parcel known as Lots 1 and 2 in Hayes and Shelby's Subdivision of Block 30 in Carpenter's Addition to Chicago in Section 8, Township 39 North Range 14, East of the Third Principal Meridian in Cook County, Illinois;

Which survey is attached as Exhibit "B" to the Amended and Restated Declaration of Condominium recorded February 1, 2006 as document number 0603232127, and as further amended from time to time, which amends and restates the Declaration of Condominium recorded January 18, 2004 as document 0401644052, together with their undivided percentage interest in the common elements.

Parcel 2:

The exclusive right to the use of G-14 and G-15, limited common elements as delineated on the survey attached to the Declaration of Covenants, Conditions, Restrictions and Easements recorded February 1, 2006 as document 0603232130, as amended by the First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements recorded May 6, 2015 as document 1512616075, and second amendment recorded November 1, 2018 as document 1830545052.

Parcel 3:

Non-exclusive easements for the benefit of Parcel 1 as set forth in the Declaration of Covenants, Conditions, Restrictions and Easements recorded February 1, 2006 as document 0603232130, as amended by the First Amendment to the Declaration of Covenants, Conditions, Restrictions and

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Easements recorded May 6, 2015 as document 1512616075, and second amendment recorded November 1, 2018 as document 1830545052, for support, utilities, encroachments, and ingress and egress.

For informational purposes only:

Address: 1101 W. Lake Street, Unit 2, Chicago, Illinois 60607

Permanent index number: 17 08 428 026 1002

Floors 4 and 6:

Parcel 1:

Units 4 and 6 in the 1101 West Lake Street Condominium, as shown on that certain ALTA/ACSM Land Title Survey, dated January 27, 2006, prepared by Professionals Associated Survey, Inc., and being a portion of that certain parcel known as Lots 1 and 2 in Hayes and Shelby's Subdivision of Block 30 in Carpenter's Addition to Chicago in Section 8, Township 39 North Range 14, East of the Third Principal Meridian in Cook County, Illinois;

Which survey is attached as Exhibit "B" to the Amended and Restated Declaration of Condominium recorded February 1, 2006 as document number 0603232127, and as further amended from time to time, which amends and restates the Declaration of Condominium recorded January 18, 2004 as document 0401644052, together with their undivided percentage interest in the common elements.

Parcel 2:

The exclusive right to the use of G-1, G-12, G-16 and G-17, limited common elements as delineated on the survey attached to the Declaration of Covenants, Conditions, Restrictions and Easements recorded February 1, 2006 as document 0603232130, as amended by the First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements recorded May 6, 2015 as document 1512616075 and second amendment recorded November 1, 2018 as document 1830545052.

Parcel 3:

Non-exclusive easements for the benefit of Parcel 1 as set forth in the Declaration of Covenants, Conditions, Restrictions and Easements recorded February 1, 2006 as document 0603232130, as amended by the First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements recorded May 6, 2015 as document 1512616075, and second amendment recorded November 1, 2018 as document 1830545052, for support, utilities, encroachments and ingress and egress.

For informational purposes only:

Address: 1101 West Lake Street, Units 4 and 6, Chicago, Illinois 60607

Permanent index numbers: 17 08 428 026 1004 and 17 08 426 026 1006