

UNOFFICIAL COPY



\*2200310026\*

Doc# 2200310026 Fee \$102.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 01/03/2022 10:57 AM PG: 1 OF 8

Prepared By and Return To:

Justin S. Perry  
Access Point Financial, LLC  
One Ravinia Drive, 9th Floor  
Atlanta, GA 30346

Cross Reference To: Doc No. 2116745044

Cook County, IL Land Records

**AFTER RECORDING, PLEASE RETURN TO:**

Fidelity National Title Group  
7130 Glen Forest Dr., Ste. 300  
Richmond, VA 23226

Attn:

**ABSOLUTE ASSIGNMENT AND ASSUMPTION OF NOTE AND LIENS**

FOR VALUE RECEIVED, ACCESS POINT FINANCIAL, LLC, a Delaware limited liability company ("Assignor"), effective as of the 27<sup>th</sup> day of August, 2021, hereby assigns and transfers to APF - CS, LLC, a Delaware limited liability company ("Assignee") having its principal office at 1 Ravinia Drive, Suite 900, Atlanta, Georgia 30346, and the Assignee's successors and assigns, without recourse, warranty or representation express or implied, the undersigned's interest in and to the following documents related to a loan made on or about June 15, 2021 by Assignor to MDG HIMP CHICAGO OWNER LLC, a Illinois limited liability company (the "Borrower"), in the original amount of \$34,740,000.00 (the "Loan"), evidenced by a Promissory Note in the amount of the Loan (the "Note");

(a) Leasehold Mortgage, Absolute Assignment of Leases, Rents and Profits, Security Agreement and Fixture Filing dated June 15, 2021 in the Cook County, Illinois real property records as Document Number 2116745044, executed by Borrower in favor of Assignor to secure the repayment of the Note and the other obligations described therein, together with any amendments thereto, if any; and

(b) such other agreements, documents and instruments now or hereafter executed by Assignor, Borrower, or other persons or entities for the benefit of the holder of the Note in connection with the Loan (all such agreements, documents and instruments are referred to collectively as the "Loan Documents").

TO HAVE AND TO HOLD the Loan Documents unto the Assignee, its successors and assigns forever.

In consideration of the transfer of the Loan Documents from Assignor to Assignee, Assignee hereby assumes all of the obligations of Assignor under the Loan Documents that accrue on or after the date of this Assignment.

Assignor represents and warrants to Assignee that Assignor is the owner and holder of the Loan Documents assigned hereby and that Assignor has full right to make this Assignment and to vest in Assignee the interests assigned hereby. Except for the warranties in the preceding sentence, Assignor has not made and does not hereby make any representation or warranty to Assignee regarding the Loan Documents.

Concurrently herewith, Assignor agrees to endorse the Note to Assignee, or (if necessary) to sign an Allonge to be attached to the Note, as follows: "Pay to the order of APF - CS, LLC, a Delaware

36192585

S N  
P 8  
S YI  
SC      
INTEK

# UNOFFICIAL COPY

limited liability company, without recourse, warranty or representation." Assignor further agrees to deliver to Assignee the original of each of the Loan Documents.

[SIGNATURES ON FOLLOWING PAGE]

RECEIVED DEC 08 2021

Property of Cook County Clerk's Office

COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387

COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387

COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387

# UNOFFICIAL COPY

IN WITNESS WHEREOF, this instrument has been executed under seal on the day and year first above written.

**"ASSIGNOR":**

ACCESS POINT FINANCIAL, LLC, a Delaware limited liability company

By: John Patton (SEAL)  
Name: John Patton  
Title: Chief Financial Officer

STATE OF Georgia )  
COUNTY OF Fulton )

I, Rhonda Loerzel, a notary public in said county and state, certify that John Patton personally came before me this day and acknowledged that he is the Chief Financial Officer of Access Point Financial, LLC, a Delaware limited liability company, and that by authority given and as the act of said company, acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal in office this 23 day of August, 2021.

Rhonda Loerzel  
Notary Public

My Commission Expires: 09.07.2024



(Signatures continued on following page)

Property of APF County Clerk's Office

# UNOFFICIAL COPY

(Signatures continued from previous page)

“ASSIGNEE”:

APF-CS, LLC, a Delaware limited liability company

By: John Patton (SEAL)  
Name: John Patton  
Title: Chief Financial Officer

STATE OF Georgia  
COUNTY OF Fulton

I, Wanda Weir, a notary public in said county and state, certify that John Patton personally came before me this day and acknowledged that he is the Chief Financial Officer of APF-CS, LLC, a Delaware limited liability company, and that by authority given and as the act of said company, acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal at office this 23 day of August, 2021.

[Signature]  
Notary Public

My Commission Expires: 09.07.2024



**UNOFFICIAL COPY****EXHIBIT "A"**

(Legal Description)

**PARCEL A:**

LEASEHOLD ESTATE CREATED BY THE LEASE EXECUTED BY 350 NORTH ORLEANS, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, SUCCESSOR IN INTEREST TO LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 1, 1967, AND KNOWN AS TRUST NUMBER 36223 (LESSOR) TO CHICAGO TITLE LAND TRUST COMPANY, SUCCESSOR TRUSTEE TO LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 11, 1973 AND KNOWN AS TRUST NUMBER 46644 (LESSEE), A MEMORANDUM OF WHICH LEASE WAS DATED FEBRUARY 14, 1974 AND RECORDED JUNE 21, 1974, AS DOCUMENT NUMBER 22759596 IN THE OFFICE OF THE COOK COUNTY RECORDER, AS RESTATED BY RESTATEMENT OF LEASE DATED FEBRUARY 15, 1974 AND RECORDED SEPTEMBER 2, 1976 AS DOCUMENT 23622017 IN THE OFFICE OF THE COOK COUNTY RECORDER, AND LAST AMENDED BY FIRST CUMULATIVE AMENDMENT TO RESTATEMENT OF LEASE DATED NOVEMBER 1, 2004 AND RECORDED DECEMBER 14, 2004 AS DOCUMENT NUMBER 0434939065 IN THE OFFICE OF THE COOK COUNTY RECORDER, AND BY THE SECOND AMENDMENT TO RESTATEMENT OF LEASE DATED MAY 20, 2009 AND RECORDED MAY 20, 2009 AS DOCUMENT NUMBER 0914034088 IN THE OFFICE OF THE COOK COUNTY RECORDER, AND THE THIRD AMENDMENT TO RESTATEMENT OF LEASE A MEMORANDUM OF WHICH DATED June 14, 2021, RECORDED June 16, 2021 AS DOCUMENT NUMBER 2116745042 IN THE OFFICE OF THE COOK COUNTY RECORDER AND THE ASSIGNMENT AND ASSUMPTION OF LEASE DATED June 14, 2021, RECORDED June 16, 2021 AS DOCUMENT NUMBER 2116745038 IN THE OFFICE OF THE COOK COUNTY RECORDER (COLLECTIVELY, THE "LEASE"), WHICH LEASE DEMISES THE FOLLOWING DESCRIBED LAND:

LOTS 5 THROUGH 15, BOTH INCLUSIVE IN WOLF POINT, BEING A RESUBDIVISION OF LOTS AND PARTS OF LOTS, IN BLOCKS 6, 7, 14 AND 15, IN ORIGINAL TOWN OF CHICAGO, TOGETHER WITH PARTS OF VACATED STREETS AND ALLEYS AND ADJOINING LANDS, ALL IN SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CHICAGO, COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 24, 1975 WITH THE COOK COUNTY RECORDER OF DEEDS AS DOCUMENT NUMBER 23335160.

NOTWITHSTANDING ANY OF THE ABOVE, LANDLORD SPECIFICALLY EXCEPTS FROM THE LEASED PROPERTY AND RESERVES TO ITSELF THE FOLLOWING:

1) AREAS TO BE LOCATED BY THE ARCHITECTS, NOT TO EXCEED A TOTAL OF 50 SQUARE FEET, EXTENDING FROM THE LANDLORD'S BUILDING TO THE ROOF OF EITHER THE 18TH OR 23RD FLOOR LEVELS FOR THE INSTALLATION OF TOILET EXHAUST DUCTS, A.C., REFRIGERANT PIPING, ELECTRICAL SERVICE, KITCHEN

# UNOFFICIAL COPY

EXHAUST DUCTS AND OTHER FACILITIES ALONG WITH THE RIGHT OF ACCESS TO INSPECT, MAINTAIN AND REPAIR THE SAME;

AND

2) AREAS TO BE LOCATED BY THE ARCHITECTS WITHIN THE CEILING SPACE OF THE 14TH AND 15TH FLOORS FOR THE HORIZONTAL TRANSFER OF TOILET EXHAUST DUCTS, A.C. REFRIGERANT PIPING, ELECTRICAL SERVICE, KITCHEN EXHAUST DUCTS AND OTHER FACILITIES ALONG WITH THE RIGHT OF ACCESS TO INSPECT, MAINTAIN AND REPAIR THE SAME.

## PARCEL B:

EASEMENT FOR THE BENEFIT OF PARCEL A AS CREATED BY PARKING RIGHTS EASEMENT AGREEMENT DATED APRIL 1, 1998 AND RECORDED APRIL 9, 1998 AS DOCUMENT NO. 93284711 IN THE OFFICE OF THE COOK COUNTY RECORDER, AS AMENDED BY FIRST AMENDMENT TO PARKING RIGHTS EASEMENT AGREEMENT DATED NOVEMBER 1, 2004 AND RECORDED DECEMBER 14, 2004 AS DOCUMENT NO. 0434939063 IN THE OFFICE OF THE COOK COUNTY RECORDER, AND AS FURTHER AMENDED, TO USE 100 PARKING SPACES LOCATED IN THE MOTOR VEHICLE PARKING FACILITY BUILT ON PART OF LOTS 1 AND 5 OF WOLF POINT II SUBDIVISION OF LOT 16 IN WOLF POINT RESUBDIVISION AND INGRESS AND EGRESS RELATED TO SUCH PARKING, ALL IN ACCORDANCE WITH THE TERMS SPECIFIED IN THE AFORESAID LEASE, AS AMENDED, AND THAT AGREEMENT REGARDING PARKING DATED DECEMBER 31, 2018 AND RECORDED JANUARY 11, 2019 AS DOCUMENT NUMBER 1901122028 IN THE OFFICE OF THE COOK COUNTY RECORDER.

## PARCEL C:

EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL A AND CREATED BY LEASE DATED FEBRUARY 14, 1974 AND RECORDED JUNE 21, 1974, AS DOCUMENT 22759596 IN THE OFFICE OF THE COOK COUNTY RECORDER, AS RESTATED BY RESTATEMENT OF LEASE DATED FEBRUARY 15, 1974 AND RECORDED SEPTEMBER 2, 1976 AS DOCUMENT 23622017 IN THE OFFICE OF THE COOK COUNTY RECORDER, AND LAST AMENDED BY FIRST CUMULATIVE AMENDMENT TO RESTATEMENT OF LEASE DATED NOVEMBER 1, 2004 AND RECORDED DECEMBER 14, 2004 AS DOCUMENT NUMBER 0434939065 IN THE OFFICE OF THE COOK COUNTY RECORDER, AND BY THE SECOND AMENDMENT TO RESTATEMENT OF LEASE DATED MAY 20, 2009 AND RECORDED MAY 20, 2009 AS DOCUMENT NUMBER 0914034088 IN THE OFFICE OF THE COOK COUNTY RECORDER, FROM 350 NORTH ORLEANS, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, SUCCESSOR IN INTEREST TO LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 1, 1967 AND KNOWN AS TRUST NUMBER 36223 TO CHICAGO TITLE LAND TRUST COMPANY, SUCCESSOR TRUSTEE TO LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 11, 1973 AND KNOWN AS TRUST NUMBER 46644 AND WITH RESPECT TO

**UNOFFICIAL COPY**

THE PARKING AND ACCESS PROVISIONS NOTED AS 5 AND 6 BELOW, THAT AGREEMENT REGARDING PARKING DATED DECEMBER 31, 2018 AND RECORDED JANUARY 11, 2019 AS DOCUMENT NUMBER 1901122028 IN THE OFFICE OF THE COOK COUNTY RECORDER, AS FOLLOWS:

1) THE RIGHT TO OCCUPY IN LANDLORD'S BUILDING THAT SPACE NECESSARY, IN ACCORDANCE WITH THE PLANS, FOR ALL ELECTRICAL, PLUMBING AND MECHANICAL RISERS (THE TERM "RISERS" INCLUDES ALL PIPES, DUCTS, CONDUITS, VALVES AND SIMILAR ITEMS) FOR THE SYSTEMS FOR MAKING AVAILABLE TO THE LEASED PROPERTY:

- A. WATER
- B. SANITARY AND STORM WATER DISPOSAL
- C. HEATING, VENTILATING, AIR CONDITIONING
- D. TELEPHONE AND ELECTRICAL SERVICE
- E. FIRE PROTECTION

(THESE SYSTEMS ARE COLLECTIVELY REFERRED TO AS THE "LIFE SUPPORT SYSTEM")

2) A RIGHT OF SUPPORT FROM ALL CAISSONS, FOUNDATIONS, COLUMNS AND BEAMS SHOWN ON THE PLANS AND LOCATED IN LANDLORD'S BUILDINGS FOR THE HOTEL STRUCTURE.

3) THE RIGHT TO USE AND OBTAIN THE BENEFITS FROM THE FOLLOWING FACILITIES LOCATED WITHIN OR ABOUT LANDLORD'S BUILDING IN THE MANNER CONTEMPLATED BY THE PLANS DESCRIBED IN THE LEASE:

A. THE RIVER WATER PUMPING ROOM DESIGNATED IN THE PLANS AS ROOM S2-10 ALONG WITH THE PIPING SYSTEM CONNECTING SAID PUMP ROOM WITH THE MECHANICAL ROOM DESIGNATED AS ROOM S2-11 (IT BEING UNDERSTOOD THAT TWO PUMPS SERVING THE LEASED PROPERTY AND OWNED BY TENANT SHALL BE LOCATED IN SAID PUMP ROOM).

B. THE RECEIVING AREA SERVING THE LOADING DOCKS DESCRIBED IN PARCEL "D" IN THE PLANS ATTACHED TO THE LEASE.

C. THE MECHANICAL ROOM DESIGNATED IN THE PLANS AS ROOM S2-11.

D. THE EMERGENCY GENERATOR ROOM DESIGNATED IN THE PLANS AS ROOM S2-12.

E. THE COMMONWEALTH EDISON TRANSFORMER AND SWITCH GEAR ROOM DESIGNATED AS ROOM S2-11 IN THE PLANS.

F. THE SYSTEM OF PIPES CONNECTING LANDLORD'S BUILDING TO THE SANITARY SEWER LOCATED IN STREET ADJACENT TO THE LAND.

UNOFFICIAL COPY

G. THE SYSTEM OF PIPES CONNECTING LANDLORD'S BUILDING TO THE RIVER FOR STORM WATER DISPOSAL.

H. THE PIPES, PUMPING SYSTEM, TANK, VALVES AND CONTROLS CONNECTING THE MUNICIPAL WATER MAINS TO THE SYSTEM SERVING THE LEASE PROPERTY.

4) THE RIGHT OF ACCESS TO ALL PORTIONS OF THE LEASED PROPERTY AND EASEMENTS AND APPURTENANCES THERETO ABOVE DESCRIBED FOR THE USE, INSPECTION, REPAIR, MAINTENANCE AND REPLACEMENT OF TENANT'S FACILITIES.

5) THE RIGHT OF ACCESS UPON AND OVER LANDLORD'S BUILDING AND THE LAND FOR INGRESS AND EGRESS FROM ALL PORTIONS OF THE LEASE PROPERTY AND THE APPURTENANCES THERETO ABOVE DESCRIBED.

PINS:

- 17-09-400-020
- 17-09-400-021
- 17-09-400-022
- 17-09-400-023
- 17-09-400-024
- 17-09-400-025
- 17-09-400-026
- 17-09-400-027
- 17-09-400-028
- 17-09-400-029
- 17-09-400-030

Street Address: 350 North Orleans Street  
Chicago, Illinois 60651

**This Instrument is being filed as an accomodation only. It has not been examined as to its execution, insurability or affect on title.**

Property of Cook County Clerk's Office