

UNOFFICIAL COPY

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THIRD SUPPLEMENT TO INDENTURE OF MORTGAGE AND DEED OF TRUST, dated as of October 28, 1987 (herein called this Supplement), between ZAYRE THIRD REALTY CORP. (herein called the Company), a Delaware corporation, having an address at 770 Cochituate Road, Framingham, Massachusetts 01701, and SHAWMUT BANK, N.A., as trustee (herein, together with its successors and assigns as such trustee, called the Trustee), having its corporate trust office at One Federal Street, Boston, Massachusetts 02211, and MAX GOLDSMITH (as successor individual trustee to W.B. Wadland), as individual trustee, (herein called the Individual Trustee), having an address at c/o Shawmut Bank, N.A., One Federal Street, Boston, Massachusetts 02211, as trustees (herein, together with all separate trustees and co-trustees appointed as provided in Section 8.6 of the Original Indenture as hereinafter defined, collectively called the Trustees).

PRELIMINARY STATEMENT

This Supplement amends and supplements the Indenture of Mortgage and Deed of Trust dated as of December 15, 1969, as amended by the Supplement to Indenture of Mortgage and Deed of Trust dated as of December 15, 1970 and the Second Supplement to Indenture of Mortgage and Deed of Trust dated as of October 1, 1985 (together herein called the Original Indenture), from the Company to the Trustees, duly recorded in the office of the Illinois Recorder of Deeds for Cook County (the Original Indenture, as amended and supplemented by this Supplement, being herein called the Indenture) covering the land described in Schedule A attached thereto, together with the improvements constructed thereon (said land and improvements being herein collectively called the Property).

The Company proposes to amend and supplement the Original Indenture in order to confirm the prepayment provisions with respect to the Series C

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2025/10/24

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of Cook, Illinois, this 24th day of October, 2025.

CLERK OF COOK COUNTY

Property of Cook County Clerk's Office

2025/10/24

This document is a true and correct copy of the original as filed in the office of the Clerk of Cook County, Illinois, on this 24th day of October, 2025.

CLERK OF COOK COUNTY

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Improvement Notes as set forth in the Commitment Letters dated August 23, 1985 among Zayre Corp., Krambo Corporation and each of the Holders of the Improvement Notes. The Company is duly authorized under all applicable provisions of law to execute and deliver this Supplement and to do such other things as are hereinafter set forth, and all action required by law and all corporate action on its part required therefor have been duly taken.

ARTICLE I

Amendments

The Company and the Trustees hereby agree that the Original Indenture shall be amended and supplemented as follows:

A new paragraph will be added at the end of Section 6.2 of the Original Indenture as follows:

The Company may, at its option, prepay in full or in part (but if in part, in an amount equal to at least \$100,000 of any one date) the then outstanding Series C Improvement Notes on or after January 1, 1996, at a price equal to 100% of the principal amount thereof to be prepaid, plus accrued and unpaid interest thereon to the date fixed for prepayment, together with a premium equal to the respective percentages of the principal amount of Series C Improvement Notes to be prepaid during the annual periods commencing with the first day of January in each of the years specified below:

<u>Year</u>	<u>Percentage</u>
1996	4.0
1997	3.0
1998	2.0
1999	1.0
2000	0

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The undersigned, Clerk of the Court, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Court.

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Year	Amount
1996	0.00
1997	0.00
1998	0.00
1999	0.00
2000	0.00

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ARTICLE II

Supplement

This Supplement is expressly made supplemental to and a part of the Original Indenture.

ARTICLE III

Miscellaneous

Section 5.1. Counterparts. This Supplement may be executed in any number of counterparts and each thereof shall be deemed to be an original; and all such counterparts shall constitute but one and the same instrument.

Section 5.2. Headings. The headings of the various Articles, Sections and Schedules herein have been inserted for convenient reference only and shall not to any extent have the effect of modifying or amending the express terms and provisions of this Supplement.

ARTICLE IV

Incorporated Schedule

The following is Schedule A referred to in this Supplement.

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SECTION 1

SECTION 2

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SECTION 3

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3 1 2 3 4 5 6

SCHEDULE A

PROPERTY DESCRIPTION

- A. THAT PART OF THE WEST 2/3 OF THE SOUTH WEST 1/4 OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 33 FEET OF SAID SOUTH WEST 1/4 (SAID EAST LINE ALSO BEING THE EAST LINE OF CENTRAL AVENUE) WITH THE SOUTH LINE OF THE NORTH 33 OF SAID SOUTH WEST 1/4 (SAID SOUTH LINE ALSO BEING THE SOUTH LINE OF 115TH STREET); THENCE EAST ALONG THE SOUTH LINE OF 115TH STREET, 1537.18 FEET TO AN INTERSECTION WITH A LINE WHICH IS 200 FEET, MEASURED PERPENDICULARLY, WEST FROM AND PARALLEL WITH THE EAST LINE OF THE SAID WEST 2/3 OF THE SOUTH WEST 1/4; THENCE SOUTH ON LAST DESCRIBED LINE A DISTANCE OF 1217.79 FEET: THENCE NORTHWESTERLY ON A CURVE CONVEX TO THE NORTH EAST, HAVING A RADIUS OF 420 FEET AND AN ARC DISTANCE OF 529.45 FEET TO A POINT WHICH IS 959 FEET SOUTH FROM NORTH LINE OF SAID SOUTH WEST 1/4, AND 599.85 FEET, MEASURED PARALLEL WITH SAID NORTH LINE OF THE SOUTH WEST 1/4, WEST FROM THE EAST LINE OF SAID WEST 2/3 OF THE SOUTH WEST 1/4; THENCE WEST ALONG A LINE WHICH IS 959 FEET SOUTH FROM AND PARALLEL WITH NORTH LINE OF SAID SOUTH WEST 1/4, (SAID PARALLEL LINE BEING TANGENT TO EAST DESCRIBED CURVE), A DISTANCE OF 1137.53 FEET TO A POINT ON THE EAST LINE OF CENTRAL AVENUE: THENCE NORTH ON THE EAST LINE OF CENTRAL AVENUE, A DISTANCE OF 926 FEET TO THE POINT OF BEGINNING, (EXCEPTING THOSE PARTS THEREOF TAKEN AND USED FOR 115th STREET AND CENTRAL AVENUE) IN COOK COUNTY, ILLINOIS.

85012356

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A. L. BROWN

REGISTERED, VICTORIA

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 1st day of January, 1900.

Attest my hand and seal, this 1st day of January, 1900.

Notary Public for the Province of British Columbia.

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B. THAT PART OF THE LAND FALLING IN THE NORTH 393 FEET OF THE SOUTH WEST 1/4 OF SECTION 21 AFORESAID AND ALSO THAT PART OF THE LAND LYING NORTHEASTERLY OF A CURVED LINE, HAVING A RADIUS OF 420 FEET, COMMENCING AT A POINT ON THE EAST LINE OF THE LAND, A DISTANCE OF 684.79 FEET SOUTH OF THE NORTH LINE OF SAID SOUTH WEST 1/4 OF SECTION 21 AND RUNS NORTHWESTERLY ALONG AFORESAID CURVED LINE A DISTANCE OF 529.44 FEET TO A POINT ON SAID SOUTH LINE OF THE NORTH 393 FEET OF THE SOUTH WEST 1/4 SECTION 21.

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2007 10 15 6

IN WITNESS WHEREOF, ZAYRE THIRD REALTY CORP. has caused this Supplement to be signed in its corporate name and its corporate seal to be hereunto affixed and attested by its officers thereunto duly authorized and SHAWMUT BANK, N.A., in token of its acceptance of the trusts created hereunder, has caused this Supplement to be signed in its corporate name and its corporate seal to be hereunto duly authorized, and MAX GOLDSMITH, in token of his acceptance of the trusts created hereunder, has hereunto set his hand and seal, all as of the day and year first above written.

Attest:

By: _____

Secretary

ZAYRE THIRD REALTY CORP.

By: _____

President

By: _____

Vice-President

[Seal]

Attest:

By: _____

Trust Officer

SHAWMUT BANK, N.A.,
as Trustee

By: _____

Trust Officer

MAX GOLDSMITH,
Individual Trustee

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IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of Cook, Illinois, this 1st day of January, 1900.

Property of Cook County Clerk's Office

CLERK OF COUNTY

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20043356

IN WITNESS WHEREOF, ZAYRE THIRD REALTY CORP. has caused this Supplement to be signed in its corporate name and its corporate seal to be hereunto affixed and attested by its officers thereunto duly authorized and SHAMNUT BANK, N.A., in token of its acceptance of the trusts created hereunder, has caused this Supplement to be signed in its corporate name and its corporate seal to be hereunto duly authorized, and MAX GOLDSMITH, in token of his acceptance of the trusts created hereunder, has hereunto set his hand and seal, all as of the day and year first above written.

ZAYRE THIRD REALTY CORP.

Attest:

By: _____
Secretary

By: _____
Vice President

By: _____
Treasurer

[Seal]

SHAMNUT BANK, N.A.,
as Trustee

Attest:

By: Lee J. MacDonald
Trust Officer

By: [Signature]
Trust Officer

MAX GOLDSMITH,
Individual Trustee

[Signature]

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IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of Cook, Illinois, at Chicago, Illinois, this 1st day of January, 1902.

CLERK OF THE COUNTY OF COOK, ILLINOIS

Property of Cook County Clerk's Office



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COMMONWEALTH OF MASSACHUSETTS)
) to wit:
COUNTY OF MIDDLESEX)

Before me, Shella M. Lieberman, Notary Public
of the state and ^{for} county aforesaid, personally appeared
Maurice Small & George Freeman, with whom I am
personally acquainted, and who, upon oath, acknowledged ^{themselves} himself
to be the President & Vice President
of the Zayre Third Realty Corporation, the within named
bargainor, a corporation, and that they as such President &
Vice President, being authorized to do so,
executed the foregoing instrument for the purpose therein
contained, by signing the name of the corporation by ^{themselves} himself
as President & Vice President.

Witness my hand and seal, at office in _____
Birmingham, MA, this 9th day of December
1987.

My commission expires the 30th day of April,
1993.

Shella M. Lieberman
Notary Public
My Commission Expires April 30, 1993

Shella M. Lieberman
Notary Public

REC-00000000

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COMMISSIONERS OF MASSACHUSETTS

1900

STATE OF MASSACHUSETTS

IN SENATE,
January 10, 1900.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE,
IN ANSWER TO A RESOLUTION PASSED BY THE SENATE
MAY 10, 1899, RELATIVE TO THE LANDS BELONGING TO
THE COMMONWEALTH.

ALBANY: PRINTED BY THE STATE PRINTING OFFICE,
1899.

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RECEIVED
JAN 11 1900

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COMMONWEALTH OF MASSACHUSETTS

1910

COUNTY OF []

Before me, []

and county officials, personally

appeared []

and personally appeared []

to be the []

of []

and that []

being authorized to do so, executed the foregoing instrument

and the purpose therein contained, by signing the same.

Witness my hand and seal of office

at []

this [] day of []

19[]

My commission expires the [] day



Property of Cook County Clerk's Office

1910

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2 0 0 1 8 3 5 6

COMMONWEALTH OF MASSACHUSETTS)

COUNTY OF Suffolk)

to wit:

Before me, Mary P. O'Heir of

the state and county aforesaid, personally

appeared Max Goldsmith, with whom I am

personally acquainted, and who, upon oath, acknowledged himself

to be the same person whose name is subscribed to the foregoing

instrument and that he executed the same for the purpose

therein contained.

DEPT-91 RECORDING \$21.00

T#2222 TRAN 1177 01/29/88 19:47:00

#3417 # B * -88-043856

DESK COUNTY RECORDER

Witness my hand and seal, at office

in Boston, Massachusetts, this 27th day

of January, 1988.

My commission expires the 20th day

of March



Mary P. O'Heir
Notary Public

88043856

21 Mail

[Faint illegible stamp]

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COMMONWEALTH OF MASSACHUSETTS

IN THE

COUNTY OF []

Before me, []

the above and county address, personally

appeared []

personally acknowledged, and who, upon oath, acknowledged []

to be the same person whose name is subscribed to the []

instrument, and that he executed the same for the purposes

expressly contained.

Witness my hand and seal of office

this [] day of []

19[]

My commission expires the [] day



[]

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