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299 re:23674.734.03.GM

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LINCOLNWOOD ASSOCIATES, as Mortgagor

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to

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CHEMICAL BANK, as Mortgagee

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DEPT-01 RECORDING \$20.00

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AMENDMENT TO MORTGAGE

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(Fee) T#2222 TRAM 8749 08/28/89 14:51:00

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COOK COUNTY RECORDER

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Dated: As of August 9, 1989

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Location: Cook County
Lincolnwood, Illinois

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RECORD AND RETURN TO:

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Battle Fowler
280 Park Avenue
New York, New York 10017

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Attention: Dean A. Stiffle, Esq.

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This Amendment to Mortgage was prepared by:

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Dean A. Stiffle, Esq.
Battle Fowler
280 Park Avenue
New York, New York 10017

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Box 15
CLM

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AMENDMENT TO MORTGAGE

(Fee)

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23 THIS AMENDMENT TO MORTGAGE made as of the 9th day of August,
24 1989, by and between LINCOLNWOOD ASSOCIATES, an Illinois general
25 partnership having an office c/o Melvin Simon & Associates, Inc.,
26 Merchants Plaza-15 South, P.O. Box 7033, Indianapolis, Indiana
27 (hereinafter referred to as Mortgagor), and CHEMICAL BANK, a New
28 York banking corporation having an office at 277 Park Avenue, New
29 York, New York (hereinafter referred to as Mortgagee),
30

W I T N E S S E T H:

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33
34 WHEREAS Mortgagee has previously made a loan in the principal sum of
35 \$5,750,000 (hereinafter referred to as the Loan) to Mortgagor, which Loan is
36 (i) evidenced by a certain Mortgage Note dated as of September 21, 1988 in the
37 principal sum of \$5,750,000 given by Mortgagor to Mortgagee, (ii) secured by a
38 certain Mortgage dated as of September 21, 1988 (hereinafter referred to as the
39 Mortgage), which Mortgage covers the fee estate of Mortgagor in the Premises,
40 and which Mortgage was recorded on September 26, 1988 in the Office of the
41 Recorder of Deeds of Cook County, Illinois as Document No. 88440937, and
42 (iii) being advanced pursuant to the terms and provisions of a certain Building
43 Loan Agreement dated as of September 21, 1988 entered into between Mortgagor and
44 Mortgagee;
45

46 WHEREAS Mortgagor and Mortgagee desire to amend the Mortgage for the
47 purpose of inserting additional language thereto;
48

49 NOW, THEREFORE, for good and valuable consideration, the receipt of
50 which is hereby acknowledged, Mortgagor and Mortgagee hereby agree as follows:
51

52 1. The Mortgage is hereby modified and amended by the addition of the
53 following language to the end of clause (q) on page 13 of the Mortgage:
54

55 ", or if a default shall occur and be continuing beyond any
56 applicable grace and cure period under that certain Mortgage
57 dated as of September 21, 1988 in the principal sum of
58 \$71,750,000 given by Mortgagor to Mortgagee, which Mortgage
59 was recorded on September 26, 1988 in the Office of the
60 Recorder of Deeds of Cook County, Illinois as Document
61 No. 88440937, which Mortgage was amended and increased to
62 secure the principal sum of \$78,450,000 by a certain Amend-
63 ment of Mortgage Note, Mortgage, Building Loan Agreement and
64 Other Loan Documents dated as of August 9, 1989"
65

66
67 2. Mortgagor acknowledges and agrees that there are no offsets,
68 defenses or counterclaims of any nature whatsoever with respect to the Mortgage,
69 as modified and amended pursuant to the provisions of this Amendment to
70 Mortgage, or to the payment of the indebtedness evidenced and secured thereby.
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72 3. Mortgagor agrees that all of the terms, covenants and conditions
73 of the Mortgage shall, except as expressly modified and amended pursuant to the
74 provisions of this Amendment to Mortgage, remain in full force and effect.

75
76 4. This Amendment to Mortgage may not be modified, amended or termi-
77 nated, except by an agreement in writing signed by the parties hereto.

78
79 5. This Amendment to Mortgage shall be binding upon and inure to the
80 benefits of the parties hereto and their respective successors and assigns.

81
82 6. This Amendment to Mortgage may be executed in one or more counter-
83 parts by some or all of the parties hereto, each of which counterparts shall be
84 an original and all of which together shall constitute a single Amendment to
85 Mortgage. The failure of any party listed below to execute this Amendment to
86 Mortgage, or any counterpart hereof, shall not relieve the other signatories
87 from their obligations hereunder.

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Property of Cook County Clerk's Office

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89 IN WITNESS WHEREOF, Mortgagor and Mortgagee have duly executed this
90 Amendment of Mortgage as of the day and year first above written.

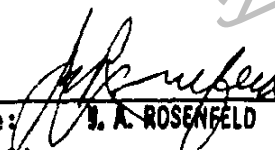
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LINCOLNWOOD ASSOCIATES

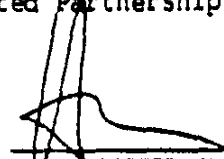
By: Simon Lincolnwood Developers
Limited Partnership, an Indiana
limited partnership, and a
general partner of Mortgagor

By: Simon-Lincolnwood, Inc.
an Indiana corporation,
and a general partner of
Simon Lincolnwood Developers
Limited Partnership

ATTEST

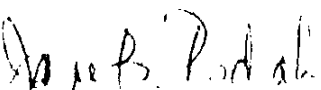

Name: H. A. ROSENFELD
Title: ASSISTANT SECRETARY

By:



Name: HERBERT SIMON
Title: PRESIDENT

By: J.S.B. Corp., an Illinois
corporation, and a general
partner of Mortgagor

ATTEST

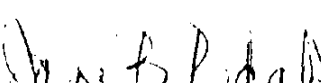

Name: JANE B. RODAK
Title: SECT.

By:



Name: JOSEPH S. BEULE
Title: PRES.

By: Hawthorn Lincolnwood Limited Partnership,
an Illinois limited partnership and
a general partner of Mortgagor

ATTEST:


Name: JANE B. RODAK
Title: SECT.

By:

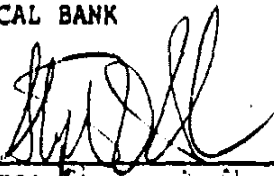

Name: JOSEPH S. BEULE
Title: PRES.

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CHEMICAL BANK

By: 
Name: Stephen D. Flavin
Title: Vice President

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142 STATE OF INDIANA)

143 : ss.:

144 COUNTY OF MARION)

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I, Debra K. Burns, a Notary Public in and for said County, in the State aforesaid, do hereby certify that HERBERT SIMON, personally known to me to be the PRESIDENT, of SIMON LINCOLNWOOD, INC., an Indiana corporation, duly licensed to transact business in the State of Indiana and the State of Illinois, which corporation is a general partner of SIMON LINCOLNWOOD DEVELOPERS LIMITED PARTNERSHIP, an Illinois limited partnership, which limited partnership is a general partner of LINCOLNWOOD ASSOCIATES, an Illinois general partnership, and J. A. ROSENFELD, personally known to me to be the ASSISTANT SECRETARY of said corporation and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the said instrument as PRESIDENT and ASSISTANT SECRETARY of said corporation, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 11th day of August, 1989.

Debra K Burns
Notary Public

DEBRA K BURNS, Notary Public
Co. of Residence: Marion
My Commission Expires June 14, 1992

My Commission Expires:

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171 STATE OF ILLINOIS)
172) ss.:
173 COUNTY OF COOK)

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I, DONNA SHOMER, a Notary Public in and for said County, in
177 the State aforesaid, do hereby certify that JOSEPH S. BENUA, personally
178 known to me to be the PRESIDENT, of J.S.B. CORP., an Illinois corporation,
179 duly licensed to transact business in the State of Illinois, which corporation
180 is a general partner of LINCOLNWOOD ASSOCIATES, an Illinois general partnership,
181 and JANE B RODNIK, personally known to me to be the SECRETARY of
182 said corporation and personally known to me to be the same persons whose names
183 are subscribed to the foregoing instrument, appeared before me this day in per-
184 son and severally acknowledged that they signed and delivered the said instru-
185 ment as PRESIDENT and SECRETARY of said corporation, pursuant to
186 authority given by the Board of Directors of said corporation, as their free and
187 voluntary act and as the free and voluntary act and deed of said corporation,
188 for the uses and purposes therein set forth.

189

190 GIVEN under my hand and Notarial Seal this 21st day of August, 1989.

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196 My Commission Expires:

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Cook County Clerk's Office

Donna Shomer
Notary Public

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199 STATE OF (ILLINOIS))
200) S.S.:
201 COUNTY OF COOK)
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203

204 I, DONNA SHOMER, a Notary Public in and for said County, in
205 the State aforesaid, do hereby certify that JOSEPH S. BEALE, personally
206 known to me to be the PRESIDENT, of J.S.B. CORP., an Illinois corporation,
207 duly licensed to transact business in the State of Illinois, which corporation
208 is a general partner of HAWTHORN LINCOLNWOOD LIMITED PARTNERSHIP, an Illinois
209 limited partnership, which limited partnership is a general partner of
210 LINCOLNWOOD ASSOCIATES, an Illinois general partnership, and
211 JANE D. ISBARE, personally known to me to be the SECRETARY of said
212 corporation and personally known to me to be the same persons whose names are
213 subscribed to the foregoing instrument, appeared before me this day in person
214 and severally acknowledged that they signed and delivered the said instrument as
215 PRESIDENT and SECRETARY of said corporation, pursuant to authority
216 given by the Board of Directors of said corporation, as their free and voluntary
217 act and as the free and voluntary act and deed of said corporation, for the uses
218 and purposes therein set forth.

219
220 GIVEN under my hand and Notarial Seal this 21st day of August, 1989

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222 Donna Shomer
223 _____
224 Notary Public
225
225

226 My Commission Expires:
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228 STATE OF NEW YORK)
229 : ss. :
230 COUNTY OF NEW YORK)

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234 I Roberta Rizzardi, a Notary Public in and for said County, in the
235 State aforesaid, do hereby certify that Stephen D. Plavin, personally known to
236 me to be the Vice President of CHEMICAL BANK, a New York banking corporation,
237 duly licensed to transact business in the State of Illinois, and personally
238 known to me to be the same person whose name is subscribed to the foregoing
239 instrument, appeared before me this day in person and acknowledged that he
240 signed and delivered the said instrument as Vice President of said corporation,
242 pursuant to authority given by the Board of Directors of said corporation, as
243 his free and voluntary act and as the free and voluntary act and deed of said
244 corporation, for the uses and purposes therein set forth.

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GIVEN under my hand and Notarial Seal this 23rd day of August, 1989.

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Handwritten signature of Roberta Rizzardi
Notary Public

252 My Commission Expires:

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ROBERTA RIZZARDI
Notary Public, State of New York
No. 4856323
Qualified in Nassau County
Commission Expires May 19, 1990

PROPERTY OF COOK COUNTY CLERK'S OFFICE

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EXHIBIT A

(Description of Premises)

All those certain lots, pieces or parcels of land, with the buildings and improvements erected thereon, situate, lying and being situated in Cook County, Illinois, and described as follows:

A tract of land in the North Half of Section 35, Township 41 North, Range 13 East of the Third Principal Meridian, bounded and described as follows: Beginning at the intersection of the West line of the East 660 feet of the Northeast Quarter of said Section 35 and the South line of the North Half of the South Half of the Northeast Quarter of said Section 35; thence South $88^{\circ}10'50''$ West 1936.18 feet along last said South line; thence North $0^{\circ}15'49''$ West 855.50 feet along a line 37 feet East of and parallel to the West line of the North Half of the Southwest Quarter of the Northeast Quarter of said Section 35; thence North $53^{\circ}43'44''$ East 288.18 feet; thence North $50^{\circ}26'12''$ East 405.00 feet; thence South $39^{\circ}33'49''$ East 99.72 feet; thence due South 248.96 feet; thence due East 262.00 feet; thence due South 95.00 feet; thence South $89^{\circ}55'36''$ East 587.00 feet; thence South $44^{\circ}55'36''$ West 21.21 feet; thence South $0^{\circ}04'24''$ East 5.00 feet to a point of curve; thence Southeasterly on a curve convex to the Southwest having a radius of 190.00 feet, an arc distance of 152.02 feet, and a chord bearing of South $22^{\circ}59'42''$ East to a point of tangent; thence South $45^{\circ}55'$ East 68.00 feet to a point of curve; thence Southeasterly on a curve convex to the Southwest having a radius of 190.00 feet, an arc distance of 142.81 feet, and a chord bearing of South $72^{\circ}59'25''$ East to a point of tangent; thence North $89^{\circ}56'11''$ East 230.00 feet; thence South $0^{\circ}03'49''$ East 100.00 feet; thence South $45^{\circ}01'55''$ East 42.45 feet to a point on the West line of the East 660 feet also being the West line of McCormick Blvd.; thence South $0^{\circ}03'49''$ East along last said West line 418.00 feet to the place of beginning, all in Cook County, Illinois.

*PTN: 10-35-201-002
10-35-201-006
10-35-200-022 = part of property and other property
10-35-200-006
10-35-200-007
10-35-200-008
10-35-200-009
10-35-200-010
10-35-200-014
10-35-200-017
10-35-200-019*

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