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FOURTH AMENDMENT TO MORTGAGE

This Fourth Amendment to Mortgage dated as of this 19th day of July, 1989, is made by and between AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally, but as Trustee under Trust Agreement dated March 1, 1988 known as Trust No. 104887-08 ("Mortgagor") and MAUD-CLYBOURN PROJECT LIMITED PARTNERSHIP, an Illinois limited partnership ("Beneficiary"), to and for the benefit of Exchange National Bank of Chicago, a national banking association ("Mortgagee").

RECITALS:

A. Pursuant to a certain Mortgage and Assignment of Leases and Rents (the "Original Mortgage") dated April 27, 1987 made by American National Bank and Trust Company of Chicago, as Trustee under Trust Agreement dated April 23, 1987 and known as Trust No. 102309-02 and recorded in the Office of the Cook County, Illinois Recorder of Deeds (the "Recorder") as Document No. 87-238308 and filed in the Office of the Cook County, Illinois Registrar of Titles (the "Registrar") as Document No. 3613593, as amended by (i) a First Amendment to Mortgage dated as of March 25, 1988 made by Mortgagor and Beneficiary and recorded in the Office of the Recorder as Document No. 88-143653 and filed in the Office of the Registrar as Document No. 3699189, (ii) a Mortgage Amendment and Cross-Collateralization Agreement dated as of March 25, 1988 made by Mortgagor, Beneficiary and others and recorded in the Office of the Recorder as Document No. 88-143654 and filed in the Office of the Registrar as Document No. 3699190, and (iii) a Second Amendment to Mortgage Note and Third Amendment to Mortgage dated as of June 24, 1988 made by Mortgagor and Beneficiary and recorded in the Office of the Recorder as Document No. 88-408042 and filed in the Office of the Registrar as Document No. 3737438, (the Original Mortgage, as so amended, is hereinafter referred to as the "Mortgage"), Mortgagor granted to Mortgagee a first mortgage and security interest in certain real estate legally described in Exhibit "A" attached to the Mortgage. By reason of certain partial releases granted by Mortgagee to Mortgagor, the Mortgage presently encumbers the real estate legally described in Exhibit "A" attached to this Fourth Amendment (the "Real Estate").

B. Mortgagor desires to submit all or certain portions of the Real Estate to the provisions of the Illinois Condominium Property Act (the "Act").

C. In order to confirm that the Mortgagee is entitled to exercise certain rights and remedies of Mortgagor and Beneficiary under the applicable documents submitting the Real Estate to the provisions of the Act, Mortgagor and Beneficiary desire to enter into this Fourth Amendment.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Mortgagor and Beneficiary hereby agree as follows:

1. The following is hereby added after the first full paragraph on page 2 of the Original Mortgage:

"Mortgagor and Beneficiary hereby mortgage, pledge and assign to Mortgagee, its successors and assigns, as additional security for the obligations of Mortgagor to Mortgagee described above, all rights now or hereafter reserved by Mortgagor, Beneficiary or their respective successors and assigns, as to declarant or developer

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under any declaration of condominium ownership and any amendment to supplement thereto pursuant to which all or any portion of the real estate legally described in Exhibit A attached to this Mortgage, as amended from time to time, is now or hereafter submitted to the Illinois Condominium Property Act."

2. Except to the extent provided herein, the Mortgage shall remain in full force and effect in accordance with its terms.

3. This instrument is executed by American National Bank & Trust Company of Chicago, not personally, but solely as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee, and it is expressly understood and agreed that nothing contained in this Fourth Amendment shall be construed as creating any liability on said Trustee to personally perform any express or implied covenant, condition or obligation under this Fourth Amendment, all such liability, if any, being expressly waived by every person or entity now or hereafter claiming any right, title or interest under this Fourth Amendment.

IN WITNESS WHEREOF, Mortgagor and Beneficiary have caused this Fourth Amendment to be executed as of the date first above written.

AMERICAN NATIONAL BANK AND TRUST  
COMPANY OF CHICAGO, not personally,  
but as Trustee as aforesaid

By: 

Title: Second Vice President

Attest: 

Title: ASSISTANT SECRETARY

MAUD-CLYBOURN PROJECT LIMITED  
PARTNERSHIP, an Illinois limited  
partnership

By: 

STEPHEN R. BALLIS,  
general partner

By: 

JOHN L. KUHN,  
general partner

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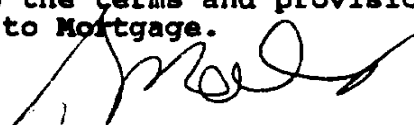
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## CONSENTS

The undersigned, being Guarantors of the Note secured by the Mortgage, hereby consent to the terms and provisions of the foregoing Fourth Amendment to Mortgage.

  
STEPHEN R. BALLIS

  
JOHN L. KUHN

The undersigned, being a Co-maker of the Note secured by the Mortgage, hereby consents to the terms and provisions of the foregoing Fourth Amendment to Mortgage.

DAYTON RESOURCES, LTD., an  
Illinois corporation

By: 

Title: \_\_\_\_\_

Attest: 

Title: \_\_\_\_\_

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11-11-11

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STATE OF ILLINOIS     )  
                              )  
COUNT OF COOK        )     SS

I, E. M. SOVIENSKI, a Notary Public in and for and residing in said County and State aforesaid, DO HEREBY CERTIFY that P. JOHANSEN and Claire Rosati Feley of American National Bank and Trust Company of Chicago (the "Bank"), personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Second Vice President and ASSISTANT SECRETARY, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of the Bank; and the said ASSISTANT SECRETARY acknowledged that as custodian of the seal of the Bank, (s)he did affix said corporate seal to said instrument as his/her own free and voluntary act and as the free and voluntary act of the Bank for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal, this \_\_\_\_\_ day of JUL 20 1989, 1989.

E. M. Sovieniski  
Notary Public

My commission expires:



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10/10/10



# UNOFFICIAL COPY

STATE OF ILLINOIS )

COUNT OF C O O K )

SS

I, \_\_\_\_\_, a Notary Public in and for and residing in said County and State aforesaid, DO HEREBY CERTIFY that Stephen R. Ballis and John L. Kuhn, individually and as the general partners of Maud-Clybourn Project Limited Partnership, an Illinois limited partnership, 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 acknowledged that they signed and delivered said instrument as their own free and voluntary act and as the free and voluntary act of said partnership for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 20<sup>th</sup> day of July, 1989.

Susan B. Shore  
Notary Public

My Commission Expires:

10/21/91



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STATE OF ILLINOIS     )  
                              )     SS  
COUNT OF C O O K     )

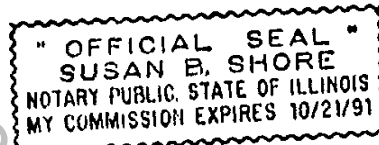
I, \_\_\_\_\_, a Notary Public in and for and residing in said County and State aforesaid, DO HEREBY CERTIFY that S. R. Bell and J. L. Kuhn, the hus and wf, respectively, of Dayton Resources, Ltd., an Illinois corporation, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered said instrument as their own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 20<sup>th</sup> day of July, 1989.

Susan B. Shore  
Notary Public

My Commission Expires:

10/21/91



REC'D-91 RECORDING 08/30/89 17:25  
COOK COUNTY RECORDER

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11-21-11

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## EXHIBIT A

PARCEL 1:

17 32-400-065 ALL G 00

LOTS 3 AND 4 IN THE SUBDIVISION OF LOTS 66 AND 67 IN CHARLES H. HAPGOOD'S SUBDIVISION OF LOT 1 AND PART OF LOT 2 IN BLOCK 9 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE WEST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

C 00

Parcel 2:

14-32-400-019 10769 14-32-400-021 10771  
14-32-400-018 10768 14-32-400-020 10770

LOTS 68 THROUGH 71 (EXCEPT THE EASTERLY 6 FEET OF LOT 71), BOTH INCLUSIVE, IN CHARLES H. HAPGOOD'S SUBDIVISION OF LOT 1 AND PART OF LOT 2 IN BLOCK 9 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE WEST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

14-32-401-030 10747- 14-32-401-029 10748

PARCEL 3:

14-32-401-032 10745- 14-32-401-031 10746  
14-32-401-027 10750- 14-32-401-028 10749

LOTS 43 THROUGH 51, BOTH INCLUSIVE, IN CHARLES H. HAPGOOD'S SUBDIVISION OF LOT 1 AND PART OF LOT 2 IN BLOCK 9 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE WEST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

14-32-401-026 10751- C 10 0

PARCEL 4:

LOTS 93 THROUGH 99, BOTH INCLUSIVE, IN THE SUBDIVISION OF LOT 3 AND PART OF LOT 2 IN BLOCK 9 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE WEST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

PARCEL 5:

LOTS 52 THROUGH 65, BOTH INCLUSIVE, IN CHARLES H. HAPGOOD'S SUBDIVISION OF LOT 1 AND PART OF LOT 2 IN BLOCK 9 IN SHEFFIELD'S ADDITION TO CHICAGO IN THE WEST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

14-32-401-025 10752

14-32-401-033- 10793

14-32-401-024 10753

14-32-401-034 10794

14-32-401-023 10754

14-32-401-035 10795

14-32-401-048 10755

14-32-401-036 10796

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Code # 600

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Shreebory, Kenna and Specter  
180 N. LaSalle  
Suite 2700  
Chicago, IL 60601