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FIRST AMENDMENT TO MORTGAGE

This First Amendment to Mortgage made as of the 21 day of September, 1989, by and between Affiliated Bank/DuPage, an Illinois banking corporation (the "Bank") and Richard Portillo and Sharon Portillo, husband and wife, (the "Mortgagors"):

WHEREAS, Mortgagors executed a mortgage dated as of December 15, 1988 known as Document No. 88579153 (the "Mortgage") on certain property in the Village of Elk Grove, Illinois, which Mortgage secures a note of even date therewith in the principal amount of \$1,100,000.00 and a guaranty of a note executed by Portillo's Hot Dogs, Inc. of even date therewith in the principal amount of \$600,000.00; and

WHEREAS, the Mortgagors have requested the Bank to increase its commitment to lend funds for certain existing projects, and has requested additional funds for certain new projects; and

WHEREAS, the Bank is willing to increase its existing commitments and grant additional loans, based upon the terms and conditions in that certain Loan Agreement dated as of December 2, 1988 by and between the Bank, Richard Portillo and Sharon Portillo, Portillo's Hot Dogs, Inc., a Delaware corporation, Portillo's Food Service, Inc., an Illinois corporation, and Barney's Bar-B-Q, Inc., an Illinois corporation (the "Loan

This document prepared by:

Martin Salzman
Schwartz, Cooper, Kolb &
Gaynor, Chartered
Two First National Plaza
Suite 1100
Chicago, Illinois 60603

P.I.N. 08-34-203-016
08-34-203-022
08-34-203-023
Elk Grove Village, IL

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IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of Cook, Illinois, this 15th day of January, 1900.

CLERK OF COOK COUNTY

BY _____

Property of Cook County Clerk's Office

1. That the said Board of Supervisors do hereby certify that the same has been duly adopted and passed by a majority vote of the Board of Supervisors at a regular meeting of the Board of Supervisors held on the 15th day of January, 1900, at Chicago, Illinois, and that the same is a true and correct copy of the original as the same appears in the records of the Board of Supervisors.

2. That the said Board of Supervisors do hereby certify that the same has been duly adopted and passed by a majority vote of the Board of Supervisors at a regular meeting of the Board of Supervisors held on the 15th day of January, 1900, at Chicago, Illinois, and that the same is a true and correct copy of the original as the same appears in the records of the Board of Supervisors.

3. That the said Board of Supervisors do hereby certify that the same has been duly adopted and passed by a majority vote of the Board of Supervisors at a regular meeting of the Board of Supervisors held on the 15th day of January, 1900, at Chicago, Illinois, and that the same is a true and correct copy of the original as the same appears in the records of the Board of Supervisors.

4. That the said Board of Supervisors do hereby certify that the same has been duly adopted and passed by a majority vote of the Board of Supervisors at a regular meeting of the Board of Supervisors held on the 15th day of January, 1900, at Chicago, Illinois, and that the same is a true and correct copy of the original as the same appears in the records of the Board of Supervisors.

5. That the said Board of Supervisors do hereby certify that the same has been duly adopted and passed by a majority vote of the Board of Supervisors at a regular meeting of the Board of Supervisors held on the 15th day of January, 1900, at Chicago, Illinois, and that the same is a true and correct copy of the original as the same appears in the records of the Board of Supervisors.

6. That the said Board of Supervisors do hereby certify that the same has been duly adopted and passed by a majority vote of the Board of Supervisors at a regular meeting of the Board of Supervisors held on the 15th day of January, 1900, at Chicago, Illinois, and that the same is a true and correct copy of the original as the same appears in the records of the Board of Supervisors.

7. That the said Board of Supervisors do hereby certify that the same has been duly adopted and passed by a majority vote of the Board of Supervisors at a regular meeting of the Board of Supervisors held on the 15th day of January, 1900, at Chicago, Illinois, and that the same is a true and correct copy of the original as the same appears in the records of the Board of Supervisors.

8. That the said Board of Supervisors do hereby certify that the same has been duly adopted and passed by a majority vote of the Board of Supervisors at a regular meeting of the Board of Supervisors held on the 15th day of January, 1900, at Chicago, Illinois, and that the same is a true and correct copy of the original as the same appears in the records of the Board of Supervisors.

9. That the said Board of Supervisors do hereby certify that the same has been duly adopted and passed by a majority vote of the Board of Supervisors at a regular meeting of the Board of Supervisors held on the 15th day of January, 1900, at Chicago, Illinois, and that the same is a true and correct copy of the original as the same appears in the records of the Board of Supervisors.

10. That the said Board of Supervisors do hereby certify that the same has been duly adopted and passed by a majority vote of the Board of Supervisors at a regular meeting of the Board of Supervisors held on the 15th day of January, 1900, at Chicago, Illinois, and that the same is a true and correct copy of the original as the same appears in the records of the Board of Supervisors.

RECORDED

THIS INSTRUMENT IS FILED FOR RECORD

1900

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portillo's Food Service, Inc.; amount of Six Hundred Thousand Dollars (\$600,000.00) made by (f) The Note dated November 15, 1988 in the principal

by portillo's Hot Dogs, Inc. amount of Five Hundred Thousand Dollars (\$500,000.00) made (e) The Note dated November 7, 1988 in the principal

by portillo's Hot Dogs, Inc.; amount of Three Hundred Thousand Dollars (\$300,000.00) made (d) The Note dated June 1, 1987 in the principal

(\$1,400,000.00) made by portillo's Hot Dogs, Inc.; amount of One Million Four Hundred Thousand Dollars

(c) The Note dated June 1, 1987 in the principal Dollars (\$1,222,000.00) made by portillo's Hot Dogs, Inc.; amount of One Million Two Hundred Twenty-Two Thousand

(b) The Note dated March 10, 1986 in the principal (\$1,450,000.00) made by portillo's Hot Dogs, Inc.;

amount of One Million Four Hundred Fifty Thousand Dollars (a) The Note dated March 10, 1986 in the principal

following: 1. The Mortgage is hereby amended to secure all of the

herein, it is hereby agreed as follows: receipt and sufficiency of which is acknowledged by the parties herein contained and other good and valuable consideration, the

NOW, THEREFORE, in consideration of the mutual promises

parties;

Agreement dated of even date herewith, by and between the same

Agreement", and upon that certain First Amendment to Loan

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PROPERTY OF COOK COUNTY CLERK'S OFFICE

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(1) THE STATE OF ILLINOIS, COUNTY OF COOK

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(2) THE STATE OF ILLINOIS, COUNTY OF COOK

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(3) THE STATE OF ILLINOIS, COUNTY OF COOK

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(4) THE STATE OF ILLINOIS, COUNTY OF COOK

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(5) THE STATE OF ILLINOIS, COUNTY OF COOK

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(g) The Note dated November 15, 1988 in the principal amount of Seven Hundred Sixty-Two Thousand Dollars (\$762,000) made by Richard Portillo and Sharon Portillo;

(h) The Note dated December 15, 1988 in the principal amount of Six Hundred Thousand Dollars (\$600,000.00) made by Portillo's Hot Dogs, Inc., which Note was increased to One Million Dollars (\$1,000,000.00) by that certain Amended and Restated Secured Promissory Note of even date herewith;

(i) The Note dated December 15, 1988 in the principal amount of One Million One Hundred Thousand Dollars (1,100,000.00) made by Richard Portillo and Sharon Portillo;

(j) The Note dated January 15, 1989 in the principal amount of Three Million Seven Hundred Thousand Dollars (\$3,700,000.00) made by Portillo's Hot Dogs, Inc., which Note has been increased to Four Million Five Hundred Thousand Dollars (\$4,500,000.00) by that certain Amended and Restated Promissory Note of even date herewith;

(k) A note in the principal amount of Two Million Dollars (\$2,000,000.00) to be executed pursuant to the Bank's commitment to advance such funds;

(l) A note in the principal amount of Two Hundred Thousand Dollars (\$200,000.00) to be executed pursuant to the Bank's commitment to advance such funds;

(m) A note in the principal amount of One Million Six Hundred Thousand Dollars (\$1,600,000.00) to be executed pursuant to the Bank's commitment to advance such funds;

(n) A note dated August 4, 1989 in the principal amount of Six Hundred Thousand Dollars (\$600,000.00);

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beginning of 1988 (at the end of 1987) (2)

and the amount of the deficit for 1988 is estimated

to be \$1,000,000,000 (1,000,000,000)

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beginning of 1988 (at the end of 1987) (2)

and the amount of the deficit for 1988 is estimated

ENCLOSURE

Property of Cook County Clerk's Office

(o) A Letter of Credit issued to Carlyle Real Estate Limited Partnership-XV in the amount of One Hundred Nine Thousand Five Hundred Dollars (\$109,500.00);

(p) A Letter of Credit issued to the Village of Schaumburg in the amount of Two Hundred Ninety-Six Thousand Two Hundred Ninety-Seven Dollars (\$296,297.00);

(q) A Letter of Credit issued to the Village of Rolling Meadows in the amount of Five Thousand Dollars (\$5,000.00); and

(r) All other amounts advanced to Mortgagors under the Loan Agreement or otherwise, but the total of such amounts shall at no time exceed Sixteen Million Four Hundred Thousand Dollars (\$16,400,000.00).

2. In consideration of the Bank's increased commitments under the Loan Agreement as amended by the First Amendment to Loan Agreement, and to secure the performance of the covenants and agreements herein and in the Mortgage amended by this First Amendment to Mortgage and in the Notes described in Paragraph 1 hereto, Mortgagors do by these presents MORTGAGE, GRANT, REMISE, RELEASE, ALIEN, and CONVEY unto the Bank, its successors and assigns, the real estate legally described in Exhibit A attached hereto and made a part hereof.

3. All other terms and conditions of the Mortgage shall remain in full force and effect as if the same were contained herein.

4. All representations and warranties contained in the Mortgage were true on the date of the Mortgage, and are true as of the date hereof.

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IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first written above.

AFFILIATED BANK/DuPage

By: George C. Mathis
Title: V.P.

Richard Portillo
Richard Portillo

Sharon Portillo
Sharon Portillo

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8/20/2014

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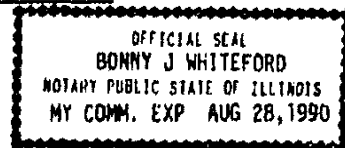
STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

I, Bonny J. Whiteford, a Notary Public in and for said county, in the state aforesaid, DO HEREBY CERTIFY, that Richard J. Portillo and Sharon Portillo, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument ~~as such~~, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act for the uses and purposes therein set forth.

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

Bonny J. Whiteford
NOTARY PUBLIC
August 28, 1990

My commission expires



STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

I, Patricia Caccavella, a Notary Public in and for said county, in the state aforesaid, DO HEREBY CERTIFY, that George C. Motter of Affiliated Bank/DuPage, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Bank President, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 20th day of October, 1989.

Patricia Caccavella
NOTARY PUBLIC

89502303

My commission expires

1-13-93



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COOK COUNTY CLERK'S OFFICE

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01/17/2013

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EXHIBIT A

Legal Description

PARCEL 1:

Lot 290 in Centex Industrial Park Unit Number 170, being a Subdivision in the North 1/2 of Section 34, Township 41 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

PARCEL 2:

The South 10 feet of Lot 346 and all of Lot 347 in Centex Industrial Park Unit Number 170, being a Subdivision in the North 1/2 of Section 34, Township 41 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

Common address of property: 1500 Busse Highway, Elk Grove Village, Illinois.

P.I.N.: 08-34-203-010
08-34-203-022
08-34-203-023

DEPT-01 RECORDING 417.00
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COOK COUNTY RECORDER

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10/10/08