91010560

MODIFICATION OF JUNIOR MORTGAGE

THIS MODIFICATION OF JUNIOR MORTGAGE ("Modified Junior Mortgage") is entered into as of the Joseph day of January, 1991, by and between AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally but as Trustee under Trust Agreement dated December 18, 1990 and known as Trust No. 113162-05 ("Trustee"), THE HASSINGER COMPANIES, INC., an Illinois corporation, the sole beneficiary of Trustee ("Beneficiary") (Trustee and Beneficiary are collectively, the "Mortgagor") and LUTHERAN GENERAL HEALTH CARE SYSTEM, an Illinois not-for-profit corporation ("Mortgagee").

DEPT-01 RECORDING

91019563

N910107/N950597 1480

WITNESSETH:

T+3333 TRAN 3220 01/11/91 16:23:00 +5663 + C #-91-019563 CODK COUNTY RECORDER

WHEREAS, pursuant to that certain Agreement of Purchase and Sale dated August 3, 1990 ("Purchase Agreement") by and between Beneficiary and Mortgagee, Beneficiary executed and delivered to Mortgagee that certain Junior Note dated September 13, 1990, in the original principal amount of up to FOUR MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$4,575,000.00) ("Junior Note"), secured by that certain Junior Mortgage dated September 13, 1990, made by Beneficiary to Mortgagee, recorded with the Recorder of Deeds of Cook County, Illinois on September 14, 1990 as Document No. 90-449668 and filed with the Registrar of Titles on September 14, 1990 as Document No. LR 3911662 ("Junior Mortgage") encumbering that certain property legally described on Exhibit A attached to the Mortgage "Property"); and

WHEREAS, Beneficiary, Mc.tgagee and certain other parties have entered into that certain Settlement Agreement dated January /c , 1991 ("Settlement Agreement"), pursuant to the terms of which Beneficiary has conveyed the Property to Trustee and granted Mortgagee a collateral assignment of beneficial interest in Trustee; and

WHEREAS, pursuant to the Settlement Agreement, the parties have agreed to modify the Junior Mortgage in the manner detailed below:

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Mortgagor and Mortgagee hereby agree as follows:

The Mortgage is hereby modified to add the following language:

Mortgagor hereby waives any equitable or statutory right of redemption or reconveyance it may have under applicable law with respect to the Property.

- 2. The Junior Mortgage is hereby further modified so that any reference in the Junior Mortgage to the "Junior Mortgage" shall mean and include this Modified Junior Mortgage.
- Mortgagor covenants and agrees that the representations, warranties, consents, waivers, covenants, terms and conditions of the Junior Mortgage are incorporated herein by reference and affirmed and restated as of this date and shall, as hereby modified, in all respects remain in full force and effect, and nothing herein shall affect or impair the priority established by the Junior Mortgage, as modified, or any rights and powers which the Mortgagee may have for the recovery of said indebtedness under the Junior Mortgage, as modified.

UNOFFICIAL COPY: 6 3

- 4. Except as hereby modified, all terms and provisions of the Junior Mortgage shall remain in full force and effect, and this Modified Junior Mortgage shall bind and inure to the benefit of the successors and assigns of the parties hereto.
- 5. This Modified Junior Mortgage is executed by AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally but 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 by the Mortgagee herein and by every person now or hereafter claiming any right or security hereunder that nothing contained herein shall be construed as creating any liability on Mortgagor personally to pay the Junior Note, or any interest that may accrue thereon, on any Note, or any interest that may accrue thereon, on any indebtedness accruing hereunder or to perform any covenants either express or implied herein contained, all such liability, if any, being expressly waived with respect to said Mortgagor; but nothing in the preceding portion of this Paragraph 5 shall limit Mortgages's right of recovery on the Junior Note and Modified Junior Not tgage against and out of the Property hereby conveyed by enforcement of the provisions hereof and of said Junior Note, nor in any way limit or affect the personal liability of any cosioner, endorser or guarantor of the Junior Note or Junior Mortgage.

IN WITNESS WHEREOF, the undersigned have caused this Modified Junior Mortgage to be executed as of the day, month and year first above written.

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

ATTEST:

Name: Title:

Name

Name ?

THE HASSINGER COMPANIES, INC., Illinois not-for-profit corporation

ATTEST:

By: Wille Im

Name: Vill Title: See Ву:

Name: Nommer

Title: Premoti

UNOFFICIAL, COPY 5 5 3

STATE OF ILLINOIS SS COUNTY OF COOK DEBRA L. WHITE , a Notary Public in and for aforesaid, DO HEREBY State in N Second Vice President Of AMERICAN TRUST COMPANY OF CHICAGO, a national banking ASSISTANT NATIONAL BANK AND T ABSISTANT Secretary of said association, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such <u>Becond Vice</u> President and <u>Assertant</u> Secretary, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their cwn free and voluntary act and as the free and voluntary act of said association as Trustee under that certain Trust Agreement lated December 18, 1990 and known as Trust No. 113162-05, not personally but as Trustee aforesaid.

JAN 1 0 1991 Given under my hand and Notarial Seal this day of January, 1991. ELBER My Commission Expires OFFICIAL SEAL Debra L. White County Clark's Office

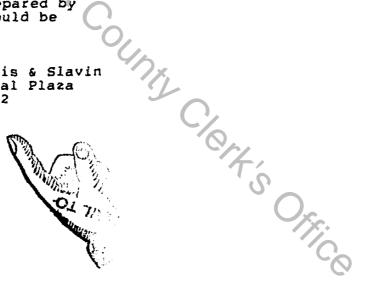
95CYOY

UNOFFICIAL COPYS & 3

STATE OF ILLINOIS SS COUNTY OF COOK , a Notary Public in and for said County, Norman aforesaid, HEREBY CERTIFY state DO President of THE HASSINGER and William Mn Illinois COMPANIES. an corporation Secretary of said are personally known to be the same persons corporation, who whose names are subscribed to the foregoing instrument Secretary, respectively, 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 said President and corporation. Given under my hand and Notarial Seal this 19th day of January, 1991. "OFFICIAL SEAL" THERESA A. OLIS Notary Julic. State of Charge My Commercion Expires 3/12/94 13- , 19<u>94</u> My Commission Expires:

This instrument was prepared by and after recording should be mailed to:

Sara L. Hays, Esq. Coffield Ungaretti Harris & Slavin 3500 Three First National Plaza Chicago, Illinois 60602



UNOFFICIAL COPY 3

EXHIBIT "A"

PARCEL 1:

LOT "A" OF BLOCK 30 IN CANAL TRUSTEE'S SUBDIVISION OF THE NORTH 1/2 AND THE NORTH 1/2 OF THE SOUTH EAST 1/4 AND THE EAST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN BY THE PLAT RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS, IN BOOK 20 OF PLATS AT PAGE 6, AS DOCUMENT NUMBER 616674, IN COOK COUNTY, ILLINOIS, INCLUDING IN SAID LOT "A" THE NORTHEASTERLY HALF OF THE PRIVATE ALLEY SHOWN ON SAID PLAT OF LOT "A" ALONG A SOUTHERLY LINE OF SAID LOT "A" AND THE NORTHEASTERLY AND SOUTHWESTERLY PRIVATE ALLEY ALONG A NORTHWESTERLY LINE OF SAID LOT "A".

PARCEL 2:

LOTS 1 AND 2 IN THE RESUBDIVISION OF LOTS 5, 6, 7 AND 8 IN LOEB'S SUBDIVISION OF THE EAST HALF OF THE WEST HALF OF LOT 1 AND THE WEST HALF OF LOT 2 0) BLOCK 30 OF CANAL TRUSTEE'S SUBDIVISION AFORESAID IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

LOT 4 (EXCEPT THE SOUTH 6 INCHES THEREOF) IN THE SUBDIVISION OF BLOCK 30 IN CANAL TRUSTEE'S SUBDIVISION AFORESAID IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 1287 OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THAT PORTION OF LOTS 3, 4, 5 AND 6 IN JOHN HORN'S SUBDIVISION OF LOT 5 IN THE SUBDIVISION OF BLOCK 30 IN CAMAL TRUSTEE'S SUBDIVISION AFORESAID IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH EAST CORNER OF LOT 4 AFORESAID; THENCE WEST 115 1/2 FEET ON THE NORTH LINE OF SAID LOT 4; THENCE SOUTH TO A POINT ON THE SOUTH LINE OF LOT 3, 115 1/2 FEET WEST OF THE SOUTH EAST CORNER OF LOT 6 AFORESAID; THENCE SAST TO THE SOUTH EAST CORNER OF LOT 6, AND THENCE NORTH TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

LOTS 1 AND 2 IN OWNER'S DIVISION OF PART OF ORIGINAL LOT . AND PARTS OF LOTS 1 TO 6 IN JOHN HORN'S SUBDIVISION OF LOT 5 IN BLOCK 30 OF CANAL TRUSTEE'S SUBDIVISION AFORESAID IN PART OF SECTION 33. TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN GEHRKE'S SUBDIVISION OF LOT 6 IN THE SUBDIVISION OF BLOCK 30 IN CANAL TRUSTEE'S SUBDIVISION AFORESAID IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 7:

THE EAST 24 FEET OF THAT PART OF LOT 1 IN BLOCK 30 IN CANAL TRUSTEE'S SUBDIVISION IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 19.8 FEET NORTH OF THE SOUTH LINE AND 150 FEET EAST OF THE WEST LINE OF SAID LOT 1; THENCE NORTH 19.8 FEET TO THE NORTH LINE OF SAID LOT; THENCE WEST TO THE NORTH WEST CORNER THEREOF; THENCE SOUTHEASTERLY TO THE SOUTH WEST CORNER THEREOF; THENCE EAST TO A POINT IN THE SOUTH LINE OF SAID LOT WHICH IS 19.8 FEET SOUTH OF THE POINT OF BEGINNING; THENCE NORTH TO A POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

9101056

UNOFFICIAL COPY: 3 3

PARCEL 8:

LOT 4 IN LOEB'S SUBDIVISION OF THE EAST HALF OF THE WEST HALF OF LOT 1 AND THE WEST HALF OF LOT 2 IN BLOCK 30 IN CANAL TRUSTEE'S SUBDIVISION AFORESAID IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, EXCEPTING THAT PART OF SAID LOT 4 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH WEST CORNER OF SAID LOT 4 THENCE SOUTHEASTERLY TO A POINT IN THE WESTERLY LINE OF SAID LOT WHICH IS 9.0 FEET SOUTH OF THE NORTH LINE OF SAID LOT (SUCH MEASUREMENT BEING PERPENDICULAR TO SAID NORTH LINE); THENCE EAST ALONG A LINE DRAWN PARALLEL WITH THE NORTH LINE OF SAID LOT, A DISTANCE OF 12.0 FEET; THENCE NORTH ALONG A LINE DRAWN PARALLEL WITH THE EAST LINE OF SAID LOT TO SAID NORTH LINE OF SAID LOT; THENCE WEST ALONG THE NORTH LINE OF SAID LOT TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 9

LOTS 9, 10 AND 11 (EXCEPT THE WESTERLY 1.0 FOOT OF SAID LOTS) IN GEHRKE'S SUPPLYISION OF LOT 6 IN THE SUBDIVISION OF BLOCK 30 IN CANAL TRUSTER'S SUBDIVISION AFORESAID IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 FAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 10:

LOTS 3, 4, 5 AND THAT PART OF LOT 6, LYING NORTHWESTERLY OF A LINE DRAWN FROM THE SOUTH WEST CORNER OF SAID LOT 6, AT RIGHT ANGLES TO LINCOLN AVENUE (EXCEPTING THE SOUTH WESTERLY 1 FOOT THEREOF) ALL IN LOEB'S RESUBDIVISION OF LOTS; 5, 6, 7 AND 8 IN LOEB'S SUBDIVISION OF THE EAST HALF OF THE WEST HALF OF LOT 2 IN BLOCK 30 IN CANAL TRUSTEE'S SUBDIVISION AFORESAID IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ALSO ALL OF THE 6.65 FOOT PRIVATE ALLEY LYING NORTH EASTERLY OF AND ADJOINING SAID LOT 5 AND SAID PORTION OF LOT 6, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 11:

ALL OF THE 12 FOOT PUBLIC ALLEY (VACATET BY ORDINANCE RECORDED OCTOBER 1, 1980 AS DOCUMENT NUMBER 2560624/) SHOWN ON THE PLAT OF CONRAD GEHRKE'S SUBDIVISION OF LOT 6 IN THE SUBDIVISION OF BLOCK 30 IN THE CANAL TRUSTEE'S SUBDIVISION AFORESAID IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MFRIDIAN, WHICH ALLEY IS WESTERLY OF AND ADJOINING THE WESTERLY LINES OF LOTS 1, 5 AND 6, NORTH WEST OF AND ADJOINING THE NORTH WESTERLY LINE OF LOT 8, EAST AND SOUTH EAST OF THE EASTERLY AND SOUTH EASTERLY LINE OF LOTS 3, 4 AND 7 IN GEHRKE'S SUBDIVISION AFORESAID, IN COOK COUNTY, ILLINOIS.

PARCEL 12:

LOTS 3 TO 22, INCLUSIVE (EXCEPT THE NORTHEASTERLY 1.0 FOOT OF LOTS 3 TO 19 INCLUSIVE, ALSO EXCEPTING THAT PART OF LOTS 3, 4, 5 AND 6 LYING WEST OF THE WEST LINE, EXTENDED NORTH, OF LOT 3 IN JOHN COSTELLO'S SUBDIVISION OF LOTS 23 TO 26 IN J. WADDINGTON'S SUBDIVISION, HEREINAFTER DESCRIBED) ALL IN J. WADDINGTON'S SUBDIVISION OF THE EAST 3 ACRES OF BLOCK 29 IN CANAL TRUSTEE'S SUBDIVISION AFORESAID IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 13:

LOT 3 IN JOHN COSTELLO'S SUBDIVISION OF LOTS 23 TO 26, INCLUSIVE, IN J. WADDINGTON'S SUBDIVISION OF THE EAST 3 ACRES OF BLOCK 29 IN CANAL TRUSTEE'S SUBDIVISION, AFORESAID, IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

UNOFFICIAL (COPY 5 3

PARCEL 14:

THAT PART OF LOTS 24 AND 25 (EXCEPT THE NORTHEASTERLY 1.0 FOOT OF SAID LOTS, ALSO EXCEPT THAT PART OF SAID LOTS LYING WEST OF THE WEST LINE, EXTENDED NORTH, OF LOT 3 IN JOHN COSTELLO'S SUBDIVISION AFORESAID) IN CARLSON AND WOLTZ SUBDIVISION OF THE WEST 2 ACRES OF BLOCK 29, ALSO OF LOTS 1 AND 2 IN J. WADDINGTON'S SUBDIVISION OF THE EAST 3 ACRES OF BLOCK 29 IN CANAL TRUSTEE'S SUBDIVISION, AFORESAID, IN SECTION 33, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 15:

ALL THAT PART OF THE 30 FOOT ALLEY (VACATED BY ORDINANCE RECORDED NOVEMBER 1, 1971 AS DOCUMENT NUMBER 21694318) WESTERLY AND SOUTHWESTERLY OF AND ADJOINING LOTS 6 TO 14, INCLUSIVE, IN J. WADDINGTON'S SUBDIVISION, AFORESAID, LYING EASTERLY AND SOUTHEASTERLY OF THE WEST LINE, EXTENDED NORTH, OF LOT 3 IN JOHN COSTELLO'S SUBDIVISION OF LOTS 23 TO 26 IN J. WADDINGTON'S SUBDIVISION, AFORESAID, AND LYING NORTH OF THE SOUTH LINE OF LOTS 14 AND 20, EXTENDED EAST AND WEST IN SAID J. WADDINGTON'S SUBDIVISION, IN COOK COUNTY, ILLINOIS.

2035 NORTH LINCOLN AVENUE PROPERTY ADDRESS: CHICAGO, ILLINOIS

14-33-132-039; 14-33-132-037; 14-33-132-035; P.I.N. 14-33-132-036; 14-33-132-012; 14-37-132-011; 14-33-132-027; 14-33-132-010; 14-33-151-046; 14-33-131-043; 14-33-132-032; 14-33-132-034; -1014'S OFFICE 14-33-131-043; 14-33-132-038; 14-33-131-0/3

14-33-131-014; 14-33-131-047.