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COOK COUNTY, ILLINOIS

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FIRST AMENDMENT TO CONSTRUCTION MORTGAGE AND SECURITY AGREEMENT WITH ASSIGNMENT OF RENTS

This First Amendment to Construction Mortgage and Security Agreement with Assignment of Rents ("Amendment") dated as of December 31, 1990 between LaSalle National Trust, N.A., successor trustee to LaSalle National Bank, not individually but solely as Trustee under a Trust Agreement dated August 26, 1985, and known as Trust Number 110235 (the "Trustee") and the Bank of Montreal, Chicago Branch (the "Bank");

WITNESSETH:

WHEREAS, Roselle/NWP Associates, an Illinois general partnership (the "Beneficiary"), the Trustee and the Bank have heretofore executed that certain Construction Loan Agreement dated as of March 31, 1988 (the "Agreement"); and

WHEREAS, the Trustee has heretofore executed and delivered to the Bank that certain Construction Mortgage and Security Agreement with Assignment of Rents dated as of March 31, 1988 and recorded with the Cook County recorder on April 15, 1988 as document number 88157212 encumbering the real property described on Schedule I attached hereto (the "Mortgage") to secure the payment of sums due under that certain Promissory Note of the Trustee dated March 31, 1988 (the "Note"); and

WHEREAS, the Beneficiary, the Trustee and the Bank have heretofore executed that certain First Amendment to Construction Loan Agreement and Promissory Note of even date herewith, which Amendment, inter alia, increases the loan amount; and

WHEREAS, the Trustee and the Bank desire to amend the Mortgage to bring it into conformity with the Agreement and the Note as amended;

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Trustee and the Bank hereby agree that the Mortgage shall be and hereby is amended as follows:

1. The first "WHEREAS" clause of the Mortgage is hereby amended by (1) inserting the following phrase after "25,000,000.00", appearing in the third line thereof: "as increased to \$30,000,000 by that certain First Amendment to Construction Loan Agreement and Promissory Note

Prepared by: + AFTER RECORDING, MAIL TO:  
Ann L. Kirkpatrick  
Chapman and Cutler  
111 West Monroe Street  
Chicago, Illinois 60603

BOX 333

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dated December 31, 1990"; and (ii) deleting the phrase "a copy of said promissory note being attached hereto as Exhibit A" appearing in the tenth and eleventh lines thereof.

2. The second "WHEREAS" clause of the Mortgage is hereby amended by (i) inserting the following phrase after the word "herewith", appearing in the third line thereof: "as amended by that certain First Amendment to Construction Loan Agreement and Promissory Note dated as of December 31, 1990" and (ii) deleting the amount "\$25,000,000.00", appearing in the seventh line thereof, and by substituting therefor the amount "\$30,000,000.00".

3. The Exhibit A to the Mortgage is hereby deleted.

All of the terms, provisions, agreements and covenants contained in the Mortgage shall stand and remain unchanged and in full force and effect except to the extent specifically amended hereby.

No reference to this Amendment need be made in any instrument or document at any time referring to the Mortgage, any reference in any such instrument or document to be deemed a reference to the Mortgage as amended hereby.

This instrument is executed by the undersigned Trustee, not personally but as Trustee under the terms of that certain Trust Agreement dated the 26th day of August, 1985, and known as Trust Number 110235 and it is expressly understood and agreed between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the covenants, undertakings, agreements, representations and warranties herein contained are made and intended not as personal covenants, undertakings, agreements, representations and warranties of the Trustee individually or for the purpose of binding it personally but only of the Trustee as such Trustee and this instrument is executed and delivered by LaSalle National Trust, N.A. as Trustee solely in the exercise of the power conferred upon it as such Trustee and no personal liability or personal responsibility is assumed by nor at any time shall be asserted or enforced against LaSalle National Trust, N.A. on account hereof or on account of any covenant, undertaking, agreement, representation or warranty herein contained either express or implied, all such personal liability, if any, being hereby expressly waived and released by the parties hereto and by all persons claiming by, through or under said parties and so far as said LaSalle National Trust, N.A. is concerned, the Bank shall look solely to the Mortgaged Premises, to other collateral security herefor and to any

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guarantor hereof for payment and performance of the obligations of the Trustee hereunder. Nothing herein contained shall, however, operate or be deemed to impair, invalidate, avoid or negate the covenants, undertakings, agreements and representations of the Trustee as such Trustee.

IN WITNESS WHEREOF, the Trustee and the Bank have executed this Amendment as of the date first above written.

LASALLE NATIONAL TRUST, N.A.,  
successor trustee to LaSalle  
National Bank,  
Not Individually but as  
Trustee under Trust Number  
110235


By   
Its Assistant Vice President

ATTEST:

  
Assistant Secretary

Accepted at Chicago, Illinois as of the date first above written.

BANK OF MONTREAL, CHICAGO  
BRANCH

By   
Its ACCOUNT MANAGER

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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

I, MICHELE A. ZIAK, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that Corinne Bok, Assistant Vice President of Basalle National Trust, N.A., and William R. Dillon, ASSISTANT SECRETARY, of said Bank, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Assistant Vice President and ASSISTANT 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 Bank, as Trustee, as aforesaid for the uses and purposes therein set forth and the said then and there acknowledged that he, as custodian of the corporate seal of said Bank, did affix the corporate seal of said Bank to said instrument as his own free and voluntary act and as the free and voluntary act of said Bank as Trustee as aforesaid, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 9th day of January, 1994.

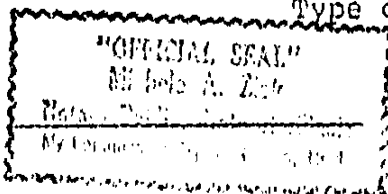
Michele A Ziak  
Notary Public

(SEAL)

MICHELE A. ZIAK

Type or Print Name

My Commission Expires:



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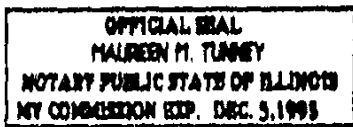
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STATE OF ILLINOIS     )  
                                  ) SS.  
COUNTY OF COOK        )

I, Maureen Tunney, a Notary Public in and for said County in the State aforesaid, do hereby certify that Robert [unclear], Robert [unclear] of Bank of Montreal, a chartered bank of Canada, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Robert [unclear] appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act and deed of said bank for the uses and purposes therein set forth.

Given under my hand and notarial seal this 21st day of December, 1990.



Maureen M. Tunney  
Notary Public

Maureen M. Tunney  
(Type or Print Name)

(SEAL)

Commission expires:

12-5-93

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COOK COUNTY CLERK'S OFFICE  
100 N. LAUREL ST. CHICAGO, IL 60602  
TEL: (773) 399-3000 FAX: (773) 399-3001  
WWW.COOKCOUNTYCLERK.COM

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## Schedule I

THAT PART OF THE NORTH WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 10, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY LINE OF THE NORTHERN ILLINOIS GAS COMPANY RIGHT OF WAY ACCORDING TO THE INSTRUMENT RECORDED AS DOCUMENT NUMBER 17364156 ON OCTOBER 31, 1958 AND LYING EAST OF THE EAST RIGHT OF WAY LINE OF ROSELLE ROAD, SAID EAST RIGHT OF WAY LINE BEING A LINE 135.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTH WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 10 EXCEPTING THEREFROM THAT PART OF THE NORTH WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 10, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF ROSELLE ROAD, (SAID EAST RIGHT OF WAY LINE BEING 135 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTH WEST 1/4 OF THE NORTH EAST 1/4 OF SAID SECTION 10) AND THE SOUTHWESTERLY LINE OF THE NORTHERN ILLINOIS GAS COMPANY RIGHT OF WAY, ACCORDING TO THE INSTRUMENT RECORDED AS DOCUMENT NUMBER 17364156 ON OCTOBER 31, 1958; THENCE SOUTH 81 DEGREES 04 MINUTES 18 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE OF THE NORTHERN ILLINOIS GAS COMPANY RIGHT OF WAY A DISTANCE OF 500.00 FEET; THENCE SOUTH 78 DEGREES 34 MINUTES 01 SECONDS WEST 437.71 FEET; THENCE SOUTH 7 DEGREES 39 MINUTES 04 SECONDS WEST 490.00 FEET TO A POINT ON SAID EAST RIGHT OF WAY LINE OF ROSELLE ROAD; THENCE NORTH 0 DEGREES 01 MINUTES 41 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 650.00 FEET TO THE PLACE OF BEGINNING; ALSO EXCEPTING THEREFROM THE EAST 459.97 FEET (AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF THE NORTH WEST 1/4 OF THE NORTH EAST 1/4 OF SAID SECTION 10) OF THE ABOVE DESCRIBED LAND IN COOK COUNTY, ILLINOIS.

Property Address: 1901 Roselle Road, Schaumburg, Illinois

P.I.N. No. ~~07-10-200-011-0000~~

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