

Place: Joliet, IllinoisDated: October 31, 1990LEASE SUBORDINATION AMENDMENT AGREEMENT

The undersigned, in consideration of TEN (\$10.00) DOLLARS and the modification by General Motors Acceptance Corporation ("GMAC") at the sole request of David L. Miller of that certain loan in original principal amount of TWELVE MILLION ONE HUNDRED SIXTY-FOUR THOUSAND TWENTY-FOUR AND NO/00 (\$12,164,024.00) DOLLARS evidenced by that certain promissory note dated February 1, 1988 by David L. Miller to GMAC and the modification of that certain loan in original principal amount of THREE MILLION SEVEN HUNDRED EIGHTY THOUSAND AND NO/100 (\$3,780,000.00) DOLLARS evidenced by that certain promissory note dated February 14, 1989 by David L. Miller to GMAC, such modifications made pursuant to that certain memorandum of understanding dated even date herewith, and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby agree, warrant, acknowledge and represent as follows:

1. That that certain Lease Subordination Agreement made February 1, 1988 (the "Lease Subordination") by the undersigned in favor of General Motors Corporation ("GMC") with respect to the real property commonly known as 915 W. Dundee Road, Buffalo Grove, Cook County, Illinois and further described in Exhibit 1 hereto, such Lease Subordination being recorded February 16, 1988 as document number 88066889, in the office of the county recording officer of Cook County, in the real property records of that county, shall include Dave Miller Hyundai, Inc. and Dave Miller Isuzu, Inc. on the Appendix to Lease Subordination Agreement, in addition to those persons, corporations and other entities already listed therein.
2. That that ~~certain Mortgage and Security Agreement~~ <sup>GREATBANC TRUST COMPANY</sup> made by the First National Bank in Chicago Heights, as Trustee under Trust Agreement dated October 1, 1985, Trust No. 6040, and that certain Collateral Assignment of Beneficial Interest made with respect to the above-described trust, both dated February 1, 1988, have been acknowledged and amended pursuant to agreements dated even date herewith, and that the Lease Subordination and the amendments herein shall continue in full force and effect with respect to said Mortgage and Security Agreement and Collateral Assignment of Beneficial Interest, as amended.

In all other respects, the terms and conditions of the <sup>91040021</sup> Lease Subordination are hereby confirmed.

1625

# UNOFFICIAL COPY

91010021

GREATBANC TRUST COMPANY

AS SUCCESSOR TRUSTEE TO

This document is made by First National Bank in Chicago Heights, as Trustee and accepted upon the express understanding that the First National Bank in Chicago Heights enters into the same not personally, but only as Trustee and that no personal liability is assumed by nor shall be asserted or enforced against First National Bank in Chicago Heights, because of or on account of the making or executing of this document or of anything therein contained, all such liability, if any, being expressly waived, nor shall First National Bank in Chicago Heights, be held personally liable upon or in consequence of any of the covenants of this document, either expressed or implied.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and sealed as of the day and year first above written.

GREATBANC TRUST COMPANY

AS SUCCESSOR TRUSTEE TO

LESSOR: First National Bank in Chicago Heights, Trustee, Trust Agreement dated October 1, 1985, Trust No. 6040

By: [Signature] Land Trustee      [Signature] (Attest) Acting Secretary

LESSEE: BUFFALO GROVE NISSAN, INC.

By: [Signature]  
Its: President

BENEFICIARY UNDER TRUST: GREATBANC TRUST COMPANY

AS SUCCESSOR TRUSTEE TO

First National Bank in Chicago Heights, Trustee, Trust Agreement dated May 19, 1978, Trust No. 4291

By: [Signature] Land Trustee      [Signature] (Attest) Acting Secretary

HOLDER OF POWER OF DIRECTION UNDER TRUST:

[Signature]  
David L. Miller

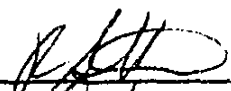
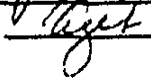
91010021

UNOFFICIAL COPY

9 1 0 1 0 0 2 1

ACKNOWLEDGED:

GENERAL MOTORS CORPORATION

By:   
Its: 

Property of Cook County Clerk's Office

91010021

UNOFFICIAL COPY

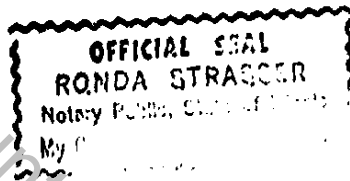
9 1 0 1 0 0 2 1

STATE OF ILLINOIS )  
 ) SS: .  
COUNTY OF COOK )

I, Ronda Strasser, a Notary Public in and for said county and state, do hereby certify that Brian H. Wilson, Trust Officer and Sandra Bultema, Acting Secretary and personally known to me to be the same person(s) whose name(s) are \_\_\_\_\_ subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 12th day of December, 1990. My commission expires: \_\_\_\_\_.

Ronda Strasser  
Notary Public



Property of Cook County Clerk's Office

91010021

# UNOFFICIAL COPY

91040021

EXHIBIT 1 TO LEASE SUBORDINATION AMENDMENT AGREEMENT  
BY FIRST NATIONAL BANK IN CHICAGO HEIGHTS TO GMC

PARCEL 1: LOT 2 IN THE RESUBDIVISION RECORDED JANUARY 31, 1980 AS DOCUMENT NUMBER 25344703 BEING A RESUBDIVISION OF LOT 1 IN GRAND-SPALDING DODGE SUBDIVISION, RECORDED DECEMBER 17, 1976 AS DOCUMENT NO. 23752075, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

. DEPT-01 RECORDING \$16.25  
. T#5555 TRAN 3612 01/25/91 16:10:00  
. \$8172 \$ E \*-91-040021  
. COOK COUNTY RECORDER

P.I.N.: 03-08-101-021

Street Address: 915 W. Dundee Road  
Buffalo Grove, IL 60089

Prepared and mailed to:

William A. O'Connor, Esq.  
Tenenbaum & Senderowitz  
19 South LaSalle Street  
15th Floor  
Chicago, IL 60603



91040021

UNOFFICIAL COPY

Property of Cook County Clerk's Office

11-01-07

