

# UNOFFICIAL COPY

## ASSIGNMENT OF RENTS AND LEASES

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THIS ASSIGNMENT OF RENTS AND LEASES (the "Assignment") is made and delivered as of the 20th day of June, 1994, by RICHARD PORTILLO and SHARON PORTILLO (jointly, "Assignor"), to and for the benefit of NBD BANK, an Illinois banking corporation ("Assignee").

### RECITALS:

A. Assignor, Portillo's Hot Dogs, Inc., a Delaware corporation ("PHD"), Portillo's Food Service, Inc., an Illinois corporation ("PFS"), Barney's Bar-B-Q, Inc., an Illinois corporation, and Assignee have entered into a certain Loan Agreement of even date herewith (the "Loan Agreement") pursuant to which Assignee has agreed to make certain loans (the "Loans") to Assignor, PHD and PFS (collectively, the "Obligors"), subject to the terms and conditions set forth in the Loan Agreement. The Loans are evidenced by the Notes (as defined in the Loan Agreement).

B. A condition precedent to Assignee's extension of the Loans to the Obligors is the execution and delivery by Assignor of this Assignment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto mutually agree as follows:

1. Definitions. All capitalized terms which are not defined herein shall have the meanings ascribed thereto in the Loan Agreement.

2. Grant of Security Interest. Assignor hereby grants, transfers, sets over and assigns to Assignee, all of the right, title and interest of Assignor in and to (i) all of the rents, issues, profits, revenues, receipts, income, accounts and other receivables arising out of or from the land legally described in Exhibit A attached hereto and made a part hereof and all

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This instrument was prepared by  
and after recording return to:

Martin I. Behn  
Schwartz Cooper Greenberger & Krauss  
180 North LaSalle Street  
Suite 2700  
Chicago, Illinois 60601

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Permanent Real Estate Tax  
Index No.:

See Exhibit A

Common Address:

See Exhibit A

### BOX 333-CTI

750733 NA 156  
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buildings and other improvements located thereon (said land and improvements being hereinafter referred to collectively as the "Premises"); (ii) all leases and subleases (collectively, the "Leases"), now or hereafter existing, of all or any part of the Premises; (iii) all rights and claims for damage against tenants arising out of defaults under the Leases, including rights to compensation with respect to rejected Leases pursuant to Section 365(a) of the Federal Bankruptcy Code or any replacement Section

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