

# UNOFFICIAL COPY

95147917

THIS DOCUMENT PREPARED  
BY AND AFTER RECORDING  
RETURN TO:

Seth R. Madorsky  
Katten Muchin & Zavis  
525 West Monroe Street  
Suite 1600  
Chicago, IL 60661-3693

DEPT-01 RECORDING \$43.50  
T#0001 TRAN 7252 03/03/95 12:53:00  
#1971 CG \*-95-147917  
COOK COUNTY RECORDER

## ASSUMPTION AGREEMENT

THIS ASSUMPTION AGREEMENT (this "Agreement") is made as of the 14<sup>th</sup> day of March, 1995, by and among ORLAND ENTERPRISES, INC., an Illinois corporation ("Orland Enterprises"), FRANK CIHAK ("Cihak"), a natural person and a resident of the State of Texas ("Orland Enterprises and Cihak being hereinafter together referred to as "Assignor"), ORLAND PROPERTIES, INC., an Illinois corporation ("Assignee"), and KATTEN MUCHIN & ZAVIS, an Illinois general partnership ("Lender"), with reference to the following:

### RECITALS:

A. Lender has heretofore made a loan (the "Loan") to Assignor by providing certain legal services and incurring expenses related thereto in the aggregate principal amount of Three Hundred Sixty Thousand Five Hundred and No/100 Dollars (\$360,500.00).

B. The Loan is evidenced by (i) a certain Promissory Note dated September 3, 1993 made by Assignor to Lender (the "\$220,500 Note") in the stated principal amount of Two Hundred Twenty Thousand Five Hundred and No/100 Dollars (\$220,500.00), and (ii) a certain Promissory Note dated October 25, 1993 made by Assignor to Lender (the "\$140,000 Note") in the stated principal amount of One Hundred Forty Thousand and No/100 Dollars (\$140,000.00). The \$220,500 Note and the \$140,000 Note are hereinafter together referred to as the "Notes."

C. The \$220,500 Note is secured by, among other things, a certain Mortgage made by Orland to Lender ("the \$220,500 Mortgage") dated September 3, 1993 and recorded in the Recorder's Office of Cook County, Illinois On October 8, 1993 as Document No. 93-810729. The \$140,000 Note is secured by, among other things, a certain Mortgage made by Orland to Lender (the "\$140,000 Mortgage"), dated October 25, 1993 and recorded in the Recorder's Office of Cook County, Illinois on December 3, 1993 as Document No. 93-987334. The \$220,500 Mortgage and the \$140,000 Mortgage (hereinafter together referred to as the "Mortgages") together encumber six (6)

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condominium units located at 15308 Treetop Drive, Orland Park, Illinois and legally described in Exhibit A attached hereto (the "Mortgaged Property").

D. The Notes, the Mortgages and all other documents evidencing or securing the Loan, including without limitation, the documents described in Exhibit B attached hereto, are hereinafter collectively referred to as the "Security Documents."

E. Assignor desires to sell, transfer, convey to Assignee all of Assignor's right to title and interest in and to the Mortgaged Property subject to the Security Documents and has requested Lender's consent to such sell, transfer and conveyance.

F. Lender has agreed to consent to the sale, transfer and conveyance of the Mortgaged Property by Assignor to Assignee subject to the Security Documents upon certain terms and conditions hereinafter set forth, and to release Assignor from any and all of their obligations under the Notes and the Mortgages and from any and all obligations of Assignor to Lender, as more specifically described in that certain Settlement Agreement and Release dated of even date herewith by and among Assignor and Lender.

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

1. Assignee hereby assumes all of the obligations of Assignor under the Notes, the Mortgages and the other Security Documents and agrees that it is solely liable and obligated to repay in full the indebtedness evidenced by the Notes and to observe and perform all of the covenants, obligations and requirements to be observed and performed by Assignor under the Security Documents as if Assignee had executed and delivered such Security Documents to Lender in the place and stead of Assignor.

2. In order to induce Lender to consent to the sale, transfer and conveyance of the Mortgaged Property as aforesaid, each of Assignor and Assignee represent and warrant that:

(a) Each of the recital paragraphs herein contained and all of the representations and warranties contained in the Security Documents are true and correct on the date hereof with the same force and effect as if made on such date.

(b) As of the date hereof, neither party has any offsets or defenses to any amounts due under the Notes or to any obligations under the Security Documents.

3. All notice provisions in the Security Documents are modified to change the address of "Borrower" as follows:

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c/o The Tuscan Group  
15308 Treetop Drive  
Orland Park, Illinois 60462  
Attention: Thomas A. Scapillato

4. The Security Documents, except as amended and modified hereby, shall be and remain unchanged and in full force and effect in accordance with their respective terms and, as amended and modified hereby, are hereby ratified and confirmed.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized representatives as of the date first above written.

ASSIGNOR:

ATTEST:

ORLAND ENTERPRISES, INC., an Illinois corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: Frank Cihak  
Its: President

Frank Cihak  
Frank Cihak

ATTEST:

ASSIGNEE:

ORLAND PROPERTIES, INC., an Illinois corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

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11/11/2024

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c/o The Tuscan Group  
15308 Treetop Drive  
Orland Park, Illinois 60462  
Attention: Thomas A. Scapillato

4. The Security Documents, except as amended and modified hereby, shall be and remain unchanged and in full force and effect in accordance with their respective terms and, as amended and modified hereby, are hereby ratified and confirmed.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized representatives as of the date first above written.

ASSIGNOR:

ORLAND ENTERPRISES, INC., an  
Illinois corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
Frank Cihak

ATTEST:

ASSIGNEE:

ORLAND PROPERTIES, INC., an  
Illinois corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By:  \_\_\_\_\_  
Its: \_\_\_\_\_

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11/11/11



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## CONSENT OF LENDER

Lender hereby consents to the sale and purchase of the Mortgaged Property from Orland Enterprises to Orland Properties subject to the terms and conditions of the Security Documents and the terms and provisions of this Agreement.

KATTEN MUCHIN & ZAVIS, an  
Illinois general partnership

By: *Scott R. Madorsky*  
Its: *Partner*

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2025/03/20 10:10:10

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I, Jerry J. Zibbell, in and for said County, in the State below, DO HEREBY CERTIFY that FRANK CIHAK acknowledged to me that he is the President of ORLAND ENTERPRISES INC., an Illinois Corporation, and is the same person subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such President of said corporation, he signed and delivered the said instrument, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the board of said corporation, as a free and voluntary act as the free and voluntary act of said corporation, for uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 9<sup>th</sup> day of Dec, 1994.

Jerry J. Zibbell  
Notary Public

My Commission Expires: JERRY J. ZIBBELL  
NOTARY PUBLIC - ILLINOIS  
STATE OF ILLINOIS - JERRY J. ZIBBELL  
NOTARY PUBLIC - ILLINOIS

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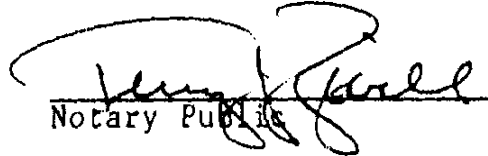
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I, Terry J. Zibbell the undersigned, a Notary Public in and for the County and State stated below, DO HEREBY CERTIFY THAT FRANK CHAK, acknowledged to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered said instrument as his free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this 9<sup>th</sup> day of Dec, 1994.

  
Notary Public

( S E A L )

My Commission Expires:

TERRY J. ZIBBELL

NOTARY PUBLIC

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STATE OF ILLINOIS )  
COUNTY OF Cook ) SS

I, [Signature], in and for said County, in the State aforesaid, DO HEREBY CERTIFY that THOMAS A. SCAPILLATO personally known to me to be the \_\_\_\_\_ President of ORLAND PROPERTIES, INC., an Illinois corporation, and \_\_\_\_\_ personally known to me to be the \_\_\_\_\_ Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such \_\_\_\_\_ President and \_\_\_\_\_ Secretary of said corporation, they signed and delivered the said instrument, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the board of said corporation, as their free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 1st day of March, 1995.

[Signature]  
Notary Public

My Commission Expires:

10/17/98



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STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF COOK     )

I, Christine E. Karoff, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Art. K. Wladyslaw a general partner of KATTEN MUCHIN & ZAVIS, an Illinois general partnership, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such authorized partner, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act and as the free and voluntary act of said partnership, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 10<sup>th</sup> day of March, 1995.

Christine E. Karoff  
Notary Public

My Commission Expires:

10/17/98



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03/12/2010

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## EXHIBIT A

### Legal Description

UNITS 1A, 1B, 2A, 2B, 3A, AND 3B IN TREETOP BY TERRACE CONDOMINIUM NUMBER 9 AS DELINEATED ON A PLAT OF SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: LOT 3 IN TREETOP SUBDIVISION NUMBER 1, A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT 263396611 TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

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## EXHIBIT B

### Security Documents

UCC Financing Statements recorded/filed as follows:

- (a) Recording Date: November 3, 1993  
Jurisdiction: Cook County Recorder  
Document No.: 93891397  
Debtor: Orland Enterprises, Inc.  
Secured Party: Katten Muchin & Zavis
- (b) Recording Date: November 2, 1993  
Jurisdiction: Illinois Secretary of State  
Document No.: 3184421  
Debtor: Orland Enterprises, Inc.  
Secured Party: Katten Muchin & Zavis
- (c) Recording Date: November 17, 1993  
Jurisdiction: Illinois Secretary of State  
Document No.: 3190174  
Debtor: Orland Enterprises, Inc.  
Secured Party: Katten Muchin & Zavis

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7-1-2011

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THIS INSTRUMENT WAS PREPARED BY:

Seth R. Madorsky  
Katten Muchin & Zavis  
525 West Monroe Street  
Suite 1600  
Chicago, Illinois 60606

The Permanent Real Estate Index Number(s) for the Mortgaged Property is (are):

27-16-209-053-1001;  
27-16-209-053-1002;  
27-16-209-053-1003;  
27-16-209-053-1004;  
27-16-209-053-1005; and  
27-16-209-053-1006.

The address for the Mortgaged Property is (are):

15308 Treetop Drive  
Orland Park, Illinois

After recording this instrument should be returned to:

Seth R. Madorsky  
Katten Muchin & Zavis  
525 West Monroe Street  
Suite 1600  
Chicago, Illinois 60606

• DOCUMENT #: CH0001 (80280-00001-1) 108124.5; DATE: 02/24/95; TIME: 8:55 •

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11/15/2014