

DOCUMENT PREPARED AND RECORDATION REQUESTED BY:

Bank One, Chicago, NA  
8760 West 159th Street  
Orland Park, IL 60462

DEPT-01 RECORDING \$35.50

T#0008 TRAN 8173 05/30/96 11:41:00

WHEN RECORDED MAIL TO:

Bank One, Chicago, NA  
8760 West 159th Street  
Orland Park, IL 60462

#5391 + B.J \* -96-408440  
COOK COUNTY RECORDER

96408440

MORTGAGE MODIFICATION AGREEMENT

AGREEMENT dated as of April 5, 1996 between **Janecyk Construction Company, Inc.**, an Illinois corporation, located at 2507 West 136th Street, Blue Island, Illinois ("Borrower"), **Heritage Trust Company**, not personally, but as Trustee under Trust Agreement dated June 19, 1979 and known as Trust No. 79 1491 ("Grantor" and "Mortgagor"), **Catherine M. Janecyk** and **Daniel B. Janecyk**, residing at 7409 W. 163rd Street, Tinley Park, Illinois ("Guarantors") and **Bank One, Chicago, NA**, with an office located at 8760 West 159th Street, Orland Park, IL ("Lender").

RECITALS

A. Borrower is currently indebted to Lender under various obligations including, without limitation, a promissory note dated as of March 23, 1995 in the principal face amount of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) (as amended, modified, extended, replaced, renewed, refinanced, consolidated or substituted from time to time, "Revolving Note"), and a term note dated as of March 23, 1995 in the principal face amount of Two Hundred Thousand Dollars and 00/100 (\$200,000.00) (as amended, modified, extended, replaced, renewed, refinanced, consolidated or substituted from time to time, "Term Note") which Revolving Note and Term Note are secured by (without limitation) the following Security Documents:

- 1) Commercial Security Agreement executed by Borrower dated March 23, 1995 ("Security Agreement");
- 2) Two Commercial Guaranties dated March 23, 1995 executed by Guarantors ("Guarantees");

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3) Mortgage, Assignment of Rents, Security Agreement dated March 23, 1995 (as amended, modified, or extended from time to time, "Mortgage") executed by Grantor and recorded April 24, 1995 as document #95-269129 pertaining to the property commonly known as 7409 West 163rd Street, Tinley Park, IL and legally described in the attached Exhibit A ("Property");

4) An Assignment of Leases and Rents dated July 9, 1995 executed by Grantor ("Leases") and recorded September 14, 1995 as document #95-618951 pertaining to the Property;

5) Two Collateral Assignments of Beneficial interest dated August 24, 1994 and March 23, 1995 respectively each executed by Catherine M. Janecyk and both pertaining to Land Trust #79 1491 at Heritage Trust Company ("CABI's");

6) Business Loan Agreement dated April 10, 1995 executed by Borrower ("Loan Agreement");

7) Cross-Collateral/Cross-Default Agreement dated July 9, 1995 executed by Borrower and Guarantors ("CCCD").

B. Borrower, Grantor, and Guarantors have requested an extension of the maturity date of the Revolving Note until July 5, 1996 and Lender is willing to grant such request pursuant to the terms and provisions of this Agreement and a promissory note dated April 5, 1996 in the principal sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00, "Replacement Note").

C. Borrower, Grantor and Guarantors have agreed to execute a new Cross-Collateral/Cross-Default Agreement dated April 5, 1996 ("New CCCD").

**NOW THEREFORE**, in consideration of the above recitals, the parties hereto do hereby agree and acknowledge as follows:

1. Borrower, Grantor, and Guarantors acknowledge that the Security Agreement, Guarantees, Mortgage, Leases, CABI's, Loan Agreement and New CCCD and other applicable Security Documents are in full force and effect.

2. The Security Agreement, Guarantees, Mortgage, Leases, CABI's, Loan Agreement and New CCCD and other applicable Security Documents are hereby modified to provide that such instruments are also granted as collateral security for repayment of the Replacement Note and any future advances under the Replacement Note, whether such advances are obligatory or to be made at the option of the Lender, or otherwise, as are made within twenty years from the date hereof, to the same extent as if such future advances were made on the date hereof, although there may be no advance made at the time of execution of the Mortgage, and although there may be no indebtedness outstanding at the time any advance is made. **The total amount of indebtedness that is secured by the Mortgage may increase**

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or decrease from time to time, but the total unpaid balance so secured at any one time shall not exceed a maximum principal amount of \$450,000.00, plus interest thereon, and any disbursements made for the payment of taxes, special assessments, or insurance on the Property, with interest on such disbursements and any other amounts due Lender as may be specified in the Mortgage and any other Security Document(s).

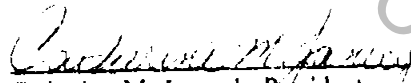
3. In all other respects, the Security Agreement, Mortgage, Leases, CABI's, Loan Agreement and New CCCD and other applicable Security Documents are hereby ratified and reaffirmed.

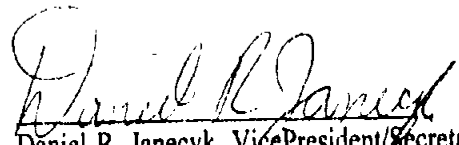
4. Guarantors hereby reaffirm their Guarantees.

**DATED AT ORLAND PARK, ILLINOIS AS OF THE DATE FIRST ABOVE WRITTEN**

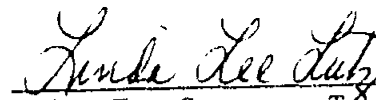
**BORROWER:**

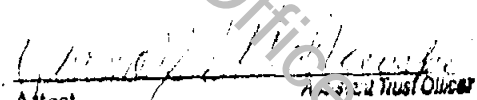
Janecyk Construction Company, Inc.,  
an Illinois corporation

  
Catherine M. Janecyk, President

  
Daniel R. Janecyk, Vice President/Secretary

**GRANTOR/MORTGAGOR:**

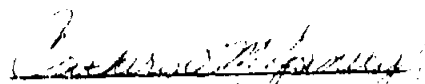
  
Linda Lee Dub, Land Trust Officer  
Heritage Trust Company, as Trustee  
U/T/A/D June 19, 1979 A/K/A Trust #79-1491

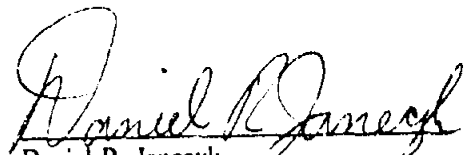
  
Attest  
Notary Public

CORPORATE NOTARY ATTACHED

NOTARY PUBLIC STATE OF ILLINOIS  
EXPIRES: 06/19/2008

**GUARANTORS:**

  
Catherine M. Janecyk

  
Daniel R. Janecyk

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**LENDER:**

Bank One, Chicago, NA

By: [Signature]

Its: Asst. Vice President

I, Martha Russo, a notary public in and for the state and county aforesaid, DO HEREBY CERTIFY that Catherine M. Janecyk and Daniel R. Janecyk, appeared before me in person and acknowledged that ~~she/he~~(they) signed the foregoing instrument as ~~his/her~~(their) free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and notary seal this 5th day of April, 1996.

Martha Russo  
Notary Public



STATE OF ILLINOIS ) SS  
COUNTY OF Cook )

I, Martha Russo, a notary public in and for the state and county aforesaid, DO HEREBY CERTIFY that John J. Masterson of Bank One, Chicago, NA, appeared before me in person and acknowledged that (she/he/they) signed the foregoing instrument as (his/her/their) free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notary seal this 5th day of April, 1996.

Martha Russo  
Notary Public



This document was prepared by and to be returned to:

Wade Christofferson/Jack Masterson  
Bank One, Chicago, NA  
8760 West 159th Street  
Orland Park, Illinois 60462

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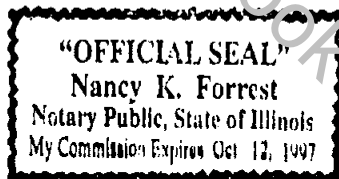
## CORPORATE NOTARY

STATE OF ILLINOIS

COUNTY OF COOK

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Linda Lee Lutz and Donna J. Wroblewski of HERITAGE TRUST COMPANY are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Land Trust Officer and Assistant Trust Officer ~~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 corporation, for the uses and purposes therein set forth; and the said Assistant Secretary did also then and there acknowledge that she, as custodian of the corporate seal of said corporation did affix the said corporate seal of said corporation to said instrument as her own 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 2nd day of May, 1996.



Nancy K. Forrest  
Notary Public

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings, and agreements herein made on the part of the Trustee while in form purporting to the warranties, indemnities, representations, covenants, undertakings, and agreements of said Trustee, are nevertheless, each and every one of the them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for purpose of only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee, and that no personal responsibility is assumed by nor shall at any time be asserted or enforceable against Heritage Trust Company, under said Trust Agreement on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

HERITAGE TRUST COMPANY

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## EXHIBIT A

LOT 569 IN BREMENTOWNE ESTATES UNIT NO. 4, BEING A SUBDIVISION OF  
PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24; OF  
PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24; OF  
PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24; OF  
PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24; OF  
TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
IN COOK COUNTY, ILLINOIS.

P.I.N.: 27-24-405-003

COMMONLY KNOWN AS: 7409 W. 163rd Place, Tinley Park, Illinois  
60477

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