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MORTGAGE SUBORDINATION AGREEMENT

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P. 36. 80
D/L

THIS MORTGAGE SUBORDINATION AGREEMENT (this "Agreement") is executed as of May 28, 1996 by and between LASALLE NATIONAL BANK, a national banking association ("LaSalle") and HARRIS BANK BATAVIA, a national banking association ("Harris").

WHEREAS, Oberweis Dairy, Inc., an Illinois corporation ("Oberweis"), and LaSalle are parties to a Revolving Credit Agreement, dated as of February 15, 1995, as amended by a Loan Modification and Extension Agreement, dated as of November 1, 1995 (as amended, the "Credit Agreement"), evidenced by a Revolving Credit Note, dated February 15, 1995 (the "Note"); and

WHEREAS, the obligations of Oberweis under the Credit Agreement and the Note are secured by a Mortgage, dated as of February 23, 1995 and recorded in the Recorder of Deeds of Kane County as document number 95126924 (the "LaSalle Mortgage"), to certain premises (the "Premises") in Kane County, Illinois legally described as follows:

LOT 3 IN M-R LOEWS THEATER COMPLEX SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 31, 1991 AS DOCUMENT 91693565, BEING A SUBDIVISION OF PART OF LOT 4 IN 58-62 VENTURE SUBDIVISION OF PART OF SECTIONS 8 AND 9, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MARCH 21, 1970 AS DOCUMENT 21092384, ALL IN COOK COUNTY, ILLINOIS; and

1735 Algonquin Rd. ^{Cook} Bellm, Marshes IL

08-08-103 029-0000

WHEREAS, Oberweis has also executed an Assignment of Leases, Rents and Profits, recorded February 23, 1995 as document 95126925 (the "Assignment"), and certain financing statements, copies of which are attached hereto as Exhibit A, with respect to the Premises (together with the Mortgage and Assignment, the "Mortgage Documents") in favor of LaSalle; and

WHEREAS, Harris has agreed to extend credit to Oberweis in an amount not to exceed Four Hundred Fifty-Five Thousand and 00/100 Dollars (\$455,000.00) (the "Loan"), which Loan is to be secured in part by certain liens and a mortgage on the Premises (the "Harris Mortgage"); Rec'd as # 96417758

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

1. LaSalle hereby subordinates all of its right, title and interest in and to the Premises under the Mortgage Documents to the interest conveyed by Oberweis to Harris under the Harris Mortgage.

2. LaSalle represents and warrants that, as of the date hereof, the outstanding principal indebtedness owed under the Note and Credit Agreement is Five Million Three Hundred Eight Thousand Four Hundred Sixty-Two and 61/100 Dollars (\$5,308,462.61).

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BOX 333-CT1

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3. LaSalle represents and warrants that, as of the date hereof, Borrower is not in default under the terms of the Note, the Credit Agreement, the Mortgage Documents or any of the documents securing or evidencing said indebtedness (collectively, the "Loan Documents").

4. LaSalle acknowledges and agrees that the execution and delivery of the Harris Mortgage shall not constitute a default under the terms of the Loan Documents.

5. LaSalle acknowledges and agrees that Harris shall have the right to take any action and perform any obligation of Oberweis under the terms of the Loan Documents on the behalf of Oberweis, with the same effect as if Oberweis had taken such action or performed such obligation.

6. LaSalle agrees to send a copy of all notices of default sent by LaSalle to Oberweis, by certified or registered mail, return receipt requested, to:

Mail to:
Harris Bank Batavia
155 West Wilson
Batavia, Illinois 60510
Attention: Fred Sinkovits

7. Harris agrees not to increase the maximum amount of credit extended to Oberweis under the Loan without the prior written consent of LaSalle.

8. Harris agrees to send a copy of all notices of default sent by Harris to Oberweis, by certified or registered mail, return receipt requested, to:

Prepared by:
LaSalle National Bank
120 South LaSalle Street
Chicago, Illinois 60603-3499
Attention: David S. Evely
First Vice President

9. This Agreement shall be binding upon LaSalle and Harris, and each of their successors and assigns, and shall inure to the benefit of LaSalle and Harris, and each of their successors and assigns.

(signature page follows)

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IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed and delivered by their duly authorized officers as of the date first set forth above.

LASALLE NATIONAL BANK, a national banking association

By: *Matthew R. Jones*
Name: *Matthew R. Jones*
Title: *Loan Officer*

HARRIS BANK BATAVIA, a national banking association

By: *Fred F. Sinkovits*
Name: *FREDERICK F. SINKOVITS*
Title: *LOAN OFFICER*

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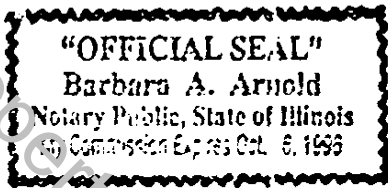
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2025-01-08

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The foregoing Mortgage Subordination Agreement was executed before me, a Notary Public, on this 28th day of May, 1996, by Herbert R. Quis, The Loan Officer of LaSalle National Bank, a national banking association, on behalf of said national banking association.



Barbara A. Arnold
Notary Public

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. DEPT-01 RECORDING \$39.00
. T#0012 TRAN 0825 06/03/96 12:33:00
. #1778 ÷ CG *-96-417758
. COOK COUNTY RECORDER

. DEPT-10 PENALTY \$36.00

96-417758

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For use only of...

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STATE OF ILLINOIS)
)
COUNTY OF ~~COOK~~ KANE) SS.

The foregoing Mortgage Subordination Agreement was executed before me, a Notary Public, on this 28th day of May, 1996, by PRELUDA P. SINGH, the Assistant Branch Manager of Harris Bank Batavia, a national banking association, on behalf of said national banking association.

Donna M. Spitzer
Notary Public



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COOK COUNTY CLERK

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EXHIBIT A

All of Debtor's right, title and interest in and to all present and future rents, issues and profits derived from the real estate and improvements thereon described on Exhibit B hereto; all of Debtor's right, title and interest in and to all inventory, equipment and other personalty of any Debtor, now or hereafter owned and located on the real estate described on Exhibit B hereto; all of Debtor's right, title and interest in and to all fixtures, now or hereafter owned and located on the real estate described on Exhibit B attached hereto; such personalty and fixtures to include without limiting the generality of the foregoing, all heating, lighting, laundry, incinerating and power equipment, engines, pipes, pumps, tanks, motors, conduits, switchboards, plumbing, lifting, cleaning, fire prevention, fire extinguishing, refrigerating, ventilating and communications apparatus, air coolings and air conditioning apparatus, elevator, escalators, shades, awnings, screens, storm doors and windows, stoves, wall beds, refrigerators, cabinets, partitions, ducts, compressors, canopies, furnishings, garbage and rubbish disposals, counters, bathtubs, sinks, basins, carpets, floor and wall coverings, crapes inventory (expressly excluding, without limitation, any and all chattels, furniture and other personalty owned and leased by Mortgagor's lessees) and proceeds therefrom including but not limited to insurance proceeds, condemnation awards and all substitutions and replacements therefor. All of Debtor's right, title and interest in and to all of Debtor's present and future accounts, accounts receivable, real estate contracts (including any negotiable instruments executed in connection therewith), escrow, utility agreements, construction contracts, construction plans and specifications, leases, rents, profits, contract rights instruments, chattel paper, goodwill, trade names, trademarks, liquor licenses, proprietary choses, and other choses in action of every kind and nature now in existence or hereafter created, which are related to the real estate described on Exhibit B hereto, and all proceeds thereof. All of Debtor's books and records pertaining to the foregoing.

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