

# UNOFFICIAL COPY

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## SECOND MODIFICATION AGREEMENT

. DEPT-01 RECORDING 443.50  
. T#0014 TRAM 2615 05/05/97 15:24:00  
. 48626 CG \*-97-401772  
. COOK COUNTY RECORDER

RECORDER'S STAMP

THIS SECOND MODIFICATION AGREEMENT is made as of the 30 day of May, 1997, by and among AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, a national banking association, not in its individual capacity but as Trustee under a Trust Agreement dated November 5, 1985 and known as Trust No. 65961 ("Mortgagor") and AMERICAN COUNTRY INSURANCE COMPANY, an Illinois corporation doing business in Chicago, Illinois ("Mortgagee").

### RECITALS:

- A. In connection with a loan from Mortgagor to Mortgagee, Mortgagor executed and delivered a Promissory Note (the "Note") dated October 1, 1993, in the maximum principal amount of \$2,500,000 executed by Mortgagee in favor of Mortgagor. The Note is secured by a certain Mortgage ("Mortgage"), dated October 1, 1993, by and between Mortgagor and Mortgagee, and recorded December 17, 1993 in the Office of Cook County Recorder of Deeds as Document No. 03-034084, as amended by that certain Modification Agreement ("Modification Agreement"), dated as of March 1, 1994, by and among Mortgagor and Mortgagee, and recorded in the Office of Cook County Recorder of Deeds as Document No. 94-261715. The Mortgage and Modification Agreement are sometimes collectively referred to herein as the "Amended Mortgage".
- B. Pursuant to the Mortgage, Mortgagor mortgaged the real estate described in Exhibit A attached hereto and made a part hereof (the "Real Estate"). Pursuant to the Modification Agreement, the real estate described in Exhibit B attached hereto and made a part hereof (the "Released Des Plaines Property") was released from the lien of the Mortgage and the real estate described in Exhibit C attached hereto and made a part hereof (the "35-75 E. 63rd Property") was included in the Real Estate subject to the Mortgage.
- C. Mortgagor now desires to (i) release from the lien of the Amended Mortgage a certain parcel of the Real Estate, which parcel is legally described in Exhibit D as the 540 West Grenshaw property (the "Grenshaw Property"); (ii) to subject to the lien of the Amended

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Mortgage the real property described on Exhibit E attached hereto and made a part hereof (the "Halsted Property"); (iii) to reflect the revised legal description of the Real Estate; and (iv) to clarify that all references in the Note to the Mortgage shall be deemed to refer to the Amended Mortgage as it is further amended hereby.

NOW THEREFORE, in consideration of the recitals set forth above and incorporated herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The Amended Mortgage is hereby further amended as follows:

(a) Mortgagor does by these presents MORTGAGE, GRANT, REMISE, RELEASE, ALIEN AND CONVEY unto Mortgagee, its successors and assigns, the Halsted Property and all of its estate, right, title and interest therein, situate, lying and being in the City of Chicago, County of Cook, and State of Illinois, TOGETHER with all improvements, tenements, easements, fixtures, and appurtenances thereto pertaining or belonging, and all rents, issues and profits thereof for so long and during all such times as Mortgagee may be entitled thereto (which are pledged primarily and on a parity with said real estate and not secondarily), and including but not limited to, all other fixtures, apparatus, equipment, and articles used or useful in connection with the operation of an automobile lot now or hereafter located upon said premises, it being understood that the enumeration of any specific articles of property shall in nowise result in or be held to exclude any items of property not specifically mentioned.

(b) The Grenshaw Property is hereby released from the lien of the Mortgage.

(c) The legal description of the Real Estate is amended to delete the Grenshaw Property and to add the Halsted Property. The amended legal description of the Real Estate is shown on Exhibit F attached hereto and made a part hereof.

(d) Except as amended hereby, the Amended Mortgage is affirmed and ratified.

2. The Note is hereby amended to refer to the Amended Mortgage as it is further amended hereby.

3. In the event of any inconsistency between the terms and provisions hereof and the terms and provisions of the Note or Amended Mortgage, the terms and provisions hereof shall govern.

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Mortgagor and Mortgagee have executed this Second Modification Agreement as of the day and year first set forth above.

MORTGAGOR:

AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally, but as Trustee as aforesaid

By: [Signature]  
Is: ANITA LUTKUL  
TRUST OFFICER

Property of Cook County

MORTGAGEE:

AMERICAN COUNTY INSURANCE COMPANY, an Illinois corporation

By: \_\_\_\_\_  
Is: \_\_\_\_\_

This instrument was prepared by, and after recording, should be returned to:

Robert F. Messerly, Esq.  
Sonnenschein Nath & Rosenthal  
8000 Sears Tower  
Chicago, Illinois 60606

THIS IS TO CERTIFY that the within instrument is a true copy of the original instrument as recorded in the office of the Cook County Clerk, Chicago, Illinois, on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. The undersigned, Trustee, is expressly understood and agreed that all the warranties, indemnities, representations, covenants and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. No personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the Trustee on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the Trustee in this instrument.

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Mortgagor and Mortgagee have executed this Second Modification Agreement as of the day and year first set forth above.

**MORTGAGOR:**

**AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, not personally, but as Trustee as aforesaid**

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

**MORTGAGEE:**

**AMERICAN COUNTY INSURANCE COMPANY, an Illinois corporation**

By: Edwin W. Elder  
Its: President

This instrument was prepared by, and after recording, should be returned to:

Robert F. Messerly, Esq.  
Sonnenschein Nath & Rosenthal  
8000 Sears Tower  
Chicago, Illinois 60606

1274635

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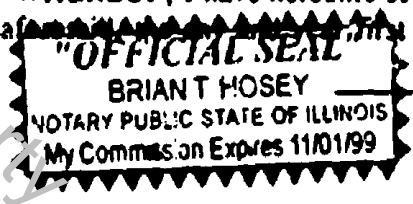


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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

On this 19 day of May, 1997, before me appeared ANITA CULKUS  
TRUST OFFICER, to me personally known, who, being by me duly sworn did say that he/she is the TRUST OFFICER of AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, a national banking association named in the foregoing instrument, and that said instrument was signed on behalf of said association by authority of its Board of Directors and he/she acknowledged said instrument to be the free act and deed of said association.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.



Briant H. Hosey  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of May, 1997, before me appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn did say that he/she is the \_\_\_\_\_ of AMERICAN COUNTRY INSURANCE COMPANY, an Illinois corporation named in the foregoing instrument, and that said instrument was signed on behalf of said association by authority of its Board of Directors and he/she acknowledged said instrument to be the free act and deed of said association.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_

Handwritten vertical text on the right margin, possibly a date or signature.

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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

On this \_\_\_ day of May, 1997, before me appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn did say that he/she is the \_\_\_\_\_ of AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, a national banking association named in the foregoing instrument, and that said instrument was signed on behalf of said association by authority of its Board of Directors and he/she acknowledged said instrument to be the free act and deed of said association.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_

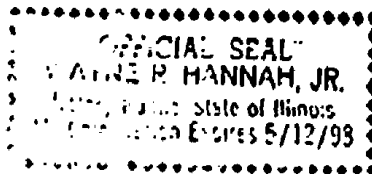
STATE OF Illinois )  
 ) SS.  
COUNTY OF Cook )

On this 29<sup>th</sup> day of May, 1997, before me appeared Edwin W. Elger to me personally known, who, being by me duly sworn did say that he/she is the President of AMERICAN COUNTRY INSURANCE COMPANY, an Illinois corporation named in the foregoing instrument, and that said instrument was signed on behalf of said association by authority of its Board of Directors and he/she acknowledged said instrument to be the free act and deed of said association.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_



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## EXHIBIT A

### Real Estate Legal Description

300 N. Des Plaines

PIN 17-09-308-001-0000

PIN 17-09-308-002-0000

PIN 17-09-312-002-0000

PIN 17-09-312-006-0000

PIN 17-09-312-007-0000

#### PARCEL 1:

Lots 12 to Lot 22, in Block 62 in the Canal Trustees Subdivision of part of the South West  $\frac{1}{4}$  of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, also known as part of the original town of Chicago, in Cook County, Illinois.

#### PARCEL 2:

Lots 7, 8 and 9 in Block 63 in Canal Trustees Subdivision in the South West  $\frac{1}{4}$  of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

#### PARCEL 3:

That part of Lots 10 and 11 in the Subdivision of Block 63 in Canal Trustee's Subdivision of Lots and Blocks in the South West  $\frac{1}{4}$  of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, described as follows: Beginning at the North East corner of said Lot 10, thence South along the East line of said Lot 10 to the South East corner of said Lot 10, thence West along the South Line of said Lot 10 for a distance of 3.12 feet, thence Northwesterly along a straight line to a point on the North Line of said Lot 11, 8.53 feet West of the North East corner of said Lot 11, thence East along the North Line of said Lots 10 and 11 to the point of beginning.

540 W. Grenshaw

PIN 17-16-328-026-0000

PIN 17-16-328-027-0000

A tract of land in the South West  $\frac{1}{4}$  of Section 16, Township 39 North, Range 14 East of the Third Principal Meridian, lying West of the West Line of Clinton Street (as widened) South of the South Line of De Koven Street as widened, East of the East Line of Jefferson Street (as widened) and North of the North Line of Grenshaw Street in Chicago, in Cook County, Illinois.

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## EXHIBIT B

### Released Des Plaines Property

#### PARCEL 2:

Lots 7, 8 and 9 in Block 63 in Canal Trustees Subdivision in the South West ¼ of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

#### PARCEL 3:

That part of Lots 10 and 11 in the Subdivision of Block 63 in Canal Trustee's Subdivision of Lots and Blocks in the South West ¼ of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, described as follows: Beginning at the North East corner of said Lot 10, thence South along the East line of said Lot 10 to the South East corner of said Lot 10, thence West along the South Line of said Lot 10 for a distance of 3.12 feet, thence Northwesterly along a straight line to a point on the North Line of said Lot 11, 8.53 feet West of the North East corner of said Lot 11, thence East along the North Line of said Lots 10 and 11 to the point of beginning.

PIN 17-09-312-002-0000

PIN 17-09-312-006-0000

PIN 17-09-312-007-0000

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## EXHIBIT C

### 35-75 E. 63rd Property

The west 400 feet of that part of the north 200 feet of the west half of the north west  $\frac{1}{4}$  of Section 22, Township 38 North, Range 14 East of the Third Principal Meridian, lying south of the south line of 63rd Street and east of a line 371 feet east of the west line of said north west  $\frac{1}{4}$  of said Section 22, in Cook County, Illinois.

ALL THAT CERTAIN piece or parcel of land situate in the City of Chicago, County of Cook and State of Illinois being more particularly bounded and described according to a plat of survey prepared by Irwin P. Barron, Illinois Registered Land Surveyor No. 839, Plan No. 14991, dated June 19, 1970 as follows:

That part of the West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22, Township 38 North, Range 14 East of the Third Principal Meridian.

BEGINNING on the South line of the North 66 feet of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22, at a point which is 296 feet East from the West line of said Northwest  $\frac{1}{4}$  and running thence East along said South line of the North 66 feet aforesaid, being also the South line of East 63rd Street, a distance of 75 feet to an intersection with the East line of the West 371 feet of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22; thence South along the East line of the West 371 feet aforesaid, a distance of 134 feet to an intersection with the South line of the North 200 feet of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22; thence East along the South line of the North 200 feet aforesaid, a distance of 539.27 feet to a point which is 412.15 feet West from the East line of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22; thence Southeastwardly along the arc of a circle, convex to the Southwest and having a radius of 1080.74 feet (said arc being the Westerly line of the strip of land conveyed to the City of Chicago by Deed recorded in the Recorder's Office of Cook County, Illinois, on March 4, 1958 as Document 17147266), a distance of 52.99 feet to an intersection with the South line of the North 250 feet of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22; thence West along the South line of the North 250 feet aforesaid, a distance of 156.88 feet to an intersection with the East line of the West 771 feet of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22; thence South along the East line of the West 771 feet aforesaid, a distance of 15 feet; thence West along the South line of the North 265 feet of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22, a distance of 400 feet; thence Northwestwardly along a straight line, a distance of 84.93 feet to a point which is 225 feet South from the North line and 296 feet East from the West line of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22; and thence North along the East line of the West 296 feet of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22, a distance of 159 feet to the point of beginning.

PIN NO.: 20-22-100-002-Volume No. 258

PIN NO.: 20-22-100-022-Volume No. 258

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## EXHIBIT D

### Grenshaw Property Legal Description

A TRACT OF LAND IN THE SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE WEST LINE OF CLINTON STREET (AS WIDENED) SOUTH OF THE SOUTH LINE OF DEKOVEN STREET AS WIDENED, EAST OF THE EAST LINE OF JEFFERSON STREET (AS WIDENED) AND NORTH OF THE NORTH LINE OF GRENSHAW STREET IN CHICAGO, IN COOK COUNTY, ILLINOIS.

PIN No.: 17-16-328-027 Vol. 591  
17-16-328-026 Vol. 591

Commonly known as 540 West Grenshaw, Chicago, Illinois

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## EXHIBIT E

### Halsted Property Legal Description

THE NORTH HALF OF LOT 6 AND ALL OF LOTS 7, 8 AND 9 [EXCEPT THE NORTH 5½ INCHES OF THE EAST 151 FEET OF LOT 9 (EXCEPT STREET)] IN BLOCK 1 IN HAMBLETON WESTON AND DAVIS SUBDIVISION OF THE SOUTH HALF OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

ADDRESS: 3228-3244 NORTH HALSTED, CHICAGO, ILLINOIS.

PIN NO.: 14-20-427-036-Volume No. 485

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## EXHIBIT F

### Real Estate Legal Description

300 N. Des Plaines

PIN 17-09-308-001-0000

PIN 17-09-308-002-0000

#### PARCEL 1:

Lots 12 to Lot 22, in Block 62 in the Canal Trustees Subdivision of part of the South West  $\frac{1}{4}$  of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, also known as part of the original town of Chicago, in Cook County, Illinois.

63rd Street Property

PIN NO.: 20-22-100-002-Volume No. 258

PIN NO.: 20-22-100-022-Volume No. 256

The west 400 feet of that part of the north 200 feet of the west half of the north west  $\frac{1}{4}$  of Section 22, Township 38 North, Range 14 East of the Third Principal Meridian, lying south of the south line of 63rd Street and east of a line 371 feet east of the west line of said north west  $\frac{1}{4}$  of said Section 22, in Cook County, Illinois.

ALL THAT CERTAIN piece or parcel of land situate in the City of Chicago, County of Cook and State of Illinois being more particularly bounded and described according to a plat of survey prepared by Irwin P. Barron, Illinois Registered Land Surveyor No. 839, Plan No. 14991, dated June 19, 1970 as follows:

BEGINNING on the South line of the North 66 feet of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22, at a point which is 296 feet East from the West line of said Northwest  $\frac{1}{4}$  and running thence East along said South line of the North 66 feet aforesaid, being also the South line of East 63rd Street, a distance of 75 feet to an intersection with the East line of the West 371 feet of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22; thence South along the East line of the West 371 feet aforesaid, a distance of 134 feet to an intersection with the South line of the North 200 feet of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22; thence East along the South line of the North 200 feet aforesaid, a distance of 539.27 feet to a point which is 412.15 feet West from the East line of said West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 22; thence Southeastwardly along the arc of a circle, convex to the Southwest and having a radius of 1080.74 feet (said arc being the Westerly line of the strip of land conveyed to the City of

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Chicago by Deed recorded in the Recorder's Office of Cook County, Illinois, on March 4, 1958 as Document 17147266), a distance of 52.99 feet to an intersection with the South line of the North 250 feet of said West ½ of the Northwest ¼ of Section 22; thence West along the South line of the North 250 feet aforesaid, a distance of 156.88 feet to an intersection with the East line of the West 771 feet of said West ½ of the Northwest ¼ of Section 22; thence South along the East line of the West 771 feet aforesaid, a distance of 15 feet; thence West along the South line of the North 265 feet of said West ½ of the Northwest ¼ of Section 22, a distance of 400 feet; thence Northwestwardly along a straight line, a distance of 84.93 feet to a point which is 225 feet South from the North line and 296 feet East from the West line of said West ½ of the Northwest ¼ of Section 22; and thence North along the East line of the West 296 feet of said West ½ of the Northwest ¼ of Section 22, a distance of 159 feet to the point of beginning.

3228-3244 NORTH WALSTED, CHICAGO, ILLINOIS.

PIN NO.: 14-20-427-036-Volume No. 485

THE NORTH HALF OF LOT 6 AND ALL OF LOTS 7, 8 AND 9 [EXCEPT THE NORTH 5½ INCHES OF THE EAST 151 FEET OF LOT 9 (EXCEPT STREET)] IN BLOCK 1 IN HAMBLETON WESTON AND DAVIS SUBDIVISION OF THE SOUTH HALF OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

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