97554755

Mortgage Modification Agreement

. DEPT-01 RECORDING

\$27,50

- . T40009 TRAN 9976 07/31/97 10:07:00
- . 48136 + SK ×-97-554755
- COOK COUNTY RECORDER

AG	REE	MENT dated as of June 7, 1997 between
	\overline{X}	Bank One, Tilinois, NA , not personally, but as Trustee under Trust Agreement dated
		May 1, 1903 and known as Trust No. M-11205 as successor by merger with Bank One, Chicago, NA which successed Bank One, Wilmotter MA: which was
~	٨	formarly known at Wirst Lillando Bank of Wilmette, WA no Trustee under Trust Agreements
	•	dated December 23, 1916 and known as Trust Nos. IWB-0603, TWB-0604, TWB-0605, TWB-0606)
		TWB 0607, TWB-0608 and TWB-0609,
		d/b/a general partnership or joint venture,
/"k !		agor"). Bank One, Illinois, NA ("Bank"); and
(-63		Bruce C. Abrams (Bank) and
	Ai	("Guarantor" or "Guarantors").
		[ECITALS d
		Two minison Five Readed Thousand
	Α.	Mortgagor is indebted to Bank in the principal sum of
		as evidenced by a Mongage Note ("Note") dated as of <u>reportally 21, 1991</u> , which Note is secured in pair by a Montgage ("Montgage"),
		22-28 W. Elm and 1153-61 N. Dearborn
		M and Assignment of Rents applicable to the property commonly I nown as, Chicago, IL,
		legally described on Exhibit A attached hereto, which document(s) were (v.as) recorded with the Cook
		County Recorder of Deeds as Document Number(s) 91-084293 (and 91-084294
		respectively) on February 22 19 91 and modified by a Mortgage Modification
ma.		greement dated June 7, 1995 and recorded as document number 95-658682
(X)	۵.	Said Note is also secured by the Guaranty of Payment and Performance dated as of <u>Fune 7, 1993</u> executed by the Guarantor(s).
		executed by the Gallantolla).
•	C.	Mortgagor ([X] and Guarantor(s)) has/have requested
		an additional loan in the amount of
		an additional loan in the amount of Doilars (\$ X an extension of the maturity date of the Note from June 7, 1997 to December 7, 1997
X	D.	Bank is willing to grant such request pursuant to the terms and provisions of this Agreement and the Promissory Note dated June 7, 1997 in the principal sum of
		which bears interest due and payable at the rate specified therein ("Replacement Note").
		One Million Seven Hundred Sixty-Two Thousand Seven Hundred Forty and 00/100
		AGREEMENTS
NO	W, 7	THEREFORE, in consideration of the above Recitals, the parties hereto do hereby acknowledge and agree as follows:
	•	Mortgagor (図 and Guaranter(s)) does/do hereby acknowledge that the Mortgage (図 Assignment of Rents), (図 Guaranty)
	١.	and other applicable Security Documents are in full force and effect.

2. The Mortgage, (IX) Assignment of Rents) and other Security Documents are hereby modified to provide that such instruments

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<u>.</u>	3. §4.	Guarantor(s) (do) (does) perely restling and pair the Sin all other respects, the Mortgage. (IV) Assignment of R	AAL COPY ents) and other applicable Security Documents are hereby ratified
		and reaffirmed.	,
	통. 내내 대한 대한 대한	not personally but as Trustee aforesaid in the exercise of Trustee and the Mortgagor hereby warrants that it posses expressly understood and agreed that nothing contained the any liability on the Mortgagor personally to pay the Replace thereon, or any indebtedness secured by this Agreemen covenant, either express or implied herein contained, all sperson now or hereafter claiming any right or security here legal holder or holders of the Note or Replacement Note look solely to the Premises and Collateral referred to herein thereof.	Illinois land trust, this Agreement is executed by the Mortgagor, the power and authority conferred upon and vested in it as such sees full power and authority to execute this instrument and it is nerein or in the Replacement Note shall be construed as creating ment Note or any interest, late charge or premium that may accrue to rithe security documents referred to herein, or to perform any such liability, if any, being expressly waived by Bank and by every eunder, and that so far as Mortgagor is personally concerned, the and owner or owners of any indebtedness secured hereby shall hand to any other security given at any time to secure the payment
Da	teti	at, Illinois as of tr	ne date first above written.
		CO _A	
		DRTGAGOR: rtnership / Joint Venture:	IX Land Trust:
			Bank One, Illinois, NA
}	a _	(partnership) ijoint venture	May 1, 1993
	By:	the company of the co	Trust No. M-11205 Trust No. M-11205
ļ		Its: EXONERATION PROVISITIONS STRICTING AN LIABILITY OF BANK ONE, ULTIMOIS, NA HEREI	lis:
	Ço	exportation: IS HEREBY EXPRESSLY MADE D. PORT HERIDA	as Trustee under Agreement dated May 1, 1993 Trust No. M-11205 By: Its: Individuals:
1	is	corporation	GNATU
		e de la companya de la companya de managa de la companya del companya de la companya de la companya del companya de la company	O CEE SIL
! !		115:	SUARANTORS:
		nk One 11 Lineta NA	2000 1000 1000 1000
	Dy		bruce to Aprills, Individually
	Вy	Hs. Vice President	bruce to Aprills, Individually
ST		hs. vice President	Deurboin and Elm, L.L.C. By: Eruce C. Abrams
ST CC			Deurborn and Elm, L.L.C.
C(TATE NUC	OF ILLINOIS SS TY OF COOK SS ADDRES S de WAAL, a notary public in and for the cook of the	Deurboin add Elm, L.L.C. By: Eruce C. Abrams Its: Member, lanager or the state and county alcresaid DO HEREBY CERTIFY, the personally known to me to be the same person(s) whose name(s
I. Is se	ITATE NUC 120 200 (ana)	OF ILLINOIS SS TY OF COOK SS ADDREA S AL WAAL, a notary public in and to WCE. W. WAAL Subscribed to the foregoing posturo and appropriately and delivered the said instrument as her his light fee and	Dearborn and Elm, L.L.C. By: Eruce C. Abrams Its: Member, lanager or the state and county alcresaid. DO HEREBY CERTIFY, the personally known to me to be the same person(s) whose name(same this day in person, and acknowledged the signer.
I. is set the	TATE NUC QC (ens) Cense conserved	OF ILLINOIS SS TY OF COOK SS TY OF COOK SS ACCE W. KAMP. A notary public in and for the said instrument of the sa	Deurborn add Elm, L.L.C. By: Eruce C. Abrams Its: Member, lanager or the state and county alcresaid. DO HEREBY CERTIFY, the personally known to me to be the same person(s) whose name(see me this day in person, and acknowledged the Ds)he (they) signed voluntary act, for the uses and purposes and in the capacity (if any other capacity).
I. is set the	TATE NUC QC (ens) Cense conserved	OF ILLINOIS SS TY OF COOK SS OGGE A WARL, a notary public in and for the cook of the lore polyments was appeared to be and delivered the said instruments of the lore forth. Under my hand and sea the BARBARA S DE WAAL NOTARY PUBLIC, STATE OF ILLINOIS	Dearborn and Elm, L.L.C. By: Eruce C. Abrams Its: Member, lanager or the state and county alcresaid. DO HEREBY CERTIFY, the personally known to me to be the same person(s) whose name(same this day in person, and acknowled and the lashe (they) signed voluntary act, for the uses and purposes and in the capacity (if any local same person).
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CO I. Is setting.	TATE OUN (are) (ar	OF ILLINOIS SS TY OF COOK SS THE AREA S OF WAAL NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPRES: 05/14/00 TY OF SS TY OF SS TY OF SS TY OF STATE OF ILLINOIS A notary public in and for subscribed to the foregoing instrument, appeared before and delivered the said instrument as her/his/their free and set forth. under my hand and seal this day of sent Prepared By	Dearborn and Elm, L.L.C. By: Eruce C. Abrams Its: Member lanager or the state and county alcresaid. DO HEREBY CERTIFY, the personally known to me to be the same person(s) whose name(servoluntary act, for the uses and purpose and in the capacity (if any Notary Public personally known to me to be the same person(s) whose name(servoluntary act, for the uses and purposes and in the capacity (if any personally known to me to be the same person(s) whose name(servoluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if any voluntary act, for the uses and purposes and in the capacity (if
CO I. Is setting.	FATE OUN (are) (ar	OF ILLINOIS SUbscribed to the foregoing restriction and form of the foregoing restriction in and form of the foregoing restriction in and form of the foregoing restriction in and form of the foregoing instrument, appeared before an other my hand and seather the foregoing instrument, appeared before and delivered the said instrument as her/his/their free and set forth. Bruce (i. Abrams I subscribed to the foregoing instrument, appeared before and delivered the said instrument as her/his/their free and set forth. under my hand and seal this day of the performance of the said instrument as her/his/their free and the set forth. Under the foregoing instrument as her/his/their free and the set forth. Under the foregoing instrument as her/his/their free and the set forth. OFFICIA	Dearborn and Elm, L.L.C. By: Eruce 2. Abrams Its: Member/lanager or the state and county alcresaid. DO HEREBY CERTIFY, the personally known to me to be the same person(s) whose name(s) and this day in person, and acknowledged the Capacity (if any voluntary act, for the uses and purposes, and in the capacity (if any personally known to me to be the same person(s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are the state and purposes and in the capacity (if any solution).
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CO I. Is setting.	CATE OUN (are) Hed erein (are)	OF ILLINOIS TY OF COOK SS TO STRUCE S de WARL, a notary public in and for week with the foregoing retraction in and for set forth. Under my hand and sea th BARBARA S DE WAAL NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES: 05/14/00 E OF ILLINOIS SS TY OF a notary public in and for set forth. Subscribed to the foregoing instrument, appeared before and delivered the said instrument as her/his/their free and set forth. Under my hand and seal this day of the Returned to: OFFICIA TY Vye Bank One 11 Ingts NA NOTARY PUBLIC,	Dearborn and Elm, L.L.C. By: Eruce 2. Abrams Its: Member/lanager or the state and county alcresaid. DO HEREBY CERTIFY, the personally known to me to be the same person(s) whose name(s) and this day in person, and acknowledged the Capacity (if any voluntary act, for the uses and purposes, and in the capacity (if any personally known to me to be the same person(s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are this day in person, and acknowledged that (s)he (they) signed to be the same person (s) whose name(s) are the state and purposes and in the capacity (if any solution).

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It is expressly understood and agreed by the parties hereto, anything herein to the contrary not withstanding, that all of the representations, covenants, undertakings, warranties, indemnities, and agreements herein made on the part of the Trustee while in form purporting to be on the part of said Trustee are nevertheless made and intended not as personal representations, covenants. undertakings, warranties and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are intended for the purpose of binding only the trust property, described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the power conferred upon it as such Trustee; and that no perional liability or personal responsibility is assumed by nor shall at any time be asserted or ble against BANK ONE, Illinois, NA under said Trust Agreement, on account of this ground of any representations, covenants, undertakings, warranties, of agreements of said Trustee in this instrument, either expressed or implied, all this lity, if any, being expressly waived and released by the parties to this Talk parties claiming by, through, or under them.

Bank One, Illinois, NA not personally, but as Trustee under Trust No. 77-113

EXECUTED IN DUPLICATE

STATE OF ILLINOIS COUNTY OF COM

I, the undersigned, a Notary Public in and for said County, in the state aforesaid, DO HEREBY CERTIFY that the persons whose names are subscribed to this document are personally known to me to be duly authorized officers of Bank One, Illinois, NA and that they appeared before me this day in person and severally acknowledged that they signed and delive ed this document in writing as duly authorized officers of said Corporation and caused the Corporate Seal to be affixed thereto pursuant to authority given by the Board of Directors 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 official seal this day of

10-6-99

My Commission expires

OFFICIAL SEAL! Tracy Lynn White Notary Public, State of Ullnole

My Commission Expires 106/90

Property of Coot County Clert's Office

EXHIBIT A

LEGAL DESCRIPTION FOR 22-28 W. ELM AND 1153-61 N. DEARBORN AS IT PERTAINS TO A MORTGAGE LOAN MODIFICATION DATED JUNE 7, 1997 IN THE AMOUNT OF \$1,762,740.00 EXECUTED BY BANK ONE, ILLINOIS, NA.

PiN: 17-04-407-004, 17-04-407-005, 17-04-407-006, 17-04-407-007, 17-04-407-008

PARCLE 1:

THE SOUTH 37 FEET OF LOT 10 (EXCEPT THE WEST 69 FEET 4-1/4 INCHES THEREOF) IN WALTER L. NEWBERRY'S SUBDIVISION OF BLOCK 24 IN BUSHNELL'S ADITION TO CHICAGO, IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE WEST 38 FEET 7-1/4 INCHES OF THE SOUTH 37 FEET OF LOT 10 IN WALTER L. NEWBERRY'S SULDIVISION OF BLOCK 24 IN BUSHNELL'S ADDITION TO CHICAGO IN SECTION 4, 'O'NSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, III (COOK COUNTY, ILLINOIS; ALSO THE EAST 30 FEET 9 INCHES OF THE WEST 5: FEET 4-1/4 INCHES OF THE SOUTH 37 FEET OF LOT 10 IN WALTER L. NEWBERRY'S SUBDIVISION OF BLOCK 24 IN BUSHNELL'S ADDITION TO CHICAGO SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THE SOUTH 22 FEET OF LOT 9 AND THE NORTH 3 FEET OF LOT 10 IN BLOCK 24 IN BUSHNELL'S ADDITION TO CHICAGO, IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THE NORTH 23 FEET OF LOT 9 IN BLOCK 24 IN BUSHNELL'S ADDITION TO CHICAGO IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

THE SOUTH 1/2 OF LOT 8 IN BLOCK 24 IN BUSHNELL'S ADDITION TO CHICAGO, IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

THE NORTH 1/2 OF LOT 8 IN BLOCK 24 IN BUSHNELL'S ADDITION TO CHICAGO IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 7:

THE SOUTH 1/2 OF LOT 7 IN BLOCK 24 IN BUSHNELL'S ADDITION TO CHICAGO IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Proberty of Cook County Clerk's Office