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## ASSIGNMENT OF MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING

96-546 (N)

THIS ASSIGNMENT OF MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING (this "Assignment"), made as of the 15th day of January, 1997 by CAPITAL LEASE FUNDING, L.P., a Delaware limited partnership, having an office at 85 John Street, 12th Floor, New York, New York 10038 ("Assignor") to CAPITAL LEASE FUNDING SECURITIZATION, L.P., a special purpose Delaware limited partnership, having an address at 85 John Street, 12th Floor, New York, New York 10038 ("Assignee"):

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States and other good and valuable consideration, to it in hand paid at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, Assignor has granted, bargained, sold, assigned, transferred and set over, and by these presents does grant, bargain, sell, assign, transfer and set over unto Assignee:

Assignor's right, title and interest under that certain Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing (the "Mortgage") from Orchard Place Retail L.L.C., as Mortgagor unto Capital Lease Funding, L.P., as Mortgagee dated September 23, 1996, recorded on September 23, 1996, in the Official Records of Cook County, Illinois as Instrument Number 96725942:

TOGETHER WITH the note or notes described or referred to in said Mortgage, the money due and to become due thereon with interest, and all rights accrued or to accrue under said Mortgage:

This Assignment is made by Assignor without recourse or warranty in any respect.

TO HAVE AND TO HOLD the same unto Assignee, its successors and assigns forever.

Said Mortgage encumbers, among other things, all of those certain lots, pieces or parcels of land described in Exhibit A annexed hereto and made a part hereof, together with the buildings and improvements erected thereon.

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IN WITNESS WHEREOF, the Assignor has caused these presents to be duly executed as of the day and year first above written.


CAPITAL LEASE FUNDING, L.P., a  
Delaware limited partnership

By: CLF Holdings, Inc., a Delaware corporation,  
its general partner

By: 

Name: Paul H. McDowell  
Title: Vice President

Upon recordation please return to:

  
Bill Fabe  
30 N. LAKE ST  
CHICAGO, IL 60602

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STATE OF NEW YORK    )  
                                  SS.:  
COUNTY OF NEW YORK )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Paul H. McDowell, Vice President of CLF Holdings, Inc., general partner of Capital Lease Funding, L.P., who is personally known to me 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 the said instrument as Vice President of said general partner of said limited partnership as his own free and voluntary act and as the free and voluntary act of said general partner of said limited partnership as aforesaid, for the uses and purposes therein set forth.

Given under my hand and official seal, this 15 day of January, 1997.

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

My Commission Expires: \_\_\_\_\_

FABIAN G. KLAPP  
Notary Public, State of New York  
No. 02KLS017263  
Qualified in Queens County  
Commission Expires Aug 30 1997

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## EXHIBIT A

### LEGAL DESCRIPTION

LOT 1 IN ORCHARD PLACE RESUBDIVISION, BEING A RESUBDIVISION IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

EASEMENT FOR INGRESS, EGRESS AND PARKING OVER ALL COMMON AREAS AS SET FORTH IN THE DECLARATION OF COVENANTS RESTRICTIONS AND EASEMENTS RECORDED AS DOCUMENT NUMBER 96718369 TO BE RECORDED AT OR PRIOR TO CLOSING.

#### PARCEL 3:

EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITIES FOR THE BENEFIT OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT FILED AS DOCUMENT NO. 24-59-484, AND RE-FILED AS DOCUMENT NO. 26-14-018.

#### PERIMETER DESCRIPTION OF PARCEL 1:

THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 40.0 FEET SOUTH AND 328.15 FEET WEST OF AND PARALLEL TO THE NORTHEAST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 16; THENCE SOUTH 00 DEGREES 05 MINUTES 55 SECONDS WEST, 141.0 FEET; THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS, EAST 156.14 FEET; THENCE SOUTH 00 DEGREES, 00 MINUTES, 55 SECONDS, WEST 269.08 FEET; THENCE NORTH 90 DEGREES, 00 MINUTES, 00 SECONDS, WEST 372.25 FEET; THENCE SOUTH 00 DEGREES, 02 MINUTES, 00 SECONDS, WEST 10.0 FEET; THENCE NORTH 90 DEGREES, 00 MINUTES, 00 SECONDS, WEST 12.0 FEET; THENCE NORTH 00 DEGREES, 02 MINUTES, 00

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SECONDS. EAST 301.77 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 50.46 FEET. A CHORD BEARING OF NORTH 19 DEGREES, 10 MINUTES, 44 SECONDS, WEST. AN ARC DISTANCE 33.84 FEET; THENCE NORTH 38 DEGREES, 23 MINUTES, 27 SECONDS, WEST, 53.82 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 72.12 FEET. A CHORD BEARING OF NORTH 19 DEGREES, 26 MINUTES, 44 SECONDS, WEST. AN ARC DISTANCE OF 48.09 FEET TO A POINT 40 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 16; THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST PARALLEL TO THE NORTH LINE OF SAID SECTION 16, 288.35 FEET MORE OR LESS TO THE POINT OF BEGINNING. ALL IN COOK COUNTY, ILLINOIS.

10-16-206-001  
10-16-206-002  
10-16-206-003  
10-16-206-042

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