

# UNOFFICIAL COPY

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

97140631

Bank of America Illinois  
231 South LaSalle Street  
Chicago, Illinois 60697  
Attn: Lauretta Davies  
#3032570

DEPT-01 RECORDING \$27.  
T40017 TRAN 4173 02/28/97 15:08:00  
#7985 CG \*-97-14063  
COOK COUNTY RECORDER

## MORTGAGE MODIFICATION AGREEMENT

THIS MORTGAGE MODIFICATION AGREEMENT (this "Agreement") is made as of February 19, 1997, by John F. McCaffrey and Carroll McCaffrey, His Wife

("Borrower"), and BANK OF AMERICA ILLINOIS, an Illinois banking corporation formerly known as Continental Bank N.A. ("Bank").

### FACTUAL BACKGROUND

A. Under a Private Equity Line of Credit Agreement dated as of October 26, 1989, the Bank agreed to establish a line of credit for Borrower in the amount of One Hundred Thousand and no/100 \$ 100,000.00 (the "Line of Credit"). Said Private Equity Line of Credit Agreement is being amended and restated by that certain Amended and Restated Private Equity Line of Credit Agreement dated of even date herewith. Said Private Equity Line of Credit Agreement provided, among other things, a maturity date of November 25, 1996 for the Line of Credit. The Amended and Restated Private Equity Line of Credit Agreement, among other things, extends the maturity date to February 19, 2002. The Private Equity Line of Credit Agreement, as amended and restated, is hereinafter referred to as the "Line of Credit Agreement." Capitalized terms used herein without definition have the meanings given them in the Line of Credit Agreement.

B. The Line of Credit is secured by a Mortgage dated October 26, 1989 (the "Mortgage"), recorded with in the Recorder of Cook County, Illinois, on November 8, 1989, as Document No. 89531771.

The Mortgage encumbers certain property described as follows (the "Property"):  
Lot 1 in William C. O'Donnell's Resubdivision of Lot 4 and the South 73.58 Feet of Lot 1 in White Oak Subdivision, a Subdivision in the North West 1/4 of the South East 1/4 of Section 20, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

PTN: 05-20-400-084-0000

# BOX 333-CTI

Handwritten: 2700 EA, dated Date, 11/19/97, 226082, F2

2700 EA

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have an address of 339 White Oak Lane; Winnetka, IL. 60093

C. Borrower and Bank now wish to reaffirm the Mortgage in conjunction with the Amended and Restated Private Equity Line of Credit Agreement.

## **AGREEMENT**

Therefore, Borrower and Bank agree as follows:

1. **Recitals.** The recitals set forth above in the Factual Background are true, accurate and correct.

2. **Reaffirmation of Line of Credit Agreement.** Borrower reaffirms all of its obligations under the Line of Credit Agreement. Borrower acknowledges and agrees that all references to the "Agreement" in the Mortgage shall mean the Line of Credit Agreement defined herein.

3. **Borrower's Representations and Warranties.** Borrower represents and warrants to Bank as of the date hereof as follows:

(a) **Mortgage.** All representations and warranties made and given by Borrower in the Mortgage are true, accurate and correct.

(b) **No Default.** No event of default has occurred and is continuing, and no event has occurred and is continuing which, with notice or the passage of time or both, would be an event of default.

(c) **Property.** Borrower lawfully possesses and holds fee simple title to all of the Property, and the Mortgage is a first and prior lien on such property. Borrower owns all of the Property which is personal property free and clear of any reservations of title and conditional sales contracts, and also of any security interests other than the Mortgage, which is a first and prior lien on such property. There is no financing statement affecting any Property on file in any public office except

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for financing statements, if any, in favor of Bank and except as follows: none

IN WITNESS WHEREOF, Borrower and Bank have executed this Agreement.

**BORROWERS:**

[Signature]  
John F. McCallbrey  
[Signature]  
Carroll McCaffrey

**BANK:**

**BANK OF AMERICA ILLINOIS,**  
an Illinois banking corporation

By: [Signature]  
Name: LAURIE BLAZEK  
Title: Vice President

Property of Cook County Clerk's Office

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STATE OF ILLINOIS )  
 )  
COUNTY OF Cook ) SS

I, Jean M. Lamberth, a Notary Public in and for said county and state, do hereby certify that John F. McCaffrey and Carroll McCaffrey, personally known to be the same person(s) subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 24th day of February, 1997.

Jean M. Lamberth  
Notary Public

STATE OF ILLINOIS )  
 )  
COUNTY OF COOK ) SS.

I, Jean M. Lamberth, a Notary Public in and for said county and state, do hereby certify that Laurie Blazek, Vice President of Bank of America Illinois, an Illinois banking corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument as Vice President of said bank, appeared before me this day in person, and acknowledged that she signed and delivered the said instrument as her free and voluntary act as Vice President of said bank, for the uses and purposes therein set forth.

Given under my hand and official seal, this 24th day of February, 1997.

Jean M. Lamberth  
Notary Public

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