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- . #9888 # CG *-97-224575
- . COOK COUNTY RECORDER

FIRST AMENDMENT TO MORTGAGE AND SECURITY AGREEMENT

DUPAGE DIE CASTING CORPORATION, as Mortgagor

and

FLEET CAPITAL CORPORATION, as Mortgagee

35-
2

DATED: As of March 27, 1997

Prepared by: /Return to:

Jill Ann Coleman
Neal, Gerber & Eisenberg
Two North LaSalle Street
Suite 2100
Chicago, Illinois 60602
(312) 269-8000

Premises Located at:

6119 West Howard Street
Niles, Illinois 60648
Parcel I.D. Nos. 10-29-301-013
10-29-301-023
10-29-301-024
10-29-301-025
10-29-301-027
10-29-301-029

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FIRST AMENDMENT TO MORTGAGE AND SECURITY AGREEMENT

This First Amendment to Mortgage and Security Agreement ("Amendment") is made as of the 27th day of March, 1997, by and between DUPAGE DIE CASTING CORPORATION, an Illinois corporation with an office located at 6119 West Howard Street, Niles, Illinois 60648 ("DuPage") and FLP RESIDS INVESTMENT GROUP, L.P. ("Lender"), a Delaware limited partnership with an office located at 200 West Madison Street, Suite 3800, Chicago, Illinois 60606.

RECITALS:

A. DuPage executed that certain Mortgage and Security Agreement in favor of Lender dated as of March 31, 1995, and recorded on April 4, 1995 in the Office of the Cook County, Illinois Recorder as Document 95225079 ("Mortgage") with respect to such real property as is described therein and herein in Exhibit A attached hereto and incorporated herein by this reference.

B. DuPage and Lender entered into that certain Loan and Security Agreement dated as of March 31, 1995, amended by that First Amendment to Loan and Security Agreement dated as of April 10, 1996, and that certain Second Amendment to Loan and Security Agreement dated as of July 8, 1996 ("Loan Agreement").

C. DuPage and Lender subsequently amended and restated the Loan Agreement by that certain Amended and Restated Loan and Security Agreement dated as of even date herewith ("Amended Loan Agreement") pursuant to the terms of which Borrower has executed and delivered to Lender that certain Amended and Restated Secured Promissory Note of Borrower payable to the order of Lender in the current outstanding principal amount of \$1,500,000.00 (which replaces, supercedes, restates and amends that certain Secured Promissory Note dated March 31, 1995, of DuPage payable to the order of Lender in the original principal amount of \$3,000,000.00) (the "Amended and Restated Term Note").

D. All capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Amended Loan Agreement.

E. DuPage and Lender desire to amend the Mortgage as more fully set forth herein.

Contractual Provisions

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

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1. Amendment to the Mortgage. The Mortgage is hereby amended as follows:

(a) All references to the term "Loan Agreement" in the Mortgage shall mean the Amended Loan Agreement, as amended from time to time.

(b) All references to the "Term Note" or the "Note" in the Mortgage shall mean the Amended and Restated Term Note, as amended from time to time.

2. Mortgage unchanged. Except as expressly modified hereby, the terms and conditions of the Mortgage shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, this Amendment has been duly executed by DuPage and Lender as of the day and year first above written.

DUPAGE DIE CASTING CORPORATION

By: 

Name: Joseph R. Pantori
Title: President

FLP RESIDS INVESTMENT GROUP, L.P.

By: JGC Investors, Inc., its
general partner

By: 

Name: Glen Miller
Title: Vice President

Prepared by:/Return to:

Jill Ann Coleman
Neal, Gerber & Eisenberg
Two North LaSalle Street
Suite 2100
Chicago, Illinois 60602
(312) 269-8000

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

On this 27th day of March, 1997, before me, a Notary Public in and for said State, personally appeared Joseph Pantor, to me personally known, who, being by me duly sworn, did say that he is the President of DUPAGE DIE CASTING CORPORATION, an Illinois corporation, and that said instrument was signed on behalf of said corporation by authority of its board of directors, and he acknowledged said instrument to be the free act and deed of said corporation.

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

Theresa M. Bauer
Notary Public

[SEAL]

My Commission expires:

6-5-99

OFFICIAL SEAL
THERESA M. BAUER
NOTARY PUBLIC, STATE OF ILLINOIS
COMMISSION EXPIRES 6-5-99

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STATE OF ILLINOIS)
)
COUNTY OF COOK) SS.

On this 27th day of March, 1997, before me, a Notary Public in and for said State, personally appeared Glen Miller, to me personally known, who, being by me duly sworn, did say that he is the Vice President of JGC Investors, Inc., the general partner of FLP Reside Investment Group, L.P., a Delaware limited partnership, and that said instrument was signed and sealed by him on behalf of said corporation as general partner of and on behalf of said limited partnership by authority of such corporation's board of directors, and he acknowledged said instrument to be the free act and deed of said corporation as general partner of and on behalf of said limited partnership.

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

Kimberly Gill

Notary Public

[SEAL]

My Commission expires:

May 15, 1997

OFFICIAL SEAL
KIMBERLY GILL
Notary Public, State of Illinois
Commission Expires May 15, 1997

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EXHIBIT A

(Legal Description of the Property)

(See Attached)

Common Address: 6119 West Howard Street, Niles, Cook County,
Illinois

Parcel I.D. Nos. 10-29-301-013
10-29-301-023
10-29-301-024
10-29-301-025
10-29-301-027
10-29-301-029

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EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1:

THAT PART OF THE WEST 12.5 ACRES OF LOT 1 IN THE ASSESSOR'S DIVISION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF GROSS POINT ROAD, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 1, 352.0 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1, THENCE SOUTH ON A LINE 352.0 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 1, A DISTANCE OF 472.0 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 116.0 FEET; THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID LOT 1 TO THE CENTER LINE OF GROSS POINT ROAD AS IMPROVED; THENCE NORTHEASTERLY ALONG THE CENTER LINE OF GROSS POINT ROAD, 24.03 FEET, TO A LINE 448.0 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 1; THENCE NORTH ON SAID PARALLEL LINE, A DISTANCE OF 348.21 FEET, TO A LINE 328.47 FEET, SOUTH OF THE NORTH LINE OF SAID LOT 1; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 25.50 FEET, TO A LINE 513.5 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 1; THENCE NORTH ALONG SAID PARALLEL LINE 328.47 FEET TO THE NORTH LINE OF SAID LOT 1, BEING ALSO THE CENTER LINE OF HOWARD STREET; THENCE WEST ALONG SAID (HOWARD) LINE AND SAID CENTER LINE, A DISTANCE OF 161.50 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART SOUTH OF A LINE PARALLEL TO AND 472 FEET SOUTH OF THE NORTH LINE OF SAID LOT 1) IN COOK COUNTY, ILLINOIS, EXCEPT FROM ALL THE ABOVE DESCRIBED TRACT THE NORTH 40 FEET THEREOF IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE WEST 20 FEET (AS MEASURED ON THE NORTH LINE THEREOF) OF LOT 3 IN THE RICHARD C. CROSSLEY SUBDIVISION OF PART OF LOT 1 IN ASSESSOR'S SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

LOT 1 IN LEXINGTON COND. SUBDIVISION OF PART OF LOT 1 IN ASSESSOR'S SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THE EAST 94 FEET OF THAT PART OF THE WEST 12.5 ACRES OF LOT 1 IN THE ASSESSOR'S DIVISION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF GROSS POINT ROAD, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON A LINE 488 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 1 AND 328.47 FEET SOUTH OF THE NORTH LINE OF SAID LOT 1; THENCE EAST A DISTANCE OF 187 FEET; THENCE SOUTH, A DISTANCE OF 222.61 FEET; THENCE SOUTHWESTERLY ALONG THE CENTER LINE OF A ROAD, A DISTANCE OF 222.89 FEET; THENCE NORTH ON A LINE 488 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID LOT 1, A

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DISTANCE OF 346.83 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

THAT PART OF LOTS 1 AND 2 LYING SOUTH OF THE NORTH 140.25 FEET THEREOF, AND LYING WEST OF THE EAST 25 FEET OF LOT 2, AFORESAID IN RICHARD C. CROSSLEY'S SUBDIVISION OF PART OF LOT 1 IN ASSESSORS DIVISION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 6:

THE EAST 25 FEET OF LOT 2 (EXCEPT THE NORTH 140.25 FEET THEREOF), IN RICHARD C. CROSSLEY'S SUBDIVISION OF PART OF LOT 1 IN ASSESSOR'S DIVISION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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