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62022930M (CM)  
Chicago Title Insurance Company

**RECORDATION REQUESTED BY:**

MB Financial Bank, N.A.,  
successor in interest to  
Manufacturers Bank  
Commercial Banking - South  
Region  
16255 S. Harlem Avenue  
Tinley Park, IL 60477

2004 045753

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2004 JUN -2 AM 9:41

MORRIS H. CARTER  
RECORDER

**WHEN RECORDED MAIL TO:**

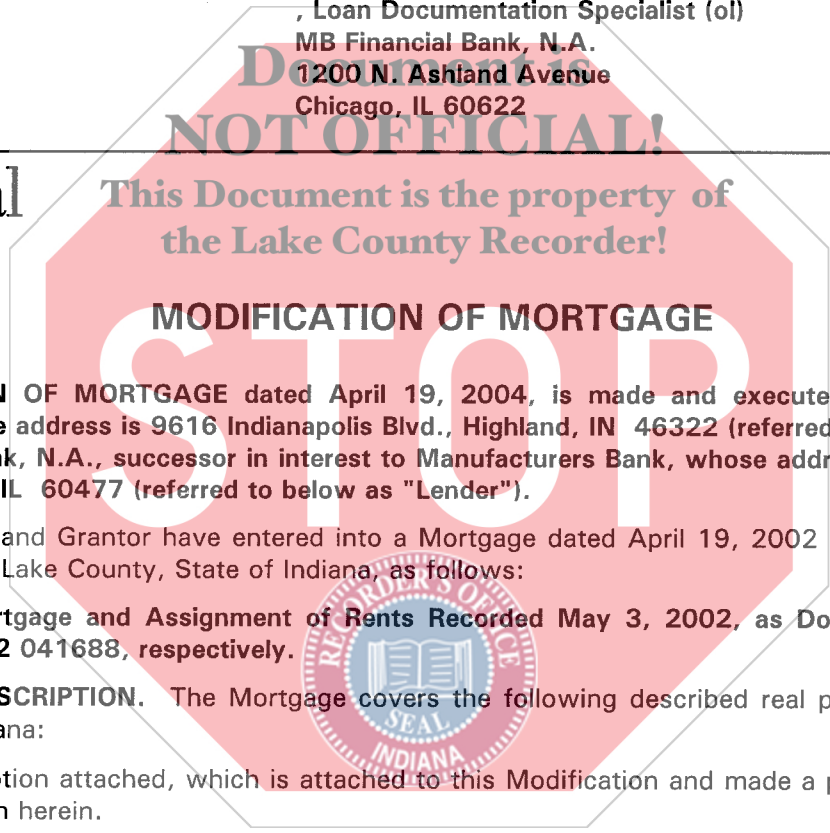
MB Financial Bank, N.A.  
Loan Documentation  
1200 N. Ashland Avenue  
Chicago, IL 60622

**FOR RECORDER'S USE ONLY**

This Modification of Mortgage prepared by:

, Loan Documentation Specialist (ol)

MB Financial Bank, N.A.  
1200 N. Ashland Avenue  
Chicago, IL 60622



This Document is the property of  
the Lake County Recorder!

**MODIFICATION OF MORTGAGE**

**THIS MODIFICATION OF MORTGAGE** dated April 19, 2004, is made and executed between Deer Creek Holdings, LLC, whose address is 9616 Indianapolis Blvd., Highland, IN 46322 (referred to below as "Grantor") and MB Financial Bank, N.A., successor in interest to Manufacturers Bank, whose address is 16255 S. Harlem Avenue, Tinley Park, IL 60477 (referred to below as "Lender").

**MORTGAGE.** Lender and Grantor have entered into a Mortgage dated April 19, 2002 (the "Mortgage") which has been recorded in Lake County, State of Indiana, as follows:

**Construction Mortgage and Assignment of Rents Recorded May 3, 2002, as Document Numbers 2002 041687 and 2002 041688, respectively.**

**REAL PROPERTY DESCRIPTION.** The Mortgage covers the following described real property located in Lake County, State of Indiana:

See Legal Description attached, which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 27 acres of vacant land (Phase 1) Stonebridge Estate, Schererville, IN. The Real Property tax identification number is Taxing Unit No.: 20 - Key No.: 13-3-10

**MODIFICATION.** Lender and Grantor hereby modify the Mortgage as follows:

The maturity date of the Change In Terms Agreement has been extended to October 19, 2005. All other terms and provisions of the loan documents shall remain in Full force and effect.

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DG  
OT

**MODIFICATION OF MORTGAGE  
(Continued)**

Loan No: 7211718

Page 2

**CONTINUING VALIDITY.** Except as expressly modified above, the terms of the original Mortgage shall remain unchanged and in full force and effect and are legally valid, binding, and enforceable in accordance with their respective terms. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Mortgage as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Mortgage (the "Note"). It is the intention of Lender to retain as liable all parties to the Mortgage and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Mortgage does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

**GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF MORTGAGE AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF MORTGAGE IS DATED APRIL 19, 2004.**

**GRANTOR:**

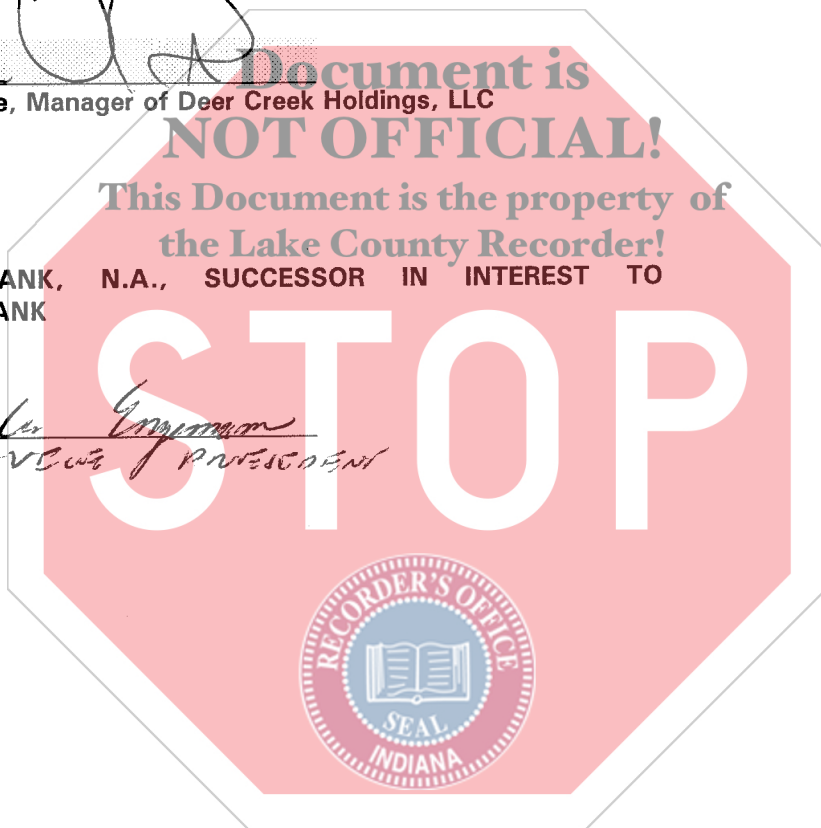
DEER CREEK HOLDINGS, LLC

By:   
David B. Van Dyke, Manager of Deer Creek Holdings, LLC

**LENDER:**

MB FINANCIAL BANK, N.A., SUCCESSOR IN INTEREST TO  
MANUFACTURERS BANK

X    
Authorized Signer *NEW PRESIDENT*



MODIFICATION OF MORTGAGE  
(Continued)

Loan No: 7211718

Page 3

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF INDIANA )  
 ) SS  
COUNTY OF LAKE )

On this 21st day of MAY, 2004 before me, the undersigned Notary Public, personally appeared **David B. Van Dyke, Manager of Deer Creek Holdings, LLC**, and known to me to be a member or designated agent of the limited liability company that executed the Modification of Mortgage and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By Alicia M. Henderson Residing at LAKE COUNTY

Notary Public in and for the State of INDIANA

My commission expires 4-11-09



MODIFICATION OF MORTGAGE  
(Continued)

Loan No: 7211718

Page 4

LENDER ACKNOWLEDGMENT

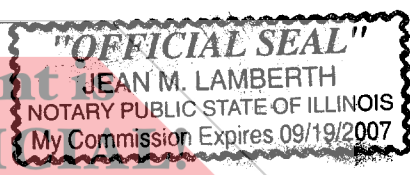
STATE OF Illinois )  
 ) SS  
COUNTY OF COOK )

On this 27<sup>th</sup> day of MAY, 2004 before me, the undersigned Notary Public, personally appeared Kenneth A. Engemann and known to me to be the Vice President, authorized agent for the Lender that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the said Lender, duly authorized by the Lender through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and that the seal affixed is the corporate seal of said Lender.

By Jean M. Lamberth Residing at Tinley Park, IL.

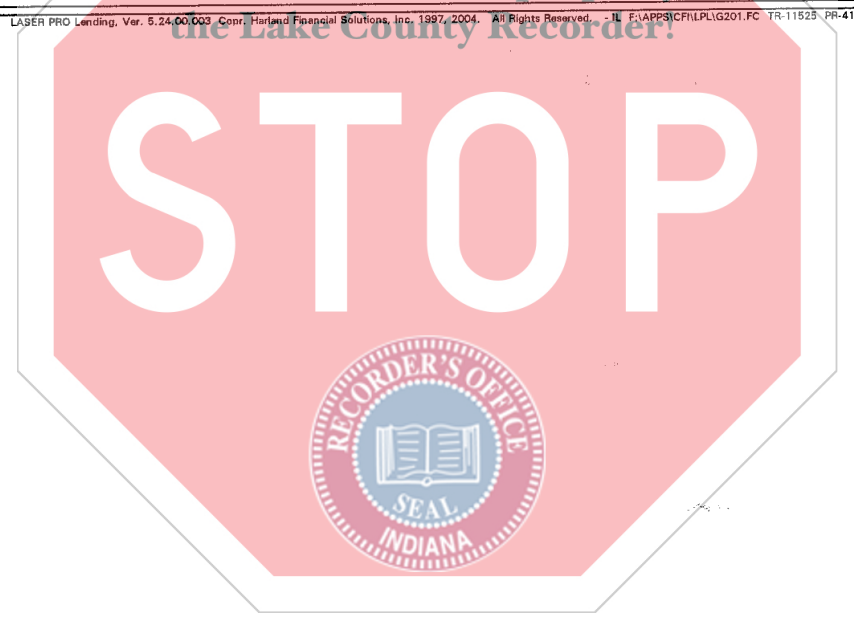
Notary Public in and for the State of Illinois

My commission expires 9/19/2007



Document is NOT OFFICIAL

This Document is the property of the Lake County Recorder!



No: 62022930M

### LEGAL DESCRIPTION

Part of the North half of Section 8, Township 35 North, Range 9 West of the Second Principal Meridian in the Town of Schererville, Lake County, Indiana, which part of said North half is more particularly described as follows: Commencing at the Northeast corner of Lot 3 in Deercreek Park, Unit 3, a subdivision of the Town of Schererville, Indiana, as per plat thereof appearing in Plat Book 64, page 33, in the Office of the Lake County Recorder; thence South 69 degrees 17 minutes 00 seconds West along the Northerly line of said Lot 3 (also being the Southerly line of the Elgin, Joliet & Eastern Railway this line being the basis of bearings herein), a distance of 510.0 feet to the Northwest corner of said Lot 3; thence South 01 degrees 23 minutes 30 seconds East, along the West line of said Lot 3, a distance of 850.0 feet to the Southwest corner of said Lot 3; thence South 89 degrees 50 minutes 27 seconds West along a Southerly line of the "Deed Restricted Area" as depicted on Exhibit Sheet 7 of 9 in the "Wetland Mitigation Plan for Deer Creek Development" and recorded on November 4, 1997 as Document No. 97075320, a distance of 1,123.18 feet to the point of beginning; thence South 00 degrees 09 minutes 33 seconds East, a distance of 190.00 feet; thence South 89 degrees 50 minutes 27 seconds West, a distance of 24.72 feet; thence South 00 degrees 09 minutes 33 seconds East, a distance of 140.00 feet; thence North 89 degrees 50 minutes 27 seconds East, a distance of 505.53 feet; thence South 18 degrees 20 minutes 53 seconds West, a distance of 57.88 feet; thence South 65 degrees 13 minutes 37 seconds East, a distance of 197.17 feet; thence South 24 degrees 46 minutes 23 seconds West, a distance of 19.92 feet; thence South 65 degrees 13 minutes 37 seconds East, a distance of 130.00 feet; thence South 24 degrees 46 minutes 23 seconds West, a distance of 682.94 feet; thence Easterly, along a non-tangent curve, concave to the South having a radius of 280.00 feet, an arc length of 100.91 feet (the chord of which bears South 77 degrees 49 minutes 45.5 seconds East, a chord distance of 100.37 feet) to a point of reverse curve; thence Easterly, along said reverse curve, having a radius of 200.0 feet, an arc distance of 20.65 feet (the chord of which bears South 70 degrees 27 minutes 44 seconds East, a chord distance of 20.64 feet); thence South 00 degrees 09 minutes 33 seconds East, a distance of 175.51 feet to a point on the North line of a strip of land deeded to Texas Eastern Transmission Corp. by Quit Claim Deed recorded April 14, 1972 as Document No. 144350; thence South 89 degrees 44 minutes 21 seconds West, along said North line, a distance of 713.17 feet, to a point of deflection in said North line; thence North 84 degrees 03 minutes 59 seconds West, along said deflected North line, a distance of 160.17 feet to another point of deflection in said North line; thence South 70 degrees 03 minutes 21 seconds West, along said deflected North line, a distance of 51.24 feet to another point of deflection in said North line; thence South 89 degrees 44 minutes 21 seconds West, along said deflected North line, a distance of 256.54 feet, to a point on the Easterly line of said "Deed Restricted Area"; thence North 01 degrees 00 minutes 13 seconds West, along said Easterly line, a distance of 356.17 feet; thence North 89 degrees 50 minutes 27 seconds East, a distance of 362.41 feet; thence North 00 degrees 09 minutes 33 seconds West, a distance of 709.59 feet; thence North 35 degrees 45 minutes 28 seconds West, a distance of 40.05 feet, to a point on the North/South centerline of said Section 8; thence North 01 degrees 04 minutes 08 seconds West (North 01 degrees 00 minutes 13 seconds East plat), along said North/South centerline, a distance of 267.88 feet, to a point on said Southerly line of the "Deed Restricted Area"; thence North 89 degrees 50 minutes 27 seconds East, along said Southerly line, a distance of 267.29 feet, to the point of beginning, now known as Lots 18-26 and 35-77, inclusive, Stonebridge Estates, Phase One, an Addition to the Town of Schererville, as per plat thereof, recorded in Plat Book 92, pge 23, in the Office of the Recorder of Lake County, Indiana.

EXCEPTING THEREFROM THE FOLLOWING:

71  
Lots 18, 19, 21, 38, 39, 47, 48, 49, 50, 61, 62, 63, 69, 70, 72, 73, 74, 75, 76 and 77 Stonebridge Estates, Phase One, an Addition to the Town of Schererville, as per plat thereof, recorded in Plat book 92, page 23, in the Office of the Recorder of Lake County, Indiana.