

Chicago Title Insurance Company  
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PREPARED BY AND AFTER RECORDING RETURN TO: 2004 097268

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2004 NOV 16 AM 9:51

MORRIS...  
RECORDER

LaSalle Bank National Association  
135 South LaSalle Street  
Chicago, Illinois 60603  
Attn: Rick Lopez

TAXING UNIT NO.24  
KEY NO.: 30-110-1 and 2

PROPERTY ADDRESS:

4624 Magoun Avenue  
East Chicago, Indiana

FIRST MODIFICATION OF REVOLVING CREDIT MORTGAGE, ASSIGNMENT OF RENTS AND LEASES, SECURITY AGREEMENT AND FINANCING STATEMENT

This FIRST MODIFICATION OF REVOLVING CREDIT MORTGAGE, ASSIGNMENT OF RENTS AND LEASES, SECURITY AGREEMENT AND FINANCING STATEMENT ("Agreement") is entered into as of October 31, 2004 by and between DELRAY FARMS, L.L.C., a Delaware limited liability company (the "Mortgagor"), having an address of 820 West Jackson Boulevard, Suite 600, Chicago, Illinois 60607, and LASALLE BANK NATIONAL ASSOCIATION, a national banking association (the "Mortgagee"), having its main office at 135 South LaSalle Street, Chicago, Illinois 60603.

RECITALS:

- A. Mortgagor executed a Revolving Credit Mortgage, Assignment of Rents and Leases, Security Agreement and Financing Statement dated as of August 1, 1999 (as amended from time to time, the "Mortgage"), recorded on August 10, 1999 as Document No. 99066539 in the office of the Lake County, Indiana Recorder of Deeds (the "Recorder's Office"), encumbering certain property commonly known as 4624 Magoun Avenue, East Chicago, Indiana and as more particularly described on Exhibit A attached hereto.
- B. The Mortgage currently secures that certain Modification Revolving Note dated as of September 29, 2003, in the principal amount of \$2,000,000.
- C. Mortgagor desires hereby to amend the Mortgage in connection with an increase in the availability under the revolving facility from \$2,000,000 to \$2,500,000.

15  
REC

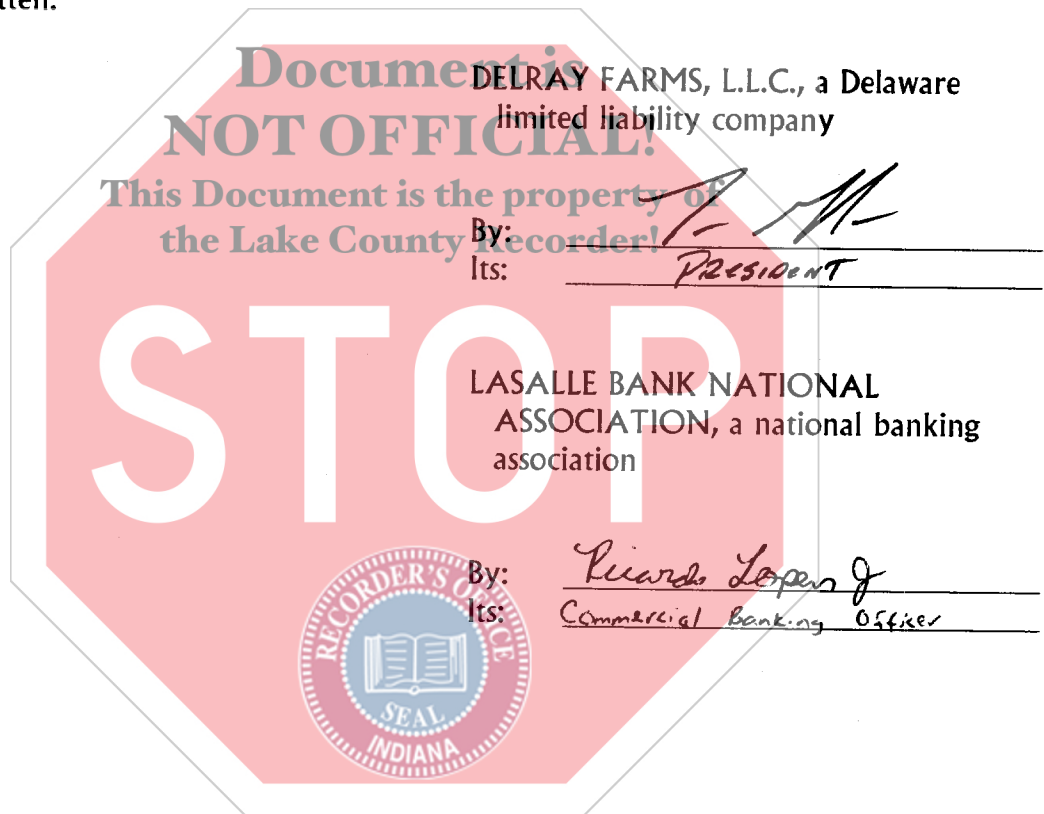
NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows:

1. Note Secured. (a) The term "Note", as defined in the Mortgage, is hereby amended to refer to the Modification Revolving Note of even date herewith in the principal amount of Two Million Five Hundred Thousand Dollars (\$2,500,000), signed by the Mortgagor.

(b) Mortgagor expressly agrees that the Mortgage secures the Note, any and all extensions, renewals and modifications thereof and substitutions therefor, and any other sums, liabilities or indebtedness as set forth in the Mortgage.

2. Continuing Effect. All the terms of the Mortgage are hereby incorporated by reference herein, and the Mortgage, except as hereby modified, shall remain in full force and effect in all respects. Mortgagor, by execution of this Agreement, hereby reaffirms, assumes and binds itself to all of the obligations, duties, rights, covenants, terms and conditions that are contained in the Mortgage.

IN WITNESS WHEREOF, this Agreement has been duly executed the day and year first above written.



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STATE OF ILLINOIS) ) SS.  
COUNTY OF COOK )

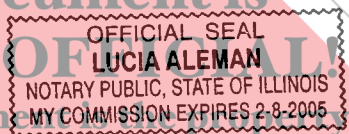
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that TIM GRABAL, personally known to me and known by me to be the PRESIDENT of DELRAY FARMS, L.L.C., a Delaware limited liability company, in whose name the above and foregoing instrument is executed, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument as his/her own free and voluntary act and as the free and voluntary act of said limited liability company, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 8<sup>th</sup> day of November 2004.

Lucia Aleman  
Notary Public

My Commission Expires: 2/8/05

STATE OF ILLINOIS) ) SS.  
COUNTY OF COOK )



Document is NOT OF RECORD!  
This Document of the Lake County Recorder!

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that RICARDO LOPEZ, JR., personally known to me and known by me to be the COMMERCIAL BANKING OFFICER of LASALLE BANK NATIONAL ASSOCIATION, a national banking association, in whose name the above and foregoing instrument is executed, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument as his/her own free and voluntary act and as the free and voluntary act of said banking association, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 8<sup>th</sup> day of November 2004.



Sandra McNaughton  
Notary Public

My Commission Expires: APRIL 25, 2005

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2004 097269

2004 NOV 16 AM 9:50

MORRIS J. HERSHBERGER  
RECORDED

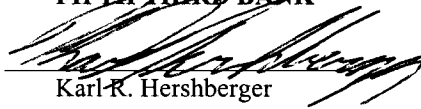
**PARTIAL SATISFACTION OF MORTGAGE**

THIS CERTIFIES THAT the debt secured by a certain mortgage executed by **HAWK DEVELOPMENT CORPORATION** to the **FIFTH THIRD BANK (CHICAGO)**, a Michigan Banking Corporation on the 23<sup>rd</sup> day of **December, 2002**, amounting to **\$2,777,063.00**, said mortgage being recorded **January 3, 2003** in the Records of Mortgage of **Lake County**, in the State of **Indiana**, as Document No. **2003 000594** and said mortgage is hereby released only as to the following described property:

LOTS 1,3 & 5 IN PINE HILL PHASE ONE, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 92 PAGE 85, AND AS AMENDED BY AFFIDAVIT AND CERTIFICATE OF CORRECTION, RECORDED DECEMBER 26, 2002, AS DOCUMENT NO. 2002 119556, IN THE OFFICER OF THE RECORDER OF LAKE COUNTY, INDIANA

The lien on the balance of the real estate described in the said mortgage to remain in full force and effect. WITNESS, my hand this **15th day of November, 2004**.

**FIFTH THIRD BANK**

By:   
Karl R. Hershberger  
Title: Vice President

**ACKNOWLEDGMENT**

**NOT OFFICIAL!**

This Document is the property of  
The Lake County Recorder

COUNTY OF LAKE } SS:  
STATE OF INDIANA }

I, **Liljana Makarovska**, Notary Public, in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that **Karl R. Hershberger** personally known to me to be the Vice President of the **FIFTH THIRD BANK (CHICAGO)**, a Michigan Banking Corporation and 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 as such he signed and delivered the said instrument as Vice President of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Directors of said corporation as his free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial seal this **15<sup>th</sup>** day of **November** A.D. **2004**.

My Commission expires 03-06-08 Resident of Lake County, Indiana



  
Liljana Makarovska

This instrument prepared by Liljana Makarovska



→ Hawk Development.  
1313 White Hawk Dr., Crown Point, IN 46307  
10-DG  
12402