

5

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2017 082704

2017 DEC -6 AM 9:59

MICHAEL B. BROWN
RECORDER

ASSIGNMENT OF ASSIGNMENT OF LEASES AND RENTS

C-III MORTGAGE FUNDING LLC,
a Delaware limited liability company
(Assignor)

**Document is
NOT OFFICIAL!**

**This Document is the property of
the Lake County Recorder!**
WILMINGTON TRUST, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE BENEFIT
OF THE REGISTERED HOLDERS OF WELLS FARGO COMMERCIAL MORTGAGE
TRUST 2017-C40, COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES,

SERIES 2017-C40
(Assignee)

Effective as of October 17, 2017

County of Lake
State of Indiana



DOCUMENT PREPARED BY AND WHEN RECORDED, RETURN TO:

McCoy & Orta, P.C.
100 North Broadway, 26th Floor
Oklahoma City, Oklahoma 73102
Telephone: 888-236-0007

↗

AMOUNT \$ 25000
CASH _____ CHARGE _____
CHECK# 17261
OVERAGE _____
COPY _____
NON-CONF _____
DEPUTY JTB

~~10/17/17~~
~~UCC~~

E

ASSIGNMENT OF ASSIGNMENT OF LEASES AND RENTS

As of the 17th day of October, 2017, C-III MORTGAGE FUNDING LLC, a Delaware limited liability company, having an address at 5221 N. O'Connor Blvd., Suite 600, Irving, TX 75039 ("Assignor"), as the holder of the instrument hereinafter described and for valuable consideration hereby endorses, assigns, sells, transfers and delivers to WILMINGTON TRUST, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE BENEFIT OF THE REGISTERED HOLDERS OF WELLS FARGO COMMERCIAL MORTGAGE TRUST 2017-C40, COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2017-C40, having an address at 1100 North Market Street, Wilmington, DE 19890 ("Assignee"), its successors, participants and assigns, without recourse or warranty, all right, title and interest of Assignor in and to that certain:

ASSIGNMENT OF LEASES AND RENTS made by MIF/HIGHLAND REAL ESTATE HOLDING COMPANY, LLC, an Illinois limited liability company to C-III COMMERCIAL MORTGAGE LLC, a Delaware limited liability company dated as of August 31, 2017 and recorded on September 6, 2017, as Instrument Number 2017-060220 in the Recorder's Office of the Recorder of Lake County, Indiana ("Recorder's Office") (as the same has heretofore been amended, modified, restated, supplemented, renewed or extended) ("Assignment of Leases"), securing payment of note(s) of even date therewith, in the original principal amount of \$3,200,000.00, and creating a first lien on the property described in Exhibit A attached hereto and by this reference made a part hereof.

The Assignment of Leases was assigned to Assignor, by assignment instrument(s) dated as of August 31, 2017 and recorded on September 6, 2017, as Instrument Number 2017-060222, in the Recorder's Office.

Together with any and all other liens, privileges, security interests, rights, entitlements, equities, claims and demands as to which Assignor hereunder possesses or to which Assignor is otherwise entitled as additional security for the payment of the notes and other obligations described herein.

This instrument shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

[SIGNATURE(S) ON THE FOLLOWING PAGE]

EXHIBIT A

(Description of Land)

Parcel I:

That part of Lot Numbered One (1) in Highland Town Center, in the Town of Highland, as per plat thereof, recorded in Plat Book 77, page 23, in the Office of the Recorder of Lake County, Indiana, bounded and described as follows: Commencing at the Southeast corner of said Lot 1; thence North 89 degrees 27 minutes 34 seconds West, along the South line of said Lot 1, a distance of 1148.11 feet; thence North 00 degrees 11 minutes 11 seconds West, along a Westerly line of said Lot 1, a distance of 0.09 feet; thence North 34 degrees 46 minutes 25 seconds West, along a Westerly line of said Lot 1, a distance of 17.72 feet; thence North 01 degrees 55 minutes 20 seconds East, along a Westerly line of said Lot 1, a distance of 248.52 feet; thence North 02 degrees 34 minutes 45 seconds East, along a Westerly line of said Lot 1, a distance of 374.45 feet; thence North 44 degrees 51 minutes 46 seconds East, along a Westerly line of said Lot 1, a distance of 40.57 feet; thence North 02 degrees 34 minutes 45 seconds East, along a Westerly line of said Lot 1, a distance of 60.00 feet; thence North 41 degrees 03 minutes 43 seconds West, along a Westerly line of said Lot 1, a distance of 6.00 feet to the Point of Beginning; thence Continuing along the East line of said Lot 1, a distance of 33.55 feet; thence North 02 degrees 34 minutes 45 seconds East, along a Westerly line of said Lot 1, a distance of 125.89 feet; thence North 01 degrees 08 minutes 49 seconds East, along a Westerly line of said Lot 1, a distance of 87.11 feet; thence North 89 degrees 50 minutes 12 seconds East, along a line at right angles to the East line of said Lot 1, a distance of 270.19 feet, to a point 847.24 feet West of the East line of said Lot 1 (as measured at right angles thereto); thence South 00 degrees 09 minutes 48 seconds East, along a line parallel to said East line of Lot 1, a distance of 218.20 feet; thence South 44 degrees 50 minutes 12 seconds West, a distance of 28.28 feet; thence South 89 degrees 50 minutes 12 seconds West, along a line at right angles to said East line of Lot 1, a distance of 236.24 feet, to the Point of Beginning, in the Town of Highland, Lake County, Indiana. **EXCEPTING THEREFROM THE FOLLOWING:**

A part of Lot 1 in Highland Town Center Subdivision, an addition to the Town of Highland, Indiana, the plat of which is recorded in Plat Book 77, page 23, in the Office of the Recorder of Lake County, Indiana, described as follows: Commencing at the Southwest corner of said Lot; thence North 1 degree 45 minutes 42 seconds East, a distance of 75.749 meters (248.52 feet) along the West line of said Lot; thence North 2 degrees 25 minutes 07 seconds East, a distance of 114.132 meters (374.45 feet) along said West line; thence North 44 degrees 42 minutes 08 seconds East, a distance of 12.366 meters (40.57 feet) along said West line; thence North 2 degrees 25 minutes 07 seconds East, a distance of 18.288 meters (60.00 feet) along said West line; thence North 41 degrees 13 minutes 21 seconds West, a distance of 1.829 meters (6.00 feet) along said West line to a Southwest corner of the Owner's land and the point of beginning of this description; thence continuing North 41 degrees 13 minutes 21 seconds West, a distance of 10.226 meters (33.55 feet) along said West line; thence North 2 degrees 25 minutes 07 seconds East, a distance of 38.371 meters (125.89 feet) along said West line; thence North 0 degrees 59 minutes 11 seconds East, a distance of 26.551 meters (87.11 feet) along said West line to the Northwest corner of the Owner's land; thence North 89 degrees 40 minutes 34 seconds East, a distance of 5.168 meters (16.96 feet) along the North line of the Owner's land; thence Southerly, a distance of 6.717 meters (22.04 feet) along an arc to the right and having a radius of 3,520.000 meters (11,548.56 feet) and subtended by a long chord having a bearing of South 2 degrees 18 minutes 51 seconds West and a length of 6.717 meters (22.04 feet); thence South 2 degrees 22 minutes 08 seconds West, a distance of 61.453 meters (201.62 feet); thence South 44 degrees 35 minutes 46 seconds East, a distance of 6.293 meters (20.65 feet) to the South line of the Owner's land; thence South 89 degrees 40 minutes 34 seconds West a distance of 2.113 meters (6.93 feet) along said South line to the point of beginning and containing 0.0322 hectares (0.079 acres), more or less. As evidenced by an Agreed Finding and Judgment recorded April 14, 2003, as Document No. 2003-037734 and April 16, 2003, as Document No. 2003-038648.

Parcel II - EAS:

All those beneficial non-exclusive easements as contained within the Operation and Easement Agreement made by and between Dayton Hudson Corporation, Opus North Corporation and Calumet National Bank, as trustee under Declaration of Trust dated May 11, 1992 and known as Trust No. P-3894 and recorded September 26, 1994 as Document No. 94066757.

Amended by the First Amended to Operating and Easement Agreement dated March 29, 1995 and recorded April 6, 1995 as Document No. 95019082 made by and between Dayton Hudson Corporation and American Store Properties Inc.

Further amended by the Second Amendment to Operating and Easement Agreement dated June 28, 1995 and recorded July 6, 1995 as Document No. 95037841.

Further amended by the Third Amendment to Operating and Easement Agreement dated June 27, 2001 and recorded September 28, 2001 as Document No. 2001078311 made by and between Target Corporation (formerly known as Dayton Hudson Corporation) and Acme Markets, Inc., a Delaware corporation (successor by merger to Acme Markets, Inc., a Pennsylvania corporation).

NOTE: The Third Amendment to Operating and Easement Agreement does not affect this property.

