

**IN THE CIRCUIT COURT OF COOK COUNTY ILLINOIS
MUNICIPAL DEPARTMENT, SIXTH DISTRICT**

VILLAGE OF MATTESON, a municipal
corporation,

Plaintiff,

Case No. 13 M6 002833

vs.

MICHAEL KOHAN, *et. al,*

Defendants.

AGREED ORDER

This cause coming to be heard on Plaintiff Village of Matteson's Motion for Rule to Show Cause, full notice having been given, the parties being present and in agreement and the Court being fully advised,

THE COURT HEREBY ORDERS THAT

1. This Court issued a Rule to Show Cause on December 13, 2013 against Defendant Lincoln Mall Holdings LLC as to why it should not be held in contempt of court for failing to comply with this Court's September 6, 2013 order (the "Funding Order") requiring Lincoln Mall Holding LLC to deposit \$100,000 by September 20, 2013 into the escrow account of the receiver, John Suzuki of Collateral Trustee (the "Receiver").
2. The Rule to Show Cause was returnable on January 9, 2014 at 2:00 PM.
3. This Court's December 13, 2013 order also required Defendant Michael Kohan (legally known as Mehran Kohansieh), as the court-recognized representative of Lincoln Mall

Holding LLC, to appear in person before this Court on January 9, 2014 at 2:00 PM to show why Lincoln Mall Holdings LLC should not be held in contempt of court for failing to comply with the Funding Order.

4. By agreement of the parties, on or before January 9, 2014, Defendant Lincoln Mall Holding, LLC deposited \$50,000 in the escrow account of the Village of Matteson. The Village of Matteson acknowledges receipt of the \$50,000 as partial satisfaction of the Funding Order. The Village of Matteson shall transfer the \$50,000 to the Receiver to be spent in furtherance of the Phase II fire exit plan.

5. By agreement of the parties, Defendant Lincoln Mall Holding, LLC shall transfer the remaining \$50,000 to the Village of Matteson in full satisfaction of the Funding Order on or before February 10, 2014.

6. The Rule to Show Cause is continued to February 12, 2014 at 2:00 p.m.

7. The Receiver is authorized to issue a receiver's certificate and the receiver's certificate is approved in the form attached to this Order.

8. This case is continued for status on February 12, 2014 at 2:00 p.m.

This Order Was Prepared By:

John F. Kennedy

Rachel L. Schaller

TAFT STETTINIUS & HOLLISTER LLP

111 East Wacker Drive, Suite 2800

Chicago, Illinois 60601

(312) 527-4000

Firm I.D. No. 29143

Village v Kohan_Agreed Order Contuing Rule and
Approving Receiver_s Certificate (2).docx

ENTERED: _____

Judge Thomas J. Condon

JAN 09 2014

Circuit Court 0211

RECEIVER'S CERTIFICATE NO. 1

Prepared by, and after recording mail to:

Taft Stettinius & Hollister LLP
Attn: Rachel Schaller
111 E. Wacker Drive, Suite 2800
Chicago, Illinois, 60601
312-527-4000

FOR RECORDER'S USE ONLY

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VILLAGE OF MATTESON, a municipal
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RECEIVER'S FIRST CERTIFICATE

The undersigned, John T. Suzuki, was duly appointed as Receiver on August 15, 2013, in the above-captioned case pursuant to 65 ILCS 5/11-31-2, and has been granted therein such powers and duties as have been ordered from time to time, as Receiver for the property commonly known as Lincoln Mall Shopping Center and Adjacent Lots, 4441 and 4701 Lincoln Mall Drive, Matteson, Illinois 60443, which is legally described as follows (the "Property"):

Parcel 1 (Main Shopping Mall Parcel)

Lot 1 and Lot 7 in the Final Plat of Lincoln Mall Resubdivision, being a Subdivision in the Southwest Quarter of Section 22, Township 35 North, Range 13 East of the Third Principal Meridian, according to the Plat thereof recorded June 27, 2006 as Doc. No. 0617818028, in Cook County, Illinois.

ALSO:

That part of Lot 1 in the Resubdivision of Lot 9 in Lincoln Mall, being a subdivision of part of the Southwest 1/4 of Section 22, Township 35 North, Range 13 East of the Third Principal Meridian, according to the Plat thereof recorded October 30, 1978 as Document 24693781, commencing at the southwest corner of said Lot 1 (being the point where the south line of said Lot 1 intersects the east line of Cicero Avenue) and proceeding thence easterly on the south line of said Lot 1 for a distance of 10 feet to the point of beginning; thence easterly on said south line 30 feet; thence northerly at right angles to said south line 20 feet; thence westerly parallel to said south line 30 feet thence southerly 20 feet to the point of beginning in Cook County Illinois.

AND:

That part of Lot 2 in the Resubdivision of Lot 12 in Lincoln Mall, being a subdivision of part of the Southwest 1/4 of Section 22, Township 35 North, Range 13 East of the Third Principal Meridian, according to the Plat thereof recorded April 15, 1974 as Document 22684834, bounded and described as follows: Beginning at the northeast corner of said Lot 2; thence south along the east line of said Lot 2, a distance of 150.28 feet; thence northeasterly along the arc of a circle tangent to the last described course, convex to the northeast and having a radius of 396.11 feet, a distance of 91.89 feet; thence northwesterly along a line tangent to the last described course, a distance of 61.03 feet to the north line of said Lot 2; thence east along the north line of said Lot 2, a distance of 24.64 feet to the point of beginning in Cook County, Illinois.

Commonly known as Lincoln Mall Shopping Center and Adjacent Lots, 4701 Lincoln Mall Drive, Matteson, Illinois 60443.

Property Index No. 31-22-300-041-0000; 31-22-300-055-0000; 31-22-300-064-0000; 31-22-300-065-0000; 31-22-300-070-0000; 31-22-300-071-0000.

Parcel 4 (JCP Strip Land)

Lot 3 in Resubdivision of Lot 3 in the Second Final Plat of Lincoln Mall Resubdivision, being a Subdivision of the Southwest Quarter of Section 22, Southwest 35 North, Range 13 East of the Third Principal Meridian, according to the Plat thereof recorded January 25, 2007 as Doc No. 0702515074, in Cook County, Illinois.

Commonly known as Lincoln Mall Shopping Center and Adjacent Out Lot, 4441 Lincoln Mall Drive, Matteson, Illinois 60443.

Property Index No. 31-22-301-009-0000

For value received, John T. Suzuki, not individually but as Receiver for the Property, promises to pay to bearer the sum of \$225,000 (the "Face Amount"), plus an origination fee of eight percent (8.0%) and interest accruing at the rate of one percent (1.0%) per month (twelve percent (12.0%) per annum) (the "Principal Balance") until this Certificate is fully paid.

This Certificate is issued under and by virtue of an order of the Circuit Court of Cook County, entered in the above-entitled cause and ordered to be effective as of October 11, 2013. Pursuant to 65 ILCS 5/11-31-2, this Certificate shall be freely transferable and when sold or transferred by the Receiver in return for valuable consideration in money, material, labor or services, shall be a first lien upon the real estate and the rents and issues thereof, and shall be superior to all prior assignments of rents and all prior existing liens and encumbrances, except taxes; provided that: (1) the Village of Matteson shall be notified in writing at least fourteen (14) days prior to any sale or transfer of this Certificate; (2) the Village of Matteson, or its assignee, shall have the first right to redeem the Certificate hereunder; and (3) within 90 days of such sale or transfer for value by the Receiver of the Certificate, the holder of this Certificate ("Holder") shall file notice of lien in the office of the recorder in the county in which the real estate is located, or in the office of the registrar of titles of such county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice of lien filed shall set forth: (1) a description of the real estate affected sufficient for the identification thereof, (2) the Face Amount and Principal Balance of the Certificate, together with the interest payable thereon, and (3) the date when the Certificate was sold or transferred for value by the Receiver.

The Principal Balance of the Certificate may be repaid in part or in whole at any time. All such payments on account of the Certificate shall be made by bank check, wire transfer or other certified funds to the Holder. Upon payment to the Holder of the Certificate of the Principal Balance thereof together with any interest thereon to such date of payment, and upon filing of record of a sworn statement of such payment, the lien of such Certificate shall be released. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics' liens, and such action to foreclose such lien may be commenced at any time after 180 days from the date of issuance of the Certificate, extendable for a second period of 180 days at the sole option of the Village of Matteson or its assignee, if at that time the Certificate remains unpaid in whole or in part, provided that the Village of Matteson shall be notified in writing at least seven (7) days prior to any foreclosure of the Certificate and, prior to initiating foreclosure, shall have the right to redeem the Certificate hereunder.

All legal and court fees associated with this Certificate and the subsequent foreclosure of the Certificate shall be assessed against Lincoln Mall Holding LLC.

ASSIGNMENT

For the sum of ten dollars (\$10.00) and other good and valuable consideration received, John T. Suzuki does hereby sell, assign, and transfer this First Receiver's Certificate to Collateral Trustee, Inc., 1033 West Van Buren Street, 7th Floor, Chicago, Illinois, 60607, its successors and/or assigns.

John T. Suzuki, Receiver for the property commonly known as 208 Lincoln Mall Drive, Matteson, Illinois.

Assigned this __ day of _____, 2014

Notary Public

{Seal}