

UNOFFICIAL COPY

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2003-03-20 10:38:48
Cook County Recorder 26.00

RECORD OF PAYMENT



8100037, NA, GOMEZ, CIT, 2 of 2 (all)

1. The Selling or Refinancing Borrower ("Borrower") identified below has or had an interest in the property (or in a land trust holding title to the property) identified by tax identification number(s):

14-21-310-064-1002

SEE ATTACHED LEGAL DESCRIPTION

Commonly Known As:

440 W ADLINE AVE, UNIT 2E, CHICAGO, ILLINOIS 60657

which is hereafter referred to as the Property.

2. The Property was subjected to a mortgage or trust deed ("mortgage") recorded on 5/1/5/01 as document number 0010406443 in COOK County, granted from CHASE MANHATTAN to DAVID M. KUDLATA. On or after a closing conducted on 02/18/03, Title Company disbursed funds pursuant to a payoff letter from the Mortgagee, or its agent or assignee (hereinafter "Mortgagee"), for the purpose of causing the above mortgage to be satisfied.

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3. This document is not issued by or on behalf of the Mortgagee or as an agent of the Mortgagee. This document is not a release of any mortgage. The extent of any continuing obligation of the Borrower to the Mortgagee is a matter of the contract between them, on which Borrower should seek independent legal advice, and on which subject Title Company makes no implied or express representation, warranty, or promise. This document does no more and can do no more than certify-solely by Title Company, and not as agent for any party to the closing that funds were disbursed to Borrower's Mortgagee. Any power or duty to issue any legal release of the Mortgagee's mortgage rests solely with the Mortgagee, for whom the Title Company does not act as agent with respect to the subject closing or the subject mortgage. No release of mortgage is being hereby issued by the Title Company. No release of mortgage will be issued by the Title Company, and no mortgage release, if issued by the Mortgagee, will be recorded by the Title Company as a result of the closing, as a result of this document, or as a result of any actual or alleged past practice or prior course of dealing with any party or party's attorney. Title Company makes no undertaking and accepts no responsibility with regard to the mortgage or its release. Borrower disclaims, waives, and releases any obligation of the Title Company, in contract, tort, or under statute with regard to obtaining, verifying, or causing the present or future existence of any mortgage release, or with regard to the recording of any mortgage release, now or in the future.

4. Borrower and Title Company agree that this RECORD OF PAYMENT shall be recorded by Title Company within 60 days of completion of the closing and that upon recordation of the RECORD OF PAYMENT all Title Company's obligations to Borrower shall be satisfied, with Title Company to have no further obligation of any kind whatsoever to Borrower arising out of or relating in any way to this RECORD OF PAYMENT or any mortgage release. The sole and exclusive remedy for Title Company's failure to record within 60 days shall be a refund upon demand of amounts collected from Borrower for recordation of this RECORD OF PAYMENT. Any failure to record shall not negate or affect any other provisions of this RECORD OF PAYMENT.

5. This document is a total integration of all statements by Title Company relating to the mortgage. Borrower represents that no statements or agreements inconsistent with the terms of this record have been made, and that any allegation of any prior statement or representation, implied or express, shall be treated at all times by both parties as superseded by the statements, disclaimers, releases and waivers contained herein. Borrower waives any right to rely on any statement or act alleged to be inconsistent with the terms hereof, unless contained in a writing signed by both parties, which expressly states that it is negating the legal efficacy of this document.

PREPARED BY: LAURA DEBELINA
3225 N. ASHLAND AVENUE, CHICAGO, ILLINOIS 60657

MAIL TO: DAVID M. KUDLATA
440 W ADLINE AVE
UNIT 2E
CHICAGO, ILLINOIS 60657

BOX 333-CT

Borrower

Title Company

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RECORD OF PAYMENT

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Legal Description:

PARCEL 1:

UNIT NUMBER 2 E AS DELINEATED ON THE SURVEY OF THE FOLLOWING DESCRIBED PARCELS: LOT 26, 27 AND THE WEST 10 FEET OF LOT 28 IN BLOCK 3 IN LAKE SHORE SUBDIVISION OF LOTS 24, 25 AND 26 IN PINE GROVE, IN SECTION 21, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN

PARCEL 2:

EASEMENT FOR DRIVEWAY AND FOR LIGHT AND AIR FOR THE BENEFIT OF THE OWNERS AND OCCUPANTS OF PARCEL 1 AFORESAID, OVER AND ACROSS THE SOUTH 136 FEET OF THAT PART OF THE WEST 5 FEET OF THE EAST 15 FEET OF LOT 28 IN BLOCK 3 OF SAID LAKE SHORE SUBDIVISION AFORESAID, LYING WEST OF THE WEST WALL EXTENDED OF THE BUILDING OF THE EAST 15 FEET OF SAID LOT 28, AS CREATED BY EASEMENT AGREEMENT DATED ON SEPTEMBER 24, 1914 AND RECORDED NOVEMBER 18, 1914, AS DOCUMENT 5533731, MADE BY AREL H. JOHNSON WITH LUTHER V. RICE;

PARCEL 3:

EASEMENT FOR DRIVEWAY FOR LIGHT AND AIR FOR THE BENEFIT OF THE OWNERS AND OCCUPANTS OF PARCEL 1 AFORESAID OVER AND ACROSS THE SOUTH 136 FEET OF THAT PART OF LOT 25 IN BLOCK 3 IN SAID LAKE SHORE SUBDIVISION AFORESAID, LYING EAST OF THE EAST LINE OF THE BUILDING ON SAID LOT 25, EXTENDED, AND AS CREATED BY EASEMENT AGREEMENT DATED SEPTEMBER 15, 1914 AND RECORDED SEPTEMBER 15, 1914, AS DOCUMENT 5493931, MADE BY ALMA O. RAITHEL AND LOUIS B. RAITHEL, WITH LUTHER V. RICE, ALL IN COOK COUNTY, ILLINOIS.

WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO AND A PART OF THE DECLARATION OF CONDOMINIUM OWNERSHIP MADE BY AMERICAN NATIONAL BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 1, 1977 AND KNOWN AS TRUST NUMBER 40796, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON DECEMBER 22, 1980 AS DOCUMENT 25714478 TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THE EXCLUSIVE RIGHT TO THE USE OF P-2 A LIMITED COMMON ELEMENT AS DELINEATED ON THE SURVEY ATTACHED TO THE DECLARATION AFORESAID RECORDED AS DOCUMENT 25714478.