

# UNOFFICIAL COPY

## RECORD OF PAYMENT

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):



Doc#: 0400239036  
Eugene "Gene" Moore Fee: \$26.50  
Cook County Recorder of Deeds  
Date: 01/02/2004 09:25 AM Pg: 1 of 2

13-34-121-024-0000

### SEE ATTACHED LEGAL DESCRIPTION

#### Commonly Known As:

2152 NORTH KENNETH AVENUE, CHICAGO, ILLINOIS 60639

which is hereafter referred to as the Property.

2. The Property was subjected to a mortgage or trust deed ("mortgage") recorded on 04/17/89 as document number 89169152 in COOK County, granted from ROBERT GUTIERREZ & DORIS M GUTIERREZ to FIRST FRANKLIN. On or after a closing conducted on 11/17/03, 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.

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: NANCY WASILY  
171 NORTH CLARK, CHICAGO, ILLINOIS 60601

MAIL TO: ROBERT GUTIERREZ  
2152 NORTH KENNETH AVENUE  
CHICAGO, ILLINOIS 60639

CHICAGO TITLE AND TRUST COMPANY  
171 NORTH CLARK

CHICAGO, ILLINOIS 60601

Chicago Title Insurance Company

RECOFPM 8/03 DGG

*Robert Gutierrez*  
ROBERT GUTIERREZ  
*Doris M. Gutierrez*  
DORIS M. GUTIERREZ

EC 834366P 303 3rd Agency No. 10/10/03

NOV 2004

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## RECORD OF PAYMENT

### Legal Description:

LOT 3 IN BLOCK 1 IN DICKEY AND BAKER'S NORTHWEST ADDITION TO CHICAGO, IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office