

UNOFFICIAL COPY

RECORD OF PAYMENT

452300
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)



Doc#: 0405527088
Eugene "Gene" Moore Fee: \$28.00
Cook County Recorder of Deeds
Date: 02/24/2004 12:10 PM Pg: 1 of 3

IDENTIFIED BY TAX IDENTIFICATION
NUMBER(S):

PIN: 16-05-419-015

SEE ATTACHED LEGAL

COMMONLY KNOWN AS:

5801-03 W. Walton St. Chicago IL 60651

WHICH IS HEREAFTER REFERRED TO AS THE PROPERTY.

2. THE PROPERTY WAS SUBJECTED TO A MORTGAGE OR TRUST DEED
(MORTGAGE) RECORDED ON 11/28/03 AS DOCUMENT NUMBER
0233239119 IN COOK COUNTY, GRANTED FROM
Luis Domenech TO MB Financial. ON OR
AFTER A CLOSING CONDUCTED ON 2/13/04, HERITAGE TITLE
COMPANY (HEREINAFTER "TITLE COMPANY") DISBURSED FUNDS
PURSUANT TO A PAYOFF LETTER FROM SAID 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 SAID MORTGAGEE
OR AS AN AGENT OF SAID MORTGAGEE. THIS DOCUMENT IS NOT A
RELEASE OF ANY MORTGAGE. THE EXTENT OF ANY CONTINUING
OBLIGATION OF THE BORROWER TO THE SAID MORTGAGEE IS A MATTER
OF THE CONTRACT BETWEEN THEM, FOR WHICH BORROWER SHOULD
SEEK INDEPENDENT LEGAL ADVICE, AND ON WHICH SUBJECT, TITLE
COMPANY MAKES NO IMPLIED OR EXPRESS REPRESENTATION,
WARRANTY, OR PROMISE. THIS DOCUMENT CERTIFIES THAT HERITAGE
TITLE COMPANY SOLELY AND NOT AS AGENT FOR ANY PARTY AT
CLOSING, DISBURSED FUNDS TO THE BORROWERS MORTGAGEE
PURSUANT TO SAID PAYOFF LETTER. ANY POWER OR DUTY TO ISSUE
ANY LEGAL RELEASE OF SAID 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 SAID
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 ALLEDGED PAST PRACTICE OR PRIOR COURSE OF
DEALING BY TITLE COMPANY WITH ANY PARTY OR PARTY'S ATTORNEY.

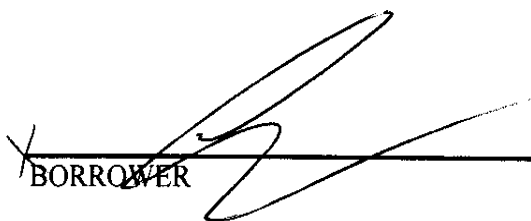
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TITLE COMPANY MAKES NO UNDERTAKING AND ACCEPTS NO RESPONSIBILITY WITH REGARD TO THE MORTGAGE OR ITS RELEASE. BORROWER DISCLAIMS, WAIVES AND RELEASES ANY AND ALL OBLIGATIONS OF THE TITLE COMPANY IN CONTRACT, TORT, EQUITY, OR UNDER ANY STATUTE WITH REGARD TO OBTAINING, VERIFYING, OR CAUSING EXECUTION IN 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 THIS RECORD OF PAYMENT ALL TITLE COMPANY'S OBLIGATIONS TO BORROWER SHALL BE SATISFIED, AND TITLE COMPANY SHALL 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 THIS INSTRUMENT 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 SAID MORTGAGE. BORROWER REPRESENTS THAT NO STATEMENTS OR AGREEMENTS INCONSISTANT 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 WRITTEN 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 AND MAIL TO: HERITAGE TITLE COMPANY
5849 W LAWRENCE AVENUE
CHICAGO ILLINOIS 60630


BORROWER


HERITAGE TITLE COMPANY

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Exhibit A

H51165

LOT 453 IN AUSTIN'S THIRD ADDITION TO AUSTINVILLE, BEING A SUBDIVISION OF THE EAST 17 ACRES OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N. 16-05-419-015-0000

C/K/A 5801-03 WEST WALTON STREET, CHICAGO, ILLINOIS 60651

Property of Cook County Clerk's Office