

UNOFFICIAL COPY

m 20863
RECORD OF PAYMENT



Doc#: 0407932078
Eugene "Gene" Moore Fee: \$28.50
Cook County Recorder of Deeds
Date: 03/19/2004 02:41 PM Pg: 1 of 3

1. THE SELLING OR REFINANCING BORROWER (BORROWER) IDENTIFIED BELOW HAS OR HAD AN INTEREST IN THE PROPRTY (OR IN A LAND TRUST HOLDING TITLE TO THE PROPERTY) IDENTIFIED BY TAX IDENTIFICATION NUMBER(S):

HERITAGE TITLE COMPANY

4405 Three Oaks Road

Crystal Lake, IL 60014

PIN: *02.02.203.064.1053*
SEE ATTACHED LEGAL

COMMONLY KNOWN AS:

*728 E Whispering Oaks
Dallavine-21*

WHICH IS HERAFTER REFERRED TO AS THE PROPERTY.

2. THE PROPERTY WAS SUBJECTED TO A MORTGAGE OR TRUST DEED (MORTGAGE) RECORDED ON 10/30/03 AS DOCUMENT NUMBER 0336434050 IN USPA COUNTY, GRANTED FROM Sally & Howard Talat & Ayhan TO Bank One. ON OR AFTER A CLOSING CONDUCTED ON 10/15/03, HERITAGE TITLE COMPANY (HEREINAFTER "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, OR 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 SOLELY AND NOT AS AGENT FOR ANY PARTY AT CLOSING, DISBURSED FUNDS TO THE BORROWERS MORTGAGEE. ANY POWER OR DUTY TO ISSUE ANY LEGAL RELEASE OF THE 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 RECORDE 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 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.




UNOFFICIAL COPY

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, 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 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 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 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 EXPRESSELY STATES THAT IT IS NEGATING THE LEGAL EFFICACY OF THIS DOCUMENT.

PREPARED BY AND MAIL TO:

HERITAGE TITLE COMPANY
 4405 THREE OAKS ROAD
 CRYSTAL LAKE, IL 60014



 HERITAGE TITLE COMPANY



 BORROWER

DeKalb County Clerk's Office

UNOFFICIAL COPY

PARCEL 1:

UNIT 10-B IN WHISPERING OAKS CONDOMINIUMS, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT " C " TO THE DECLARATION OF CONDOMINIUM RECORDED MARCH 12, 1993, AS DOCUMENT 93187367 AS AMENDED FROM TIME TO TIME, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

PARCEL 2:

EASEMENTS FOR INGRESS AND EGRESS OVER THE COMMON AREAS FOR THE BENEFIT OF PARCEL 1 AS SET FORTH IN DECLARATION OF CONDOMINIUM

PIN: 02-02-203-004-1053

Property of Cook County Clerk's Office