



H 55132

RECORD OF PAYMENT

Doc#: 0429541147
 Eugene "Gene" Moore Fee: \$28.00
 Cook County Recorder of Deeds
 Date: 10/21/2004 02:29 PM Pg: 1 of 3

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):

PIN: 12-12-308 - 002 - 0000

SEE ATTACHED LEGAL

COMMONLY KNOWN AS:

7655 W Foster Avenue, Chicago, IL 60656 - 1707

WHICH IS HEREAFTER REFERRED TO AS THE PROPERTY.

2. THE PROPERTY WAS SUBJECTED TO A MORTGAGE OR TRUST DEED (MORTGAGE) RECORDED ON 8/12/02 AS DOCUMENT NUMBER 00 20879862 IN COOK COUNTY, GRANTED FROM ~~INDIANA BANK & TRUST~~ TO Garban tyllone equity corporation ON OR AFTER A CLOSING CONDUCTED ON 10/15/04, 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 ALLEGED PAST PRACTICE OR PRIOR COURSE OF DEALING BY TITLE COMPANY WITH ANY PARTY OR PARTY'S ATTORNEY.

UNOFFICIAL COPY

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

H-55132

LOT 9 IN ORIOLE PARK COUNTRYSIDE, BEING A SUBDIVISION OF LOT 4 (EXCEPT THE WEST 20 ACRES THEREOF) IN CIRCUIT COURT PARTITION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 AND NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 12.29 CHAINS OF THE NORTH LINE AND THE WEST 12.27 CHAINS ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART CONVEYED TO THE COUNTY OF COOK FOR HIGHWAY PURPOSES IN COOK COUNTY, ILLINOIS

P.I.N 12-12-308-002-0000

C/K/A 7655 W. FOSTER AVENUE, CHOCAGO, ILLINOIS 60656-1707

Property of Cook County Clerk's Office