

# UNOFFICIAL COPY

158438

## RECORD OF PAYMENT



Doc#: 0521404147  
Eugene "Gene" Moore Fee: \$28.00  
Cook County Recorder of Deeds  
Date: 08/02/2005 03:08 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: 12-11-116-031-1003

SEE ATTACHED LEGAL

COMMONLY KNOWN AS:

8734 N.W. Sumnerdale Avenue, # 2S, Chicago IL, 60637  
WHICH IS HEREAFTER REFERRED TO AS THE PROPERTY.

2. THE PROPERTY WAS SUBJECTED TO A MORTGAGE OR TRUST DEED (MORTGAGE) RECORDED ON 3/3/04 AS DOCUMENT NUMBER 0406310049 IN COOK COUNTY, GRANTED FROM Tolanta & Jenny Morawski TO Bank One N.A. ON OR AFTER A CLOSING CONDUCTED ON 7/29/05, 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.

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 BORROWERS 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.

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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

*[Handwritten Signature]*  
BORROWER

*[Handwritten Signature]*  
HERITAGE TITLE COMPANY

*[Handwritten Signature]*  
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*[Handwritten Signature]*

**UNOFFICIAL COPY****Exhibit A****H-58438**

**UNIT NUMBER 2S IN 8734 WEST SUMMERDALE AVENUE CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE LOT 6 IN RIVERWOODS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED ON OCTOBER 16, 1978 AS DOCUMENT NUMBER 24673005, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, IN COOK COUNTY, ILLINOIS.**

**P.I.N. 12-11-116-031-1003****C/K/A 8734 W. SUMMERDALE AVENUE, UNIT 2S, CHICAGO, ILLINOIS 60656**

Property of Cook County Clerk's Office