

# UNOFFICIAL COPY

## RECORD OF PAYMENT

H65943

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#: 0718311212 Fee: \$50.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 07/02/2007 03:39 PM Pg: 1 of 3

IDENTIFIED BY TAX IDENTIFICATION NUMBER(S):  
PIN:

SEE ATTACHED LEGAL

COMMONLY KNOWN AS: *see attached*

WHICH IS HEREAFTER REFERRED TO AS THE PROPERTY.

2. THE PROPERTY WAS SUBJECTED TO A MORTGAGE OR TRUST DEED (MORTGAGE) RECORDED ON 5-22-06 AS DOCUMENT NUMBER 038784 IN Cook COUNTY, GRANTED FROM Kimberly M. ... TO D. Hearn ON OR AFTER A CLOSING CONDUCTED ON 6-28-07, 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 ✓

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.

RECEIVED IN BAD CONDITION

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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

*x Dominick J. Kearns*

*[Signature]*

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BORROWER

HERITAGE TITLE COMPANY

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Exhibit A

H65943

UNIT 502 IN FAIRBANKS LOFTS CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

SUB LOT 1 AND THE NORTH 2 1/2 FEET OF SUB LOT 2 OF LOT 1 IN BLOCK 19 IN FRACTIONAL SECTION 15 ADDITION TO CHICAGO IN SECTION 15, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, EXCEPT THEREFROM CERTAIN FIRST DESCRIBED PROPERTY LOCATED BETWEEN ELEVATIONS OF 15.24 FEET AND 29.92 FEET, CITY OF CHICAGO DATUM, BENCHMARK LOCATED AT THE SOUTHWEST CORNER SOUTH WABASH AVENUE AND EAST 9TH STREET, 96.5 FEET SOUTH OF THE SOUTH LINE OF EAST 9TH STREET, AND ON THE WEST LINE OF SOUTH WABASH AVENUE. CONSISTING OF A MARK CUT AT THE NORTHEAST CORNER OF ONE STORY BRICK BUILDING, MARK IS 2.7 FEET ABOVE SIDEWALK, ELEVATION 16.845 FEET.

WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED SEPTEMBER 13, 1995 AS DOCUMENT NO. 95615704 TOGETHER WITH THEIR UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, IN COOK COUNTY, ILLINOIS.

P.I.N. 17-15-306-035-1010

C/K/A 900 S WABASH AVENUE UNIT 502, CHICAGO, ILLINOIS 60605-2222

Property of Cook County Clerk's Office