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Doc#: 0813022019 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 05/09/2008 10:17 AM Pg: 1 of 5

Prepared By:
Atty. Brian Dutton
2703 McGraw Drive
Suite 1D
Bloomington, IL 61704
Ph: 309-662-7000
Fax: 309-740-1815

Send Tax Statements to:
Kondaur Capital Corporation
2677 N. Main St., Ste. 550
Santa Ana, CA 92705

DEED IN LIEU OF FORECLOSURE

KNOW ALL MEN BY THESE PRESENTS, that **ELIZABETH OWENS, an unmarried woman**, whose address is 255 West 104th Place, Chicago, Illinois 60628, hereinafter called grantor, for \$1.00 and the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto **KONDAUR CAPITAL CORPORATION**, whose address is 2677 North Main Street, Ste. 550, Santa Ana, California 92705 hereinafter called grantee, and unto grantee's successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in the County of Cook, State of Illinois, described as follows:

Lots 54 and 55 in Cherrill H. Well's Subdivision of part of the South ½ of Lot 10 and the North ½ of Lot 15 in School Trustee's Subdivision of Section 16, Township 37 North, Range 14 East, of the Third Principal Meridian, in Cook County, Illinois.

Property Address: **255 West 104th Place, Chicago, Illinois 60628**

Parcel ID # **2516206081000 & 2516206082000**

To have and to hold the same unto the said grantee and grantee's successors and assigns forever.

This deed is absolute in effect and conveys fee simple title of the premises above described to the grantee and does not operate as a mortgage, deed of trust or security of any kind.

This deed does not effect a merger of the fee ownership and the lien of the mortgage described below. The fee and lien shall hereafter remain separate and distinct.

By acceptance and recording of this deed, grantee covenants and agrees that it shall forever forbear taking any action whatsoever to collect against grantor on the obligations which are secured by the mortgage/deed of trust (referred to herein as "mortgage") described below, other

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than by foreclosure of that mortgage; and, that in any proceedings to foreclose that mortgage, grantee shall not seek, obtain or permit a deficiency judgment against grantors, their heirs, successors or assigns, such right being hereby waived. This paragraph shall be inapplicable in the event that grantor attempts to have this deed set aside or this deed is determined to transfer less than fee simple title to grantee.

Grantor does hereby assign and transfer to grantee any equity of redemption and statutory rights of redemption concerning the real property and the mortgage described below.

Grantor is not acting under any misapprehension as to the legal effect of this deed, nor under duress, undue influence or misrepresentation of grantee, its agent, attorney or any other person. Grantor declares that this conveyance is freely and fairly made.

The true and actual consideration for this transfer consists of grantee's waiver of its right to bring an action against Grantor based on the promissory note secured by the mortgage hereinafter described and agreement not to name the grantor as a party to a foreclosure action stated above with respect to that certain mortgage signed on the 30th day of April, 2007, by grantor in favor of **Home Loan Mortgage Corporation**, and recorded as Document No. 0715011184, real property records of Cook County, Illinois on the 30th day of May, 2007, and subsequent assignments of Mortgage to ~~Home Loan Mortgage Corporation~~, ~~on or about the~~ ~~xxxx~~ day of ~~April~~, ~~xxxx~~, 2008, and recorded in Official Records Book ~~xxxx~~ Page ~~xxxxxx~~ real property records of Cook County, Illinois on the ~~xxxx~~ day of ~~xxxx~~, ~~xxxx~~ 2008.

In constructing this deed and where the context so requires, the singular included the plural and the plural includes the singular and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument this 11th day of April, 2008.

Elizabeth Owens
ELIZABETH OWENS

STATE OF IL
COUNTY OF COOK

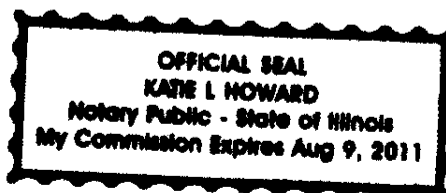
I, KATIE L HOWARD, a Notary Public, hereby certify that **Elizabeth Owens**, whose name(s) is (are) signed to the foregoing conveyance, and who is/are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he (they) executed the same voluntarily on the day the same bears date. Given under me hand and seal of office this 11th day of APRIL, 2008.

**This Deed is exempt under provisions of
Chap. 35 ILCS 200/31-45, Section L,
Property Tax Code.**

Agent of Grantee

Notary

My Commission Expires: 8/9/11



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Prepared By:
 Atty. Brian Dutton
 2703 McGraw Drive
 Suite 1D
 Bloomington, IL 61704
 Ph: 309-662-7000
 Fax: 309-740-1815

Exhibit "A"

ESTOPPEL AFFIDAVIT

STATE OF ILCOUNTY OF COOK

ELIZABETH OWENS, an unmarried woman, being first duly sworn, depose and say: That they are the identical parties who made, executed, and delivered that certain Deed in Lieu of Foreclosure to **KONDAUR CAPITAL CORPORATION** dated the 11th day of April, 2008, conveying the following described property, to-wit:

Lots 54 and 55 in Cherrill H. Well's Subdivision of part of the South ½ of Lot 10 and the North ½ of Lot 15 in School Trustee's Subdivision of Section 16, Township 37 North, Range 14 East, of the Third Principal Meridian, in Cook County, Illinois.

That the aforesaid deed was intended to be and was an absolute conveyance of the title to said premises to **Kondaur Capital Corporation**, and was not and is not now intended as a mortgage, trust conveyance, or security of any kind; that it was the intention of affiant's as grantors in said deed to convey, and by said deed these affiants did convey to **Kondaur Capital Corporation** therein all their right, title, and interest absolutely in and to said premises; that possession of said premises has been surrendered to **Kondaur Capital Corporation**;

That in the execution and delivery of said deed affiants were not acting under any misapprehension as to the effect thereof, and acted freely and voluntarily and were not acting under coercion or duress;

That aforesaid deed was not given as a preference against any other creditor or the deponents or either of them; that at the time it was given there was no other person or persons, firms or corporations, other than **Kondaur Capital Corporation** who have interest, either directly or indirectly, in said premises; that these deponents are solvent and have no other creditors whose rights would be prejudiced by such conveyance, and that deponents are not obligated upon any bond or mortgage or other security whereby any lien has been created or exists against the premises described in said deed.

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That the consideration for said deed was and is payment to affiants of the sum of \$1.00 by **Kondaur Capital Corporation** and **Kondaur Capital Corporation's** agreement to forbear taking any action against affiants to collect on the obligations secured by the mortgage described below, other than by foreclosure of that mortgage and to not seek, obtain or permit a deficiency judgment against affiants in such foreclosure action. The mortgage referred to herein was executed by the undersigned to **Home Loan Mortgage Corporation**, dated the 30th day of **April**, 2007, and recorded as Document No. 0715011184 of Cook County, State of Illinois, and ~~subsequent Assignment of Mortgage to Kondaur Capital Corporation dated the XXXXX day of XXXXXXXX 2008, and recorded in Official records Book XXXXXX Page XXXXXX next property records of Cook County, Illinois.~~ At the time of making said deed in lieu of foreclosure affiants believed and now believe that the aforesaid consideration therefore represents the fair value of the property so deeded, or more.

This affidavit is made for the protection and benefit of **Kondaur Capital Corporation**, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property herein described.

That affiants, and each of them will testify, declare, depose, or certify before any competent tribunal, officer, or person, in any case now pending or which may hereafter be instituted, to the truth of the particular facts hereinabove set forth.

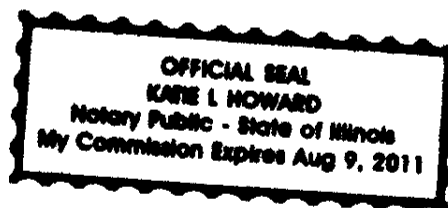
WE (THE BORROWERS) UNDERSTAND THAT WE HAD A RIGHT TO OBTAIN LEGAL ADVICE BEFORE SIGNING THE AFORESAID DEED. WE HAVE EITHER DONE SO OR HAVE ELECTED TO PROCEED WITHOUT LEGAL ADVICE.

Dated: April 11, 2008

Elizabeth Owens
ELIZABETH OWENS

Subscribed and sworn to before me this 11th day of April, 2008, by
Elizabeth Owens.

Kate L. Howard
NOTARY PUBLIC



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STATEMENT BY GRANTOR AND GRANTEE

The Grantor or his Agent affirms that, to the best of his knowledge, the name of the Grantee shown on the Deed or Assignment of Beneficial Interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated MAY 6, 2008.

Signature: _____

Grantor or Agent

Subscribed and sworn to before me

by the said ARTHUR S. DEWMAN

this 6th day of MAY, 2008

Notary Public _____



The Grantee or his Agent affirms and verifies that the name of the Grantee shown on the Deed or Assignment of Beneficial Interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated MAY 6, 2008.

Signature: _____

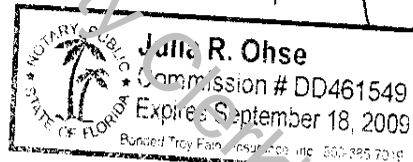
Grantee or Agent

Subscribed and sworn to before me

by the said CAREY L. MONTGOMERY

this 6th day of MAY, 2008

Notary Public _____



Note: Any person who knowingly submits a false statement concerning the identity of a Grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

(Attached to Deed or ABI to be recorded in Cook County, Illinois, if exempt under the provisions of Section 4 of the Illinois Real Estate Transfer Tax Act)

Revised 10/02-cp



EUGENE "GENE" MOORE

RECORDER OF DEEDS / REGISTRAR OF TORRENS TITLES
COOK COUNTY, ILLINOIS

118 NORTH CLARK STREET ■ CHICAGO, ILLINOIS 60602-1387 ■ (312) 603-5050 ■ FAX (312) 603-5063