

# UNOFFICIAL COPY

## QUIT CLAIM DEED COOK COUNTY

This document prepared by and to be mailed to:

Jay S. Berlin, Esq.  
Jaffe & Berlin, L.L.C.  
111 West Washington Street, Suite 1401  
Chicago, Illinois 60602



Doc#: 0903431042 Fee: \$46.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 02/03/2009 10:10 AM Pg: 1 of 6

## QUITCLAIM DEED (In Lieu of Foreclosure)

KNOW ALL MEN BY THESE PRESENTS, that D & E HOMES, LLC, of Chicago, Illinois, does hereby CONVEY and QUITCLAIM to COP2, LLC, a mortgagee with an office located in Chicago, Illinois, in lieu of foreclosure of the commercial mortgage given by D & E HOMES, LLC to COP2 dated December 22, 2004, and recorded on January 21, 2005, in the Cook County Recorder's Office as Document No. 0502114397, all of its rights, title, and interest in and to the following described real estate:

Lots 30 and 31 in Block 2 in Boyd and Hall's Subdivision of the North ½ of the West ½ of the East ½ of the Southeast ¼ of Section 25, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as: 7515-17 S. Luella, Chicago, Illinois 60649

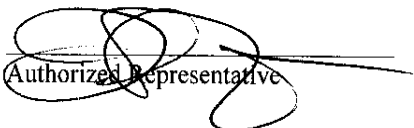
Tax I.D. No.: 20-25-405-011-0000  
20-25-405-012-0000

Subject to the lien for general real estate taxes for 2008 and subsequent years and all easements, restrictions, reservations, covenants, and conditions of record.

Grantor and Grantee acknowledge and agree that tender of this Deed and the recording of this Deed shall constitute acceptance by Mortgagee of a Deed in Lieu of Foreclosure. Grantee further acknowledges and agrees that acceptance of this Deed in Lieu of Foreclosure shall not relieve D & E Homes, LLC of any personal liability for the indebtedness owed to COP2, as more fully set forth in a written agreement of even date herewith between D & E Homes, LLC and COP2, LLC.

EXEMPT UNDER 35 ILCS 200/31-45(e).

Date 1-8-09

  
Authorized Representative

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Executed and delivered this 8<sup>th</sup> day of January, 2009.

D & HOMES, L.L.C.

By: [Signature]  
Its: MANAGER

STATE OF ILLINOIS  
COUNTY OF COOK

)  
) ss.

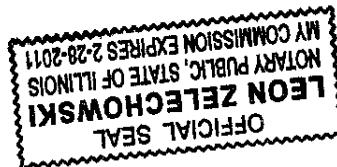
I, Leon Zelechowski, the undersigned, a Notary Public in and for the State of Illinois, do hereby certify that DAVID SCHWALB, MANAGER OF D & HOMES LLC personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that [he] [she] signed, sealed and delivered the foregoing instrument on the 8<sup>th</sup> day of January, 2009, as [his] [her] free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 8<sup>th</sup> day of January, 2009.

[Signature]

Notary Public

My Commission Expires: 2-28-2011



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## ESTOPPEL AFFIDAVIT

STATE OF ILLINOIS            )  
County of COOK                )       ss.

D & E HOMES, LLC, being first duly sworn, deposes and says:

That they are the parties who made, executed, and delivered that certain Quit Claim Deed to **COP2** dated JAN. 8, 2009 conveying the following described property:

Lots 30 and 31 in Block 2 in Boyd and Hall's Subdivision of the North ½ of the West ½ of the East ½ of the Southeast ¼ of Section 25, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

commonly known as 715-17 South Luella, Chicago, Illinois.

That the aforesaid deed is intended to be and is an absolute conveyance of the title to said premises to the grantee named therein, and was not and is not now intended as a mortgage, trust conveyance, or security of any kind; That it is/was the intention of affiant(s) as grantor(s) in said deed to convey, and by said deed this(ese) affiant(s) did convey to the grantee therein all their rights, title and interest absolutely in and to said premises; that possession of said premises has been surrendered to the grantee;

That in the executed and delivery of said deed, affiant(s) 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 the consideration for said deed was/is payment to affiant(s) in the sum of \$ 10.00, by grantee, and the full transfer of said property by Deed in Lieu of Foreclosure; that at the time of making said deed, affiant(s) believed and now believe that the aforesaid consideration therefore represents the fair value of the property so deeded;

This affidavit is made for the protection and benefit of the grantee in said deed, the grantee's successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property herein described, and particularly for the benefit of Stewart Title Company which is about to insure the title to said property in reliance thereon, and any other title company which may hereafter insure the title to said property;

That affiant(s) will testify, declare, depose or certify under penalty of perjury before any competent officer, or person, in any case now pending or which may hereafter be instituted, to the truth of the particular facts hereinafter set forth.

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Dated: JAN. 8, 2009

D &amp; E Homes, LLC

Signature

DAVID SCHWALB, MANAGER  
Printed NameSTATE OF ILLINOIS       )  
COUNTY OF COOK       )       ss.

DAVID SCHWALB, MANAGER OF

I, Leon Zelechowski, the undersigned, a Notary Public in and for the State of Illinois, do hereby certify that D & E HOMES LLC, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that [he] [she] signed, sealed and delivered the foregoing instrument on the 8th day of January, 2009, as [his] [her] free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 8th day of January, 2009

Notary Public

My Commission Expires: 2-28-2011

# UNOFFICIAL COPY

## AGREEMENT FOR DEED IN LIEU OF FORECLOSURE

This Agreement is made this 8<sup>TH</sup> day of January 2009, between D & E Homes, LLC (sometimes hereinafter referred to as "Obligor") and COP2, LLC ("COP2").

WHEREAS, Obligor is indebted to COP2 for certain loans and advances made by COP2 to Obligor; and

WHEREAS, to secure said indebtedness, Obligor granted COP2 a commercial mortgage dated December 22, 2004, and recorded in the Cook County Recorder's Office on January 21, 2005, as Document No. 0502114397 on the Cook County real estate owned by D & E Homes, LLC and commonly known as 7515-17 South Luella.

WHEREAS, in order to facilitate said sale of the property, the parties have agreed that title should be transferred from Obligor to COP2 by deed in lieu of foreclosure; and

WHEREAS, the parties have further agreed that said transfer of title to the property by deed in lieu of foreclosure shall not relieve Obligor from personal liability for the indebtedness owed to COP2; and

WHEREAS, this Agreement is intended to be and shall constitute the agreement referred to in 735 ILCS 5/15-1401, executed contemporaneously with the deed in lieu of foreclosure, by which Obligor agrees not to be relieved from personal liability for the indebtedness owed COP2.

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. That the deed in lieu of foreclosure conveying title to the Cook County real estate commonly known as 7515-17 South Luella, from Obligor to COP2, shall not relieve Obligor from personal liability for the indebtedness owed to COP2 or the performance of other obligations secured by the mortgage.

2. That this Agreement is executed contemporaneously with the deed in lieu of foreclosure pursuant to 735 ILCS 5/15-1401.

Executed and delivered at Chicago, Illinois, this 8<sup>TH</sup> day of January, 2009.

D & E HOMES, LLC

By: 

Its: MANAGER

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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 January 8, 2009

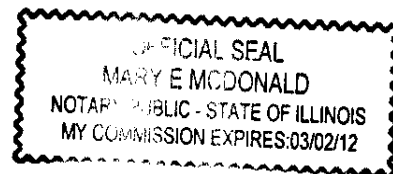
Signature

Grantor or Agent

SUBSCRIBED AND SWORN TO BEFORE  
ME BY THE SAID

THIS 8th DAY OF January  
2009.

NOTARY PUBLIC Mary E. McDonald



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, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated January 8, 2009

Signature

Grantee or Agent

SUBSCRIBED AND SWORN TO BEFORE  
ME BY THE SAID

THIS 8th DAY OF January  
2009.

NOTARY PUBLIC Mary E. McDonald



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 offence and of a Class A misdemeanor for subsequent offenses.

[Attach to deed or ABI to be recorded in Cook County, Illinois, if exempt under provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.]