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Doc#: 0921839017 Fee: \$44.25
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 08/06/2009 10:11 AM Pg: 1 of 4

ASSIGNMENT OF MORTGAGE

BENJAMIN FUNDING CORP.

TO

T.D. BANK, N.A.

The land affected by the within instrument lies in:

| <u>BLOCK</u> | <u>LOT</u> | <u>COUNTY</u> | <u>PROPERTY ADDRESS</u> |
|--------------|------------|---------------|-------------------------------------|
| | | Cook | 3043 North Luna Avenue, Chicago, IL |

Pin # 13-28-109-006-0000

Record and Return to:

Mr. Gregory Pignataro
TD Bank, N.A.
5 Commerce Park North
Bedford, NH 03110



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Assignment of Mortgage

This ASSIGNMENT OF MORTGAGE is made as of June 15, 2009, by Benjamin Funding Corp., a Delaware corporation with a place of business at 44 Cornflower Lane, East Northport, NY 11731, (the "Company"), as assignor, to TD Bank, N.A., a national association with a place of business at 5 Commerce Park North, Bedford, NH 03110, (the "Bank"), as assignee.

In consideration of certain loans made by the Bank to the Company pursuant to a Commercial Revolving Loan and Security Agreement ("the Agreement") dated as of January 22, 2004, by and between the Company, the Bank and Marjorie Ziegelman (as Guarantor), and the fact that the note(s) secured by the Mortgage (as defined herein) have been endorsed to the Bank by the Company, the Company hereby assigns to the Bank the mortgage (the "Mortgage") as collateral to secure the Loans (as defined in the Agreement), made by John Stumpf to the Company, given to secure the payment of the sum of \$117,340.00 and interest, dated June 12, 2009 recorded in the office of the City Register of the city of Chicago, and the county of Cook, in Document ID #0917024084 of Mortgages on June 19, 2009, together with the note(s) described in the Mortgage described above and the moneys due and to become due thereon with interest, which Mortgage was assigned to the Company by an instrument in writing dated the date hereof which instrument is intended to be recorded simultaneously herewith TO HAVE AND TO HOLD the same unto the Bank and its successors and assigns, forever. The Mortgage affects premises known as:

See legal description attached.

| <u>County</u> | <u>City</u> | <u>State</u> | <u>Property Address</u> |
|---------------|-------------|--------------|---|
| Cook | Chicago | IL | 3043 North Luna Avenue <i>Pin 13-28-109-006-0000</i> |

The Company represents that there is now owing upon the Mortgage, without offset or defense of any kind, the principal sum of \$101,600.00 with interest due thereon at the rate of 14% percent per annum.

The assignee is not acting as a nominee of the Mortgagor and the Mortgage being assigned continues to secure a bona fide obligation.

This Assignment of Mortgage is made for the express purpose of securing indebtedness of the Company to the Bank under the Agreement and is subject to the terms and provisions of the Agreement. Upon compliance with the conditions of the Agreement, the Bank will execute and deliver to the Company a statutory short form assignment, without warranty or covenant, of the Mortgage and related Mortgage note, unless the Mortgage shall have then been paid in full by the Mortgagor or otherwise satisfied or foreclosed.

IN WITNESS WHEREOF, the undersigned has executed this Assignment as of the date first written above.

BENJAMIN FUNDING CORP, as Assignor

By: *Alan Haberman*

Name: Alan Haberman, President

Acknowledgment

STATE OF NEW YORK)
)
 COUNTY OF NEW YORK) ss.:

On the 15 day of June in the year 2009, before me, the undersigned, a notary public in and for the state, personally appeared Alan Haberman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

By: *Charlene Crump*
 Notary Public, State of New York
 No. 01CR6191536
 My Commission Expires August 18, 2012

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- TO -
TD BANK, N. A.

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Record and Return to:

Gregory Pignataro
TD Bank, N. A.
5 Commerce Park North
Bedford, NH 03110

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TICOR TITLE INSURANCE COMPANY

Schedule "A"

ORDER NUMBER: 2000 000644734 CH

STREET ADDRESS: 3043 N LUNA AVE

CITY: CHICAGO

COUNTY: COOK COUNTY

TAX NUMBER: 13-28-109-006-0000

LEGAL DESCRIPTION:

LOT 35 IN BLOCK 7 IN KENDALL'S BELMONT AND 56TH AVENUE SUBDIVISION OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE SOUTH 30 ACRES THEREOF), IN COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office