

UNOFFICIAL COPY

Prepared By:

Leila H. Hansen, Esq.
9041 S. Pecos Road #3900
Henderson, NV 89074
Phone: 702-736-6400

After Recording Mail To:

Kondaaur Capital Corporation
1100 Town and Country Road, Unit 1600
Orange, California 92868

Mail Tax Statement To:

Kondaaur Capital Corporation
1100 Town and Country Road, Unit 1600
Orange, California 92868



Doc#: 093272070 Fee: \$46.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 11/23/2009 02:19 PM Pg: 1 of 6

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DEED IN LIEU OF FORECLOSURE

TITLE OF DOCUMENT

KNOWN ALL MEN BY THESE PRESENTS, that **Bobbie F. Hill and Dorothy E. Hill, husband and wife, as joint tenants**, hereinafter called grantor, for \$78,888.56 and the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto **Kondaaur Capital Corporation**, 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 Cook County, Illinois, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

This being the identical property conveyed to Bobbie F. Hill and Dorothy E. Hill, husband and wife, as joint tenants the GRANTOR herein by Deed from Charlie Burton, Executor in and by the Will of James Hill, Decedent dated June 9, 2003, recorded August 8, 2003 and filed as Instrument No. 0322004157

COMMONLY known as: 10020 South Yates Boulevard, Chicago, Illinois 60617.

Assessor's Parcel Number: 25-12-413-063-0000

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 forebear 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 than by foreclosure of that mortgage; and, that in any proceedings to foreclosure 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 even 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.

Box 335

UNOFFICIAL COPY

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 December 6, 2006, by grantor in favor of **Mortgage Electronic Registration Systems, Inc. (MERS) Solely as Nominee for Mortgage Lenders Network USA, Inc.**, and recorded at Doc. No. 0635240128 real property records of Cook County, Illinois on the December 18, 2006.

In construction 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.

Dated this 6th day of November, 2009.

Bobbie F. Hill
Bobbie F. Hill

Dorothy E. Hill
Dorothy E. Hill

STATE OF Illinois)
COUNTY OF Cook) ss

The foregoing instrument was acknowledged before me this 6th day of November, 2009, by **Bobbie F. Hill and Dorothy E. Hill.**

NOTARY RUBBER STAMP/SEAL



Debra A. Heard
NOTARY PUBLIC

Debra A. Heard
PRINTED NAME OF NOTARY
MY Commission Expires: 12-16-09

AFFIX TRANSFER TAX STAMP
OR
"Exempt under provisions of Paragraph C"
Section 31-45; Real Estate Transfer Tax Act

11/12/09 [Signature]
Date Buyer, Seller or Representative

UNOFFICIAL COPY

EXHIBIT "B" ESTOPPEL AFFIDAVIT

STATE OF Illinois
COUNTY OF Cook

Bobbie F. Hill and Dorothy E. Hill, husband and wife, as joint tenants, 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 6th day of November, 2009, conveying the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Parcel ID # **25-12-413-063**

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 affiants 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 not 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.

That the consideration for said deed was and is payment to affiants of the sum of \$73,888.56 by **Kondaur Capital Corporation**, agreement to forebear 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 **Mortgage Electronic Registration Systems, Inc. (MERS) Solely as Nominee for Mortgage Lenders Network USA, Inc.**, on the December 6, 2006, and recorded at Doc. No. 0635240128 real 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.

UNOFFICIAL COPY

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 this 6th day of NOVEMBER, 2009.

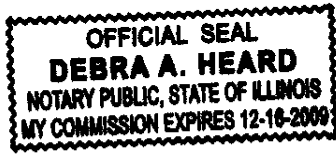
Bobbie F. Hill
Bobbie F. Hill

Dorothy E. Hill
Dorothy E. Hill

STATE OF Illinois
COUNTY OF Cook ss

The foregoing instrument was acknowledged before me this 6th day of NOVEMBER, 2009, by **Bobbie F. Hill and Dorothy E. Hill.**

NOTARY RUBBER STAMP/SEAL



Debra A. Heard
NOTARY PUBLIC

Debra A. Heard
PRINTED NAME OF NOTARY
MY Commission Expires: 12-16-09

Prepared By:
Leila Hansen, Esq.
9041 South Pecos Road, Suite 3900
Henderson, Nevada 89074

CLERK'S OFFICE OF COOK COUNTY

UNOFFICIAL COPY

EXHIBIT "A"
LEGAL DESCRIPTION

LOT 7 AND THE SOUTH 1/2 OF LOT 6 IN BLOCK 21 OF CALUMET TRUSTS SUBDIVISION NO. 2, A RE-SUBDIVISION OF BLOCKS 158 TO 161, 170 TO 173 IN SOUTH CHICAGO AS PER PLAT THEREOF RECORDED AS DOCUMENT 9224451 IN THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, NORTH OF INDIAN BOUNDARY LINE AND THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, SOUTH OF INDIAN BOUNDARY LINE AND THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN NORTH OF INDIAN BOUNDARY LINE IN COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office

UNOFFICIAL COPY

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 and hold title to real estate under the laws of the State of Illinois.

Dated 11/23, 2009 Signature: [Signature]
Grantor or Agent

Subscribed and sworn to before me by the
said [Signature]
this 24 day of Nov.

[Signature]
Notary Public

"OFFICIAL SEAL"
B Krasuski
Notary Public, State of Illinois
Commission Expires 12/28/2010

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 and hold title to real estate under the laws of the State of Illinois.

Dated 11/23, 2009 Signature: [Signature]
Grantee or Agent

Subscribed and sworn to before me by the
said [Signature]
this 24 day of Nov.

[Signature]
Notary Public

"OFFICIAL SEAL"
B Krasuski
Notary Public, State of Illinois
Commission Expires 12/28/2010

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.

[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.]