



Doc#: 1000555073 Fee: \$66.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 01/05/2010 02:28 PM Pg: 1 of 16

IN THE CIRCUIT COURT
OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT
CHANCERY DEPARTMENT

FCC NATIONAL BANK)

v.)

FRED CARTEK)

Case No. 98M1-118301 and
Case No. 06M1-717499 Consolidated

**NOTICE OF COURT ORDER REINSTATING DEED TO AXXA, INC. &
JOHNSON & NEWBY, LLC AND AFFIDAVIT THAT SHERIFF'S SALE OF
PROPERTY AT 8619 S. LOWE RESULTED IN TERMINATING LIEN OF CHASE
HOME FINANCE, LLC IN FORECLOSURE CASE NO. 09CH-19936**

I, Kenneth Andrew Swiatek, hereby state under oath that the following is true and can testify to such if called to court as a witness:

1. I am the Vice-President of AXXA, Inc. and have knowledge of the following and can testify to such if called to court.

2. That the property affected by this Court Order and Affidavit has the following Legal Description:

Lot 5 in Block 16 in Ruddock's Subdivision of the South 1/2 of Lot 10, all of Lot 9 of Block 16 and Lots 4, 5, 6 & 7 of Block 14 in South Englewood Subdivision in Sisson and Newman's Subdivision of that part of Section 32 & 33, Township 38 North, Range 14, East of the Third Principal Meridian, which lies West and Southwest of the Holland Settlement Road and Southeast of Vincennes Road, in Cook County, Illinois.

COMMONLY KNOWN AS 8619 S. LOWE AVE, CHICAGO, IL 60620

P.I.N.(s): 20-33-317-006

4. The purpose of this Affidavit is to show the chain of recorded documents that resulted

UNOFFICIAL COPY

in the title to the subject property being properly vested today in AXXA, Inc. (50% undivided interest) and Johnson & Newby, LLC (50% undivided interest) free of any mortgage.

5. In Case No. 98M1-118301 judgment was entered on May 27, 1998 in favor of FCC National Bank against Fred W. Carter for \$2,216.38 which was recorded as Document No. 98565498 against Fred Carter and the property that he owned with his wife Claudette Carter at 8619 S. Lowe, Chicago, IL 60620 that was free and clear of any mortgage.

6. On November 6, 2000 Claudette Carter signed and recorded a Quit Claim Deed to Fred Carter for the subject property as Document No. 00873705. This Quit Claim Deed was had Claudette Carter and Fred Carter as the Grantors but only Claudette Carter signed the Quit Claim Deed. It appears well settled in Illinois that the delivery of a deed or mortgage by one joint grantor or mortgagor does not constitute valid delivery as to his cograntors or comortgagors per K. A. Dreschler, Annotation, Delivery of Deed or Mortgage by One or More but Not All of the Grantors or Mortgagors, 162 A.L.R. 892 (1946) referencing Creighton v. Elgin, 387 Ill. 592, 56 N.E.2d 825, 162 A.L.R. 883 (1944); Benneson v. Aiken, 102 Ill. 284, 40 A. Rep. 592 (1882); Weegen v. Karels, 374 Ill. 272, 29 N.E.2d 248 (1940). Further it was stated that while one joint grantor cannot without proper authorization by his cograntor make a valid delivery of the deed as to the latter, as to his own rights the delivery is valid and effectual.

7. As of November 6, 2000 100% ownership of the subject property was vested in Fred Carter alone.

8. On November 7, 2000 a mortgage signed by Fred Carter and Claudette Carter to Chase Manhattan Mortgage Corporation was recorded as Document No. 00874892.

9. Per 765 ILCS 5/30 the effective date of all needs and mortgages shall take effect and be in force from and after the time of filing the same for record, and not before, as to all creditors and

UNOFFICIAL COPY

subsequent purchasers, without notice.

ILCS 5/30.

10. On November 7, 2000 Claudette Carter had no interest in the subject property to pledge said property as collateral for a mortgage having quit claimed her interest to Fred Carter prior.

11. The FCC National Bank judgment in Case 98M-118301 and recorded as Document No. 98565498 was not released since it was recorded and remained the first lien on the property with the Chase Manhattan Mortgage Corporation being recorded as Document No. 00874892 in second lien position.

12. On March 10, 2005 the sheriff recorded a Certificate of Levy for the judgment in Case No. 98M1-118301 as Document No. 0506939087.

13. Judgments have an enforcement life of 7 years except upon revival but real estate levied upon within 7 years may be sold to enforce the judgment at any time within one year after the expiration of the 7 years per 735 ILCS 5/12-108.

14. On May 19, 2005 the sheriff executed the FCC National Bank judgment by conducting a levy sale in which AXXA, Inc. became the Successful Bidder with a bid of \$11,000 and recorded the Certificate of Sale on May 24, 2005 as Document No. 0514434051.

15. The sheriff followed the publication requirements of 735 ILCS 5/12-115 to conduct the levy sale and no individual notice to Chase Manhattan Mortgage Corporation for its mortgage was required. Said statute makes no provision for notice to mortgagee. Illinois/Service Federal Savings and Loan Association of Chicago v. The Academy of St. James College Preparatory, 227 Ill. App. 3d 507, 592 N.E.2d 126 (1992).

16. During this time same time frame Fred Carter filed his appearance on March 15, 2005

UNOFFICIAL COPY

in Unifund CCR Partners v. Fred Carter, Case No. 04M1-182929 representing himself and appeared in court on March 29, 2005 and signed an agreed installment plan.

17. Several letters were sent by AXXA, Inc. to Fred Carter asking him to redeem but he refused stating that the FCC National Bank debt was not recognized by him from a list of assets and liabilities that he prepared for his divorce from Claudette Carter.

18. After the redemption period ended, the sheriff's levy sale was confirmed by the Court in Case No. 98M1-118301 on February 6, 2006 to AXXA, Inc.

19. AXXA, Inc. subsequently assigned 50% of its Certificate of Sale to Johnson & Newby, LLC.

20. The sheriff issued a deed for the subject property to AXXA, Inc. and Johnson & Newby, LLC which was recorded as Document No. 0604118008 on February 10, 2006. This sheriff's deed was then re-recorded as Document No. 0608249006 on March 23, 2006 to correct a Scribner's error of the year of the judgment and the return mailing address of the preparer. See Exhibit 2.

21. After making a demand for possession that was refused, AXXA, Inc. filed an eviction in Case No. 06M1-717499 which Fred Carter appeared and represented himself and asked for extra time for staying possession.

22. Dexter Carter, the son of Fred Carter, then filed Case No. 06P-007756 and became the Ad Litem Guardian of Fred Carter as an alleged disabled person to delay possession. Attorney James Brady of the Legal Assistance Foundation of Metropolitan Chicago then appeared in the underlying judgment case to file a §2-1401 motion to dismiss the sheriff's deed to plead that Fred Carter did not have the mental capacity to understand business or the papers that resulted in the sheriff's levy sale.

UNOFFICIAL COPY

23. On April 18, 2007, Judge Margaret Brennan without ruling on AXXA, Inc.'s §2-619 motion to dismiss that was pending abruptly vacated the sheriff's deed on a §2-1401 motion for the levy sale without having a hearing based upon a letter from a doctor following a 20 minute recent examination of Fred Carter and an extrapolation going back in time when he did not know Fred Carter that he suspected that he was unable to attend to his business matters at the time of the sheriff's sale.

24. The Brennan Court thought that the ruling on the §2-1401 motion was not a final order and would enter a written basis more than 30 days later. Granting such is a final order per Vaughan Oil Co. v. Caldwell, Troutt & Alexander, 181 Ill.2d 489, 693 N.E.2d 338 (1998) and Judge Brennan allowed the relaxation of the due diligence requirement of Fred Carter as the defendant for a §2-1401 motion in spite of being challenged which requires a full and fair evidentiary hearing with the contested petitioner having the burden of proving his case by a preponderance of competent evidence. Smith v. Aircom, Inc., 114 Ill.2d 209, 223, 499 N.E.2d 1381, 1387 (1986).

25. On May 13, 2007 Attorney James Brady caused the Order entered by Judge Brennan on April 18, 2007 to be recorded as Document No. 0713439083 even though it within 30 days of entry and a future court date of May 23, 2007 was set to render a written decision.

26. AXXA, Inc. filed its motion to reconsider within 30 days based upon Illinois law that a hearing was required to determine the mental capacity of Fred Carter during which the testimony of lay people that he interacted especially during the time of the sheriff's enforcement by levy such as his bankers, attorneys, financial records for payment of his own bills, income tax statements, etc. that could be discovered and presented to the court and such lay witness' testimony would have the same weight as a doctor looking back in time and giving his opinion of

UNOFFICIAL COPY

incompetence for he is dealing in speculation. McGregor v. Keun, 330 Ill. 106, 118-19, 161 N.E. 99, 103 (1928); Tyler v. Tyler, 401 Ill. 435, 82 N.E.2d 346 (1948); Wharton v. Meyers, 371 Ill. 546, 21 N.E.2d 772 (1939); Sharkey v. Sisson, 310 Ill. 98, 141 N.E. 427; In re Phyllis P., 695 N.E.2d 851.

27. The motion to reconsider raised the issue that when Fred Carter was served with the sheriff's levy papers, he went to the Daley Center to investigate and called AXXA, Inc. to inquire why he had been served. He stated that he handled his own finances and that the debt was not in the listing of his divorce so he was not going to pay it.

28. When confronted with the determination to have a full investigation into Fred Carter's financial dealings, Dexter Carter as Guardian of the Estate of Fred Carter agreed to withdraw his motion to challenge the sheriff's levy sale. The Order entered on August 12, 2008 terminated any challenge to the sheriff's deed issued and reinstated such deed back into the chain of title with its full force and effect as if there was never any Order of April 18, 2007. See Exhibit 1.

29. A plaintiff is in charge of handling its own litigation and once the motion for Fred Carter was withdrawn, all orders including the Order of April 18, 2007 by Judge Brennan Voiding the sheriff's levy deed were void and no longer in force for such orders entered were not operative after the motion was withdrawn. Household Bank v. Lewis, 2008 WL 2132467 (2008) quoting People v. American National Bank & Trust Co., 32 Ill.2d 115, 203 N.E.2d 897 (1965).

30. Resolution of this issue implicates basic principles regarding a party's right to control its own litigation. Household Bank v. Lewis, 2008 WL 2132467 (2008).

31. Even when Judge Brennan issued the Order of April 18, 2007 voiding the sheriff's deed recorded as Document No. 0604118008, the Certificate of Sale recorded on May 24, 2005 as Document No. 0514434051 was not voided. This left the option to AXXA, Inc. to file a new

UNOFFICIAL COPY

confirmation hearing and to then allow a full hearing and calling witnesses such as Fred Carter's bankers as to his ability to handle business matters during the levy sale procedure.

32. The FCC National Bank judgment merged into the Certificate of Levy Sale and remained in its position as the first lien on the subject property even when the sheriff's deed was voided by Judge Brennan's Order of April 18, 2007 and then when the motions in Case No. 98M1-118301 were then withdrawn, the Certificate of Levy Sale merged into the sheriff's levy sale deed that was fully restored .

33. Upon the request of the Certificate of Levy Sale Holder to reconsider and hold a hearing as its right and to question the Defendant, his doctor and lay people involved with Defendant Fred Carter at the time of the Sheriff's Sale and to obtain his business records as well as present to the Court Defendant Fred Carter's appearance and entry of an agreed order and payment plan in Case No. 04M1-182929 that was simultaneously proceeding during the same time span as the Sheriff's Levy Sale resulted in the attached Agreed Order of Defendant Fred Carter through his Probate Guardian and his Attorney James Brady of the Legal Assistance Foundation of Metropolitan Chicago to withdraw his Emergency Petition to Vacate and thus the Order entered on April 18, 2007 resulted in a nullity for it died with the withdrawal of said Petition to Vacate and the reinstatement of the Sheriff's Deed as stated in paragraph 3 of the August 12, 2008 Agreed Order attached as Exhibit 1 .

The Sheriff's Deed dated February 6, 2006 (and recorded as document number 06041218008) is reinstated, *nunc pro tunc* to April 18, 2007 such that there is no loss of the recorded position in title for that document (and neither the order of April 18, 2007 or the order of May 31, 2007 shall have any effect upon said Sheriff's Deed).

34. Since the Sheriff's Deed resulted from an Order confirming the Sheriff's Levy Sale, the doctrine of merger for said Sheriff's Deed related back to the Certificate of Levy Sale, the

UNOFFICIAL COPY

Certificate of Levy and the underlying Memorandum of Judgment that was never released and held it superior position in the chain of title when Chase Home Finance, LLC as its predecessor Chase Manhattan Mortgage Corporation recorded its mortgage on November 7, 2000 as Document No. 00874892.

35. Both Fred Carter and Dexter Carter as Guardian of Fred Carter issued Quit Claim Deeds to AXXA, Inc. which were recorded as Documents No. 0909339035 and No. 0909339036 on April 3, 2009.

36. On August 27, 2009 Chase Home Finance, LLC filed a foreclosure in Case No. 09CH-22936 against Fred Carter and Claudette Carter naming them as the owners of the property when they are not and it is assumed that Chase Home Finance, LLC is in some way an entity of Chase Manhattan Mortgage Corporation that recorded a mortgage in second position as Document No. 00874892 on November 11, 2000 but received the document for its assignment to Citibank, NA, as Trustee, 111 Wall St, 5th Floor, Zone 2, New York, NY 10043 when it recorded the assignment as Document No. 0517145043 on June 20, 2005.

37. Chase Home Finance, LLC has no mortgage on the subject property to foreclose for its lien that was in second position was cut off by the sheriff's levy sale held on May 19, 2005 when had the underlying FCC National Bank judgment that was rendered on May 27, 1998 in Case No. 98M1-118301 merge into the certificate of levy sale per 735 ILCS 5/12-119 which then earned a higher 10% per 735 ILCS 5/12-122 than the judgment earned of 9% which no longer existed by merger doctrine.

38. When Chase Home Finance, LLC made its mortgage effective November 7, 2000, it had the duty to examine the public records and see the prior FCC National Bank judgment from


UNOFFICIAL COPY

May 27, 1998 against Fred Carter and the Quit Claim Deed from Claudette Carter recorded on November 6, 2000. Skach v. Gee, 137 Ill.App.3d 216, 484 N.E.2d 441 (1985).

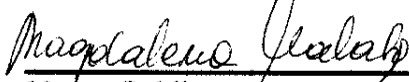
39. The first lien of FCC National Bank was foreclosed by sheriff's levy sale and even if Chase Home Finance, LLC ignored the recorded documents that show the title now rests in AXXA, Inc. and Johnson & Newby, LLC, any action of Chase Home Finance, LLC in its foreclosure Case No. 09CH-29936 would not cut off the right of the AXXA, Inc. and Johnson & Newby, LLC as the owners from the sheriff's levy sale for a second lien holder, even if it had a valid second lien today which it does not, cannot cut off the rights of the first lien holder for it can cut off only rights or claims of interest subsequent to the interest asserted. Heritage Federal Credit Unions v. Giampa, 251 Ill.App.3d 237, 622 N.E.2d 48 (1993).

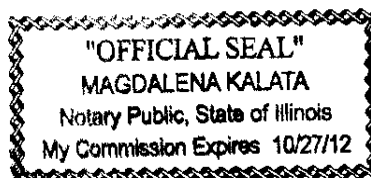
40. In addition, Chase Home Finance, LLC filed Case No. 09CH-29936 with the false claim that Fred Carter and Claudette Carter were the owners of the subject property and completely ignored the Sheriff's Deed to AXXA, Inc. and Johnson & Newby, LLC that was recorded as Document No. 0604118008 and that any motion filed by Fred Carter or Derrick Carter his guardian in Case No. 98M1-118301 was withdrawn and any orders previously entered were non-operational and held for naught per Exhibit 1.

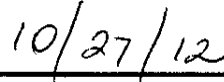
FURTHER AFFIANT SAYETH NAUGHT


 Kenneth Andrew Swiatek
 Vice-President of AXXA, Inc.
 309 E. Rand Road, Suite 101
 Arlington Heights, IL 60004
 (847) 814-6000

Subscribed to and Sworn to
 Before me this 4th day of January, 2010.


 Notary Public




 My Commission Expires

UNOFFICIAL COPY

20080520
1131
20080520

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DIVISION-FIRST DISTRICT

FCC NATIONAL BANK,)	
v.)	
FRED W. CARTER,	Plaintiff,)
)	Case No.: 98 M1-118301 and
	Defendant.)
)	Case No. 06 M1-717499
-----)	consolidated
AXXA, Inc.,)	
	Plaintiff,)
v.)	
FRED W. CARTER, an individual and)	
UNKNOWN OCCUPANTS,)	
	Defendant.)

AGREED ORDER

This cause coming to be heard on agreement of the parties, the parties having resolved all matters between them and having entered into a settlement agreement (which is not being made a part of the record in this case, but which is of record in case number 06 P 7756 whereby the guardian for Fred Carter ("Guardian") obtained authority to enter into said settlement agreement), and the Court being fully advised in the premises, IT IS HEREBY ORDERED:

1. The order of April 18, 2007 in case number 98 M1-11301 (which vacated the confirmation order and voided the Sheriff's Deed) is vacated by agreement and held for naught, with no loss of the Sheriff's Deed's recorded position in title.
2. The order of May 31, 2007 in case number 98 M1-11301 (which explained the Court's reasoning for the April 18, 2007 order and vacated the confirmation order) is vacated and held for naught by agreement.
3. The Sheriff's Deed dated February 6, 2006 (and recorded as document number 06041218008) is reinstated, *nunc pro tunc* to April 18, 2007 such that there is no loss of the recorded position in title for that document (and neither the order of April 18, 2007 or the order of May 31, 2007 shall have any effect upon said Sheriff's Deed).
4. Since the levy sale confirmation remains in place (due to the fact that paragraphs 1 and 2 hereof, which vacated the confirmation are being vacated and held

EXHIBIT 1

UNOFFICIAL COPY

06 MI-118301
061-717499

2
9
8

1
1
3

2
3
4
4

for naught), the Sheriff of Cook County shall distribute to Derrick Carter, as guardian for Fred Carter (defendant herein), all funds the Sheriff is holding as a result of Sheriff's Levy Sale Number 055058-0001L for both homestead and any surplus,

5. Guardian withdraws his Emergency Petition to Vacate, with prejudice,

6. "AXXA's Motion to Reconsider and to Vacate Order of April 18, 2007" is withdrawn as moot,

7. Thus, the hearing on said motion, set for August 15, 2008 at 9:30 a.m. (before Judge Brennan, sitting specially in 1108 for said motion) is stricken.

8. 06 MI-717499 is dismissed with leave to reinstate and obtain an immediate Order of Possession (without any stay of possession or any additional service other than notice by mail to Guardian) if Fred Carter has not vacated the property which is the subject of the complaint in said case, within 7 calendar days of the date that AXXA, Inc. pays the settlement amount to Guardian.

AGREED:

AXXA, Inc, individually and as assignee of FCC National Bank,

Derrick Carter, not individually, but of as guardian of Fred W. Carter, Sr.

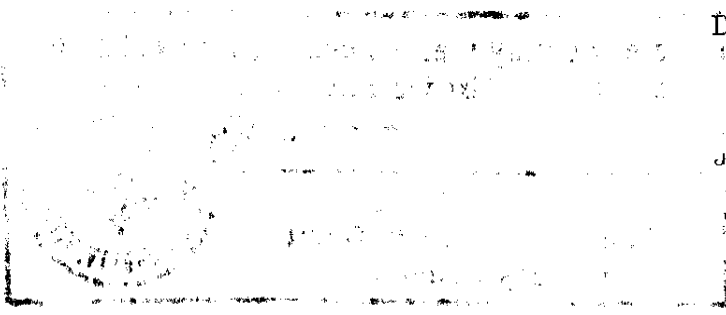
By: Cindy M. Johnson
One of its attorneys
Cindy M. Johnson
Johnson & Newby, LLC
39 S. LaSalle St. #820
Chicago, Illinois 60603
(312) 345-1306
Atty No. 41927

By: James Brady
One of his attorneys
James Brady
Legal Assistance Foundation of Metropolitan Chicago
111 W. Jackson, Suite 300
Chicago, Illinois 60604
(312) 347-8361
Atty No. 91017

Entered:

Dated: _____

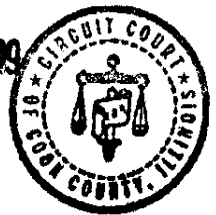
Joseph D. Panarese
Associate Judge Joseph D. Panarese
Judge
AUG 21 2008
Circuit Court - 1923



UNOFFICIAL COPY

Property of Cook County Clerk's Office

I hereby certify that the document to which this certification is affixed is a true copy.
DOROTHY BROWN MAY 04 2009
Date _____
Dorothy Brown
Clerk of the Circuit Court
of Cook County, IL



UNOFFICIAL COPY

Property of Cook County Clerk's Office

I hereby certify that the document to which this certification is affixed is a true copy.
DOROTHY BROWN **MAY 04 2009**
Date _____
Dorothy Brown
Clerk of the Circuit Court
of Cook County, IL



UNOFFICIAL COPY

Doc#: 0604118008 Fee: \$28.50
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 02/10/2006 10:28 AM Pg: 1 of 3

SHERIFF'S DEED
(Judicial Sale)

Sheriff's Sale No. 055058-0001L

Doc#: 0608249006 Fee: \$28.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 03/23/2006 10:48 AM Pg: 1 of 3

This document is being re-recorded to correct the scribner's error that the judgment in Case. No. 98M1-118301 rendered on May 27, 2998 is being corrected to show that it was rendered on May 27, 1998 which was the basis for Sheriff's Sale No. 055058-001L and that the correct address of the preparer is Johnson & Newby, LLC, 39 S. LaSalle Street, Suite 820, Chicago, IL 60603 and not 29 S. LaSalle Street.

THE GRANTOR, Sheriff of Cook County, Illinois, pursuant to and Under the authority conferred by the Provisions of a Judgment entered by The Circuit Court of Cook County, Illinois, on May 27, 2998, in Case No 98M1-118301, entitled FCC NATIONAL BANK v. FRED W. CARTER and pursuant to which the land hereinafter described was sold at public sale by said Grantor on May 19, 2005 from which sale no redemption has been made as provided by statute, hereby conveys to Johnson & Newby, LLC & AXXA, Inc., the holder of the Certificate of Sale, the following described Real Estate situated in the State of Illinois, to have and hold forever:

SEE ATTACHED FOR LEGAL DESCRIPTION

PIN #(s): 20-33-317-006

Commonly known as: 8619 S. Lowe Ave., Chicago, IL 60620

Dated this date FEB 07 2006, 2006

MICHAEL F. SHEAHAN
SHERIFF OF COOK COUNTY, ILLINOIS

By: Salvatore Aloisio #246
DEPUTY SHERIFF OF COOK COUNTY, ILLINOIS

STATE OF ILLINOIS))SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid. DO HEREBY CERTIFY that SALVATORE ALOISIO, personally known to me to be the same person whose name as Deputy Sheriff of Cook County is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged he signed, sealed and delivered the said instrument as his free and voluntary act as such Deputy Sheriff for the uses and purposes therein set forth.

Given under my hand and official seal this FEB 07 2006, 2006

Carmen A. Zinke
Notary Public
"OFFICIAL SEAL"
CARMEN A. ZINKE
Notary Public, State of Illinois
My Commission Expires 08/18/07

Send To: Johnson & Newby, LLC
39 S. LaSalle Street, Suite 820
Chicago, IL 60603

EXHIBIT 2

UNOFFICIAL COPY

Case No. 98M1-118301

Sheriff's No. 055058-001L

LEGAL DESCRIPTION:

LOT 5 IN BLOCK 16 IN RUDDOCK'S SUBDIVISION OF THE SOUTH 1/2 OF LOT 10, ALL OF LOT 9 OF BLOCK 16 AND LOTS 4, 5, 6, & 7 OF BLOCK 14 IN SOUTH ENGLEWOOD SUBDIVISION IN SISSON AND NEWMAN'S SUBDIVISION OF THAT PART OF SECTION 32 & 33, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES WEST AND SOUTHWEST OF THE HOLLAND SETTLEMENT ROAD AND SOUTHEAST OF VINCENNES ROAD, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS 3619 S. LOWE AVE., CHICAGO, IL 60620

P.I.N.(s): 20-33-317-006

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 Grantor 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 2/9, 2006

Signature: *Kenneth A Swiatek*
Grantor or Agent

Subscribed and sworn to before me
by the said *Kenneth A Swiatek*
this 9th day of February, 2006
Notary Public *Beth Anne Alcantar*

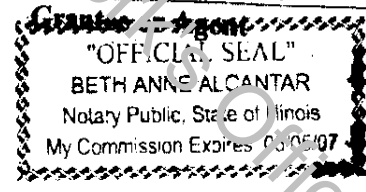


The Grantee or his Agent affirms and verifies that the name of the Grantee shown on the Deed or Assignment of Beneficial Interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, 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 2/9, 2006

Signature: *Kenneth A Swiatek*
Grantee or Agent

Subscribed and sworn to before me
by the said *Kenneth A Swiatek*
this 9th day of February, 2006
Notary Public *Beth Anne Alcantar*



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.)