

# UNOFFICIAL COPY

**Prepared By:**

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Henderson, NV 89074  
Phone: 702-736-6400



Doc#: 1016244001 Fee: \$46.00  
Eugene "Gene" Moore RHSP Fee \$10.00  
Cook County Recorder of Deeds  
Date: 06/11/2010 08:50 AM Pg: 1 of 6

**After Recording Mail To:**

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

**Mail Tax Statement To:**

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## DEED IN LIEU OF FORECLOSURE

TITLE OF DOCUMENT

175575678

KNOWN ALL MEN BY THESE PRESENTS, that **David Graham, a single man**, hereinafter called grantor, for \$95,000.00 and the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto **Kondaur 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 the GRANTOR herein by Deed from Tammy Steward Reals Estate Services Corp., a Corporation dated April 30, 2008, recorded November 3, 2008 and filed as Instrument No. 0830840213

COMMONLY known as: 6201 South Martin Luther King Drive, Unit 202, Chicago, Illinois 60637

Assessor's Parcel Number: 20-15-416-027-1006

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 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.

60x334

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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 April 30, 2008, by grantor in favor of **Wells Fargo Bank, N.A.**, and recorded at Doc. No. 0818205051 real property records of Cook County, Illinois on the June 30, 2008.

In construction of 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 23<sup>rd</sup> day of February, 2010.

David Graham  
David Graham

STATE OF Illinois )  
COUNTY OF Cook ) ss

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of February, 2010, by **David Graham**.

NOTARY RUBBER STAMP/SEAL



Debra A. Heard  
NOTARY PUBLIC

Debra A. Heard  
PRINTED NAME OF NOTARY  
MY Commission Expires: 12-16-2013

AFFIX TRANSFER TAX STAMP OR "Exempt under provisions of Paragraph <u>1A</u> Section 31-45; Real Estate Transfer Tax Act <u>2010/08/24</u>	
<u>2/23/10</u>	<u>[Signature]</u>
Date	Buyer, Seller or Representative

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## EXHIBIT "B" ESTOPPEL AFFIDAVIT

STATE OF Illinois  
COUNTY OF Cook

**David Graham, a single man**, 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 **Kondaaur Capital Corporation**, dated the 23<sup>rd</sup> day of FEBRUARY, 2010, conveying the following described property, to-wit:

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

Parcel ID # **20-15-416-027-1006**

That the aforesaid deed was intended to be and was an absolute conveyance of the title to said premises to **Kondaaur 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 **Kondaaur Capital Corporation**, therein all their right, title, and interest absolutely in and to said premises; that possession of said premises has been surrendered to **Kondaaur 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 **Kondaaur 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 \$95,000.00 by **Kondaaur Capital Corporation**, and **Kondaaur 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 **Wells Fargo Bank, N.A.**, on the April 30, 2008, and recorded at Doc. No. 0818205051 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 **Kondaaur 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.

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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 23<sup>rd</sup> day of February, 2010.

David Graham  
David Graham

STATE OF Illinois )  
COUNTY OF Cook ) SS

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of February, 2010, by **David Graham**.

NOTARY RUBBER STAMP/SEAL



Debra A. Heard  
NOTARY PUBLIC

Debra A. Heard  
PRINTED NAME OF NOTARY  
MY Commission Expires: 12-16-2013

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

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

UNIT NUMBER 6201-202 IN THE CONDOS ON KING CONDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED TRACT OF LAND:

LOT 1 IN BLOCK 14 IN THE RESUBDIVISION OF WASHINGTON PARK CLUB ADDITION TO CHICAGO, A SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0736203058; TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS IN COOK COUNTY ILLINOIS.

ALSO, THE EXCLUSIVE RIGHT TO THE USE OF LAUNDRY AREA LA-C, AS A LIMITED COMMON ELEMENT, AS SET FORTH IN THE DECLARATION OF CONDOMINIUM AND SURVEY ATTACHED THERETO.

Property of Cook County Clerk's Office

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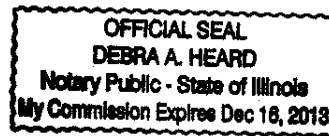
## STATEMENT BY GRANTOR AND GRANTEE

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

Dated February 23, 2010 Signature: David Graham  
Grantor or Agent  
David Graham

Subscribed and sworn to before me by the  
said David Graham  
this 23<sup>rd</sup> day of February  
2010

Debra A. Heard  
Notary Public



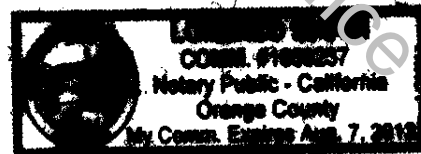
The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, 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 and hold title to real estate under the laws of the State of Illinois.

Kondaur Capital Corporation

Dated February 24, 2010 Signature: \_\_\_\_\_  
Grantor or Agent  
IVAN LARCO, LIQUIDATION SPECIALIST

Subscribed and sworn to before me by the  
said IVAN LARCO, Liquidation specialist for  
Kondaur Capital Corp.  
this 24<sup>th</sup> day of February  
2010

[Signature]  
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.

[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.]