

UNOFFICIAL COPY



Doc#: 1222719083 Fee: \$46.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 08/14/2012 02:39 PM Pg: 1 of 5

When Recorded Return To  
Indecomm Global Services  
2925 Country Drive  
St. Paul, MN 55117

777 827 1008 - Dec 20 d

This Instrument was prepared by:  
Heather A. Spitz  
CHANGE OF TITLE, INC  
160 S. OLD SPRINGS ROAD, SUITE 260  
ANAHEIM HILLS, CA 92805

**DEED IN LIEU OF FORECLOSURE**

Dated: 3-22-2012

KNOWN ALL MEN BY THESE PRESENTS, that **ALICE HEATON, A SINGLE PERSON, SURVIVING TENANT BY THE ENTIRETY OF LEONARD D. WARREN, WHO DIED ON 9/15/2008**, hereinafter called Grantor, for **\$95,873.24** and the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto **WELLS FARGO BANK, N.A.**, whose mailing address is 4101 WISEMAN BOULEVARD, MAC T7422-010, SAN ANTONIO, TX 78251, 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, State of Illinois, described as follows:

THE NORTH 24 FEET OF LOT 115 AND THE SOUTH 20 FEET OF LOT 114 IN THE FIRST ADDITION TO CUMMINGS AND FOREMAN REAL ESTATE CORPORATION RESUBDIVISION OF PART OF MIAMI PARK IN THE WEST 1/2 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 410 FREDERICK AVE., BELLWOOD, IL 60104

Assessor's Parcel Number: 15-09-300-087-0000

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 forbear 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.



# UNOFFICIAL COPY

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.

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. See Estoppel Affidavit attached as Exhibit "A".

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 dated 11/16/2007 by Grantor in favor of World Savings Bank, FSB, recorded in COOK County, IL in Instrument No. 0736257023 on 12/28/2007 and re-recorded on 5/29/2008 in Instrument No. 0815050010 to add the legal description.

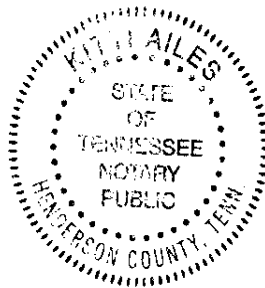
In construction of this deed and where the context so requires, the singular included the plural and the plural includes the singular and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

Dated this 22 day of March, 2012

Alice Heaton  
ALICE HEATON

Tennessee  
STATE OF ILLINOIS }  
Henderson } SS.  
COUNTY OF Cook }

The foregoing instrument was acknowledged before me this 22 day of March, 2012 by ALICE HEATON.



Kitti Ailes  
Notary Public

Kitti Ailes  
Printed Name  
My Commission Expires:

10-21-2015

Exempt under provision of Paragraph 2  
Section 31-45, Real Estate Transfer Tax Act.

03-22-2012 06-05-12 [Signature]  
Date Buyer, Seller or Representative

# UNOFFICIAL COPY

## Exhibit "A" ESTOPPEL AFFIDAVIT

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

**ALICE HEATON, A SINGLE PERSON, SURVIVING TENANT BY THE ENTIRETY OF LEONARD D. WARREN, WHO DIED ON 9/15/2008**, being first duly sworn, depose and says: That he/she/they are the identical party(ies) who made, executed, and delivered that certain Deed in Lieu of Foreclosure to **WELLS FARGO BANK, N.A.** dated the 22 day of March, 2012 conveying the following described property, to-wit:

THE NORTH 24 FEET OF LOT 115 AND THE SOUTH 20 FEET OF LOT 114 IN THE FIRST ADDITION TO CUMMINGS AND FOREMAN REAL ESTATE CORPORATION RESUBDIVISION OF PART OF MIAMI PARK IN THE WEST ½ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 410 FREDERICK AVE. BELLWOOD, IL 60104

Assessor's Parcel Number: 15-09-300-087-0000

That the aforesaid deed was intended to be and was an absolute conveyance of the title to said premises to **WELLS FARGO BANK, N.A.**, 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 **WELLS FARGO BANK, N.A.**, therein all their right, title, and interest absolutely in and to said premises; that possession of said premises has been surrendered to **WELLS FARGO BANK, N.A.**

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 **WELLS FARGO BANK, N.A.**, 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 **\$95,873.24** by **WELLS FARGO BANK, N.A.'S** agreement to forbear taking any action

# UNOFFICIAL COPY

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 World Savings Bank, FSB, dated 11/16/2007 and recorded at COOK County Records, State of Illinois in Instrument No. 0736257023 on 12/28/2007 and Re-recorded on 5/29/2008 in Instrument No. 0815050010 to add the legal description.

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 affiant is made for the protection and benefit of **WELLS FARGO BANK, N.A.**, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property herein described.

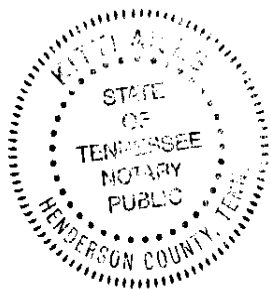
**I/WE (THE BORROWERS) UNDERSTAND THAT I/WE HAD A RIGHT TO OBTAIN LEGAL ADVICE BEFORE SIGNING THE AFORESAID DEED. I/WE HAVE EITHER DONE SO OR HAVE ELECTED TO PROCEED WITHOUT LEGAL ADVICE.**

Dated this 22 day of March, 2012

Alice Heaton  
ALICE HEATON

Tennessee  
STATE OF ~~ILLINOIS~~ 8k )  
Henderson ) SS.  
COUNTY OF COOK sk )

Signed and sworn (or affirmed) to before me on March 22, 2012, by ALICE HEATON.



Kitti Ailes  
Notary Public

Kitti Ailes  
Printed Name  
My Commission Expires

10-21-2015

RETURN RECORDED DOCUMENT TO:  
Rels Settlement Services  
5700 Smetana Drive, Suite 400  
Minnetonka, MN 55343

MAIL TAX DOCUMENTS TO:  
WELLS FARGO BANK, N.A.  
4101 WISEMAN BOULEVARD, MAC T7422-010,  
SAN ANTONIO, TX 78251



+U02752066+

7909 6/22/2012 77783468/2

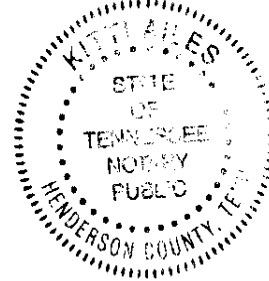
# UNOFFICIAL COPY

## STATEMENT OF GRANTOR/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 March 22, 2012 Signature: Alice Heaton  
Grantor or Agent Alice Heaton

Subscribed and sworn to before  
me by the said \_\_\_\_\_  
this 22 day of March  
2012  
Notary Public Kittie Ailes  
exp - 10-21-2015



The grantee 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 May 10, 2012 Signature: Randall McElwain  
Grantee or Agent Randall McElwain

Subscribed and sworn to before  
me by the said RANDALL McElwain  
this 10<sup>th</sup> day of May  
2012  
Notary Public Judith A. Montenegro



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 AB) to be recorded in Cook County, Illinois, if exempt under provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.