

UNOFFICIAL COPY



Doc#: 1414219069 Fee: \$46.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Affidavit Fee: \$2.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 05/22/2014 02:41 PM Pg: 1 of 5

This Instrument was reviewed/prepared by:
LARRY A. WHITNEY, Attorney at Law
231 NORTH ALDINE AVE
PARK RIDGE, IL 60068

DEED IN LIEU OF FORECLOSURE

Dated: 4/16/14

KNOWN ALL MEN BY THESE PRESENTS, that **JOHN A. HEUSER AND JOANNE E. HEUSER, HUSBAND AND WIFE**, hereinafter called Grantor, for **\$138,293.61** and the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto **FEDERAL NATIONAL MORTGAGE ASSOCIATION**, whose mailing address is C/O WELLS FARGO HOME MORTGAGE MAC X9999-01N, 1000 BLUE GENTIAN ROAD, SUITE 300, EAGAN, MN 55121 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:

Lot 42 (Except the South 8 1/3 feet thereof), all of Lot 43 and Lot 44 (Except the North 8 1/3 feet thereof) in Block 2 of Jernserg's Addition to Blue Island, being a subdivision of the East 1/2 of the Northeast 1/4 of Section 25, Township 37 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

As to Lot 42, Being the same property conveyed to John A. Heuser and JoAnne E. Heuser, husband and wife by Deed from Richard E. Willie and Ida Mae Willie, husband and wife, dated August 11, 1989, recorded August 18, 1989, in Instrument No. 89385287, in the public records of Cook County, Illinois.

As to Lots 43 and 44, Being the same property conveyed to John A. Heuser and JoAnne E. Heuser, husband and wife by Deed from Richard E. Willie and Ida Mae Willie, husband and wife, dated August 11, 1989, recorded August 18, 1989, in Instrument No 3817905, in the public records of Cook County, Illinois.

COMMONLY KNOWN AS: 11913 GREENWOOD AVE, BLUE ISLAND, IL 60406

ASSESSOR'S PARCEL NUMBER: 24-25-203-072-0000

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.

UNOFFICIAL COPY

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.

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 **02/23/2009** by **JOHN A. HEUSER AND JOANNE E. HEUSER** in favor of **Mortgage Electronic Registration Systems, Inc. ("MERS")**, AS NOMINEE FOR **GATEWAY FUNDING DIVERSIFIED MORTGAGE SERVICES, L.P.** recorded in COOK County, IL as document number **0914712067**, on **05/27/2009**. Said mortgage assigned by Mortgage Electronic Registration Systems, Inc. ("MERS"), as nominee for Gateway Funding Diversified Mortgage Services L.P. to Wells Fargo Bank, N.A., by assignment dated 11/26/2013, and recorded 12/11/2013, as Instrument No. 1334550635.

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 16th day of April, 2014.

John A. Heuser
JOHN A. HEUSER

Joanne E. Heuser
JOANNE E. HEUSER

STATE OF ILLINOIS)
) SS.
COUNTY OF Illinois)

The foregoing instrument was acknowledged before me this 16th day of April, 2014, by **JOHN A. HEUSER AND JOANNE E. HEUSER**.



Phyllis M. Miceli
Notary Public
Phyllis M. Miceli
Printed Name
My Commission Expires: 6/23/17

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

4/14/14
Date John A. Heuser
 Buyer, Seller or Representative

Joanne E. Heuser

UNOFFICIAL COPY**Exhibit "A"**
ESTOPPEL AFFIDAVITSTATE OF ILLINOIS)
) SS.
COUNTY OF Cook)

JOHN A. HEUSER AND JOANNE E. HEUSER, HUSBAND AND WIFE, 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 **FEDERAL NATIONAL MORTGAGE ASSOCIATION** dated the 16th day of April, 2014, conveying the following described property, to-wit:

Lot 42 (Except the South 8 1/3 feet thereof), all of Lot 43 and Lot 44 (Except the North 8 1/3 feet thereof) in Block 2 of Jernserg's Addition to Blue Island, being a subdivision of the East 1/2 of the Northeast 1/4 of Section 25, Township 37 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

As to Lot 42, Being the same property conveyed to John A. Heuser and JoAnne E. Heuser, husband and wife by Deed from Richard E. Willie and Ida Mae Willie, husband and wife, dated August 11, 1989, recorded August 18, 1989, in Instrument No. 89385287, in the public records of Cook County, Illinois.

As to Lots 43 and 44, Being the same property conveyed to John A. Heuser and JoAnne E. Heuser, husband and wife by Deed from Richard E. Willie and Ida Mae Willie, husband and wife, dated August 11, 1989, recorded August 18, 1989, in Instrument No 3817905 in the public records of Cook County, Illinois.

COMMONLY KNOWN AS: 11913 GREENWOOD AVE, BLUE ISLAND, IL 60406

ASSESSOR'S PARCEL NUMBER: 24-25-203-072-0000

That the aforesaid deed was intended to be and was an absolute conveyance of the title to said premises to FEDERAL NATIONAL MORTGAGE ASSOCIATION, 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 FEDERAL NATIONAL MORTGAGE ASSOCIATION, therein all their right, title, and interest absolutely in and to said premises; that possession of said premises has been surrendered to FEDERAL NATIONAL MORTGAGE ASSOCIATION

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 FEDERAL NATIONAL MORTGAGE ASSOCIATION, 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 \$138,293.61 by FEDERAL NATIONAL MORTGAGE ASSOCIATION'S, 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 **JOHN A. HEUSER AND JOANNE E. HEUSER to Mortgage Electronic Registration Systems, Inc. ("MERS")**, AS NOMINEE FOR GATEWAY FUNDING DIVERSIFIED MORTGAGE SERVICES, L.P. dated **02/23/2009** and recorded at COOK County Records, State of Illinois as document number **0914712067**, on **05/27/2009** Said mortgage assigned by Mortgage Electronic Registration Systems, Inc. ("MERS"), as nominee for Gateway Funding Diversified Mortgage Services L.P. to Wells Fargo Bank, N.A., by assignment dated 11/26/2013, and recorded 12/11/2013, as Instrument No. 1334550635.

UNOFFICIAL COPY

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 FEDERAL NATIONAL MORTGAGE ASSOCIATION, 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 16 day of April, 20 14



JOHN A. HEUSER

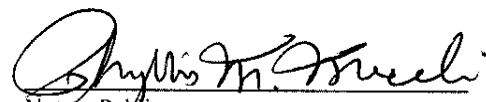


JOANNE E. HEUSER

STATE OF ILLINOIS)
) SS.
COUNTY OF Cook

Signed and sworn (or affirmed) to before me on 4/16, 20 14, by JOHN A. HEUSER AND JOANNE E. HEUSER.





Notary Public
Phyllis M. Miceli
Printed Name
My Commission Expires: 4/23/17

RETURN RECORDED DOCUMENT TO:
DataQuick Title
6 Campus Circle, Suite 430
Westlake, TX 76262

UST Global **DQT**
345 Rouser Road
Suite 201
Moon Township, PA 15108

MAIL TAX DOCUMENTS TO:
Federal National Mortgage Association
C/O Wells Fargo Home Mortgage Mac X9999-01n,
1000 Blue Gentian Road, Suite 300
Eagan, MN 55121

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 of Assignment of Beneficial Interest in 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 April 16, 2014

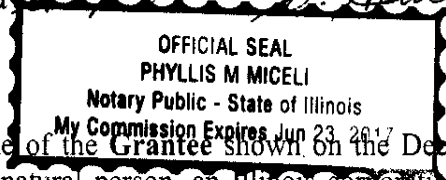
Signature: [Signature]
Grantor or Agent

Subscribed and sworn to before me

By the said Jo Anne E. Heuser and John A Heuser

This 16th day of April, 2014.

Notary Public [Signature]



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

Date May 5th, 2014

Signature: [Signature] VP of Loan Documentation
Grantee or Agent

Subscribed and sworn to before me

By the said Grant Hilten

This 5 day of May, 2014.

Notary Public [Signature]



Note: Any person who knowingly submits a false statement concerning the identity of **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.)