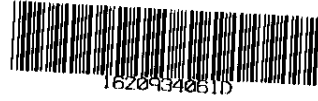


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Doc#: 1620934061 Fee: \$50.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Affidavit Fee: \$2.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 07/27/2016 11:17 AM Pg: 1 of 7

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: 6-22-16

KNOWN ALL MEN BY THESE PRESENTS, that **CATHERINE A. BURKE AND JAMES J. BURKE, WIFE AND HUSBAND**, hereinafter called Grantor, for **\$92,610.47** 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 COOK County, State of Illinois, described as follows:

LOT 31 IN ROBERT BARTLETT'S HOMEWOOD ACRES BEING A SUBDIVISION OF THE WEST 1/2 (EXCEPT THE NORTH 330 FEET OF THE SOUTH 990 FEET OF THE WEST 330 FEET THEREOF) OF THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 17, 1941 AS DOCUMENT NUMBER 12661958 IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 3944 183RD ST, HOMEWOOD, IL 60430

16207-18
BOX 152

ASSESSOR'S PARCEL NUMBER: 28-35-302-044-0000

Being the same property conveyed to Catherine A. Burke and James J. Burke by a Deed dated 09/01/2004 and recorded 09/09/2004 as Document No. 0425342000, among the real land records of Cook County, Illinois.

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.

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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.

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 **09/01/2004** by JAMES J BURKE AND CATHERINE A BURKE, HUSBAND AND WIFE, in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR MARQUETTE BANK, and recorded as Document No. **0425342011**, on **09/09/2004**, among the real property records of COOK County, IL.

Said Mortgage was assigned from Mortgage Electronic Registration Systems, Inc. as nominee for Marquette Bank to Wells Fargo Bank, N.A. by Assignment dated **04/24/2014** and recorded **04/25/2014** as Document No. **1411550075**.

Said Mortgage was modified by Loan Modification Agreement dated **11/05/2014** and recorded **02/02/2015** as Document No. **1503347018**, providing a new principal amount of \$92,818.88.

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.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

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Dated this 22nd day of June, 20 16.

Catherine A. Burke
CATHERINE A. BURKE

[Signature]
JAMES J. BURKE

STATE OF Illinois)
COUNTY OF Cook) SS.

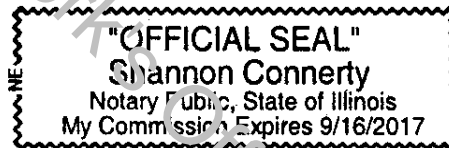
The foregoing instrument was acknowledged before me this 22nd day of June, 20 16, by CATHERINE A. BURKE AND JAMES J. BURKE.

Shannon Connerty
Notary Public

Shannon Connerty
Printed Name
My Commission Expires: 9/16/17

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

6/22/16 [Signature]
Date Buyer, Seller or Representative



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

CATHERINE A. BURKE AND JAMES J. BURKE, WIFE AND HUSBAND, 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 22nd day of JUNE, 20 16, conveying the following described property, to-wit:

LOT 31 IN ROBERT BARTLETT'S HOMEWOOD ACRES BEING A SUBDIVISION OF THE WEST 1/2 (EXCEPT THE NORTH 330 FEET OF THE SOUTH 990 FEET OF THE WEST 330 FEET THEREOF) OF THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 17, 1941 AS DOCUMENT NUMBER 12561958 IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 3944 183RD ST, HOMEWOOD, IL 60430

ASSESSOR'S PARCEL NUMBER: 28-35-302-044-0000

Being the same property conveyed to Catherine A. Burke and James J. Burke by a Deed dated 09/01/2004 and recorded 09/09/2004 as Document No. 0425342000 among the real land records of Cook County, Illinois.

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

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 Grantee, 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 \$92,616.47 by Grantee's, agreement to forbear 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 **09/01/2004** by **JAMES J BURKE AND CATHERINE A BURKE, HUSBAND AND WIFE**, in favor of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR MARQUETTE BANK**, and recorded as Document No. **0425342001**, on **09/09/2004**, among the real property records of **COOK County, IL**.

Said Mortgage was assigned from Mortgage Electronic Registration Systems, Inc. as nominee for Marquette Bank to Wells Fargo Bank, N.A. by Assignment dated **04/24/2014** and recorded **04/25/2014** as Document No. **1411550075**.

Said Mortgage was modified by Loan Modification Agreement dated **11/05/2014** and recorded **02/02/2015** as Document No. **1503347018**, providing a new principal amount of \$92,818.88.

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PLAT ACT AFFIDAVIT

State of Illinois

} SS.

County of Cook

CATHERINE A. BURKE AND JAMES J. BURKE

at 3944 183RD ST, HOMEWOOD, IL 60430, being duly sworn on oath, states that they resides
of the following reasons: That the attached deed is not in violation of 765 ILCS 205/1 for one

- 1. Said Act is not applicable as the grantors own no adjoining property to the premises described in said deed;
- OR -
the conveyance falls in one of the following exemptions as shown by Amended Act which became effective July 17, 1959.
- 2. The division or subdivision of the land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
- 3. The divisions of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
- 4. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- 5. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
- 6. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
- 7. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- 8. Conveyances made to correct descriptions in prior conveyances.
- 9. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than two parts and not involving any new streets or easements of access.
- 10. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois registered surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land. Amended by P.A. 80-318, 1 eff. October 1, 1977.

CIRCLE THE NUMBER ABOVE WHICH IS APPLICABLE TO THE ATTACHED DEED.

Affiant further state that they makes this affidavit for the purpose of inducing the Recorder of Deeds of Cook County, Illinois, to accept the attached deed for recording.

Catherine A. Burke and James J. Burke
CATHERINE A. BURKE AND JAMES J. BURKE

SUBSCRIBED and SWORN to before me

this 22nd day of JUNE, 2016
Shannon Court



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

Dated 6/22, 16 Signature: *Catherine A. Burke*
Catherine A. Burke and James J. Burke

Subscribed and sworn to before me

By the said CATHERINE A. BURKE + JAMES J. BURKE
This 22nd day of JUNE, 2016

Notary Public *Shannon Connerty*



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 July 7th, 2016 Signature: *Megan Clair* VP Loan Documentation
Grantee or Agent

Subscribed and sworn to before me

By the said Megan Clair
This 7 day of July, 2016.

Notary Public *Jess Glasspool*



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.