

UNOFFICIAL COPY

Doc#: 1824233062 Fee: \$70.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 08/30/2018 10:11 AM Pg: 1 of 12

Dec ID 20180801670856

This instrument prepared by: Ross M. Rosenberg, Esq., Rosenberg LPA, Attorneys At Law,
3805, Edwards Road, Suite 550, Cincinnati, Ohio 45209 (513) 247-9605.

Send To:

Return / Mail To: NCS
9087 Foothills Blvd. Ste 700
Roseville, CA 95747
800-958-8060

Mail Tax Statements To:

Secretary of Housing and Urban Development

451 7th Street SW., Washington, DC, 20410-0000.

17-647547

Parcel Number or APN: 07-35-313-042-0000

DEED IN LIEU OF FORECLOSURE

Exempt: Sec. 200/31-45 (8)

KNOWN ALL MEN BY THESE PRESENTS, that **Thomas E. Sucher** and **Margaret M. Sucher**, a married couple, whose mailing address is **1515 N BARRINGTON RD., APT 631, HOFFMAN ESTATES, IL 60169**, hereinafter called grantors, for \$1.00 and the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto **Secretary of Housing and Urban Development**, whose tax mailing address is **451 7th Street SW., Washington, DC, 20410-0000**, 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, Illinois**, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION

SEE EXHIBIT "B" ATTACHED HERETO AS ESTOPPEL AFFIDAVIT

Property Address: 788 Overland Court, Roselle, IL 60172

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COMMONLY known as: **788 Overland Court, Roselle, IL 60172**

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.

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 in accord with the Estoppel Affidavit attached hereto as Exhibit B.

Consideration. This Deed in Lieu of Foreclosure relates to real property secured by the following mortgage(s) or deed(s) of trust:

SEE EXHIBIT "C" ATTACHED HERETO FOR DESCRIPTION OF MORTGAGE OR DEED OF TRUST

No Merger. Grantor agrees and acknowledges that its entry into this Deed and the other documents contemplated hereby shall not result in a merger of Assignee's interest under the Deed of Trust with Grantee's interest under the Deed. The terms, covenants, representations, and warranties of this Agreement shall not merge into the Deed but shall survive the close of the transaction contemplated hereby.

In construction 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.

Representations and Warranties. Grantor represents, warrants, and acknowledges that:

(a) it is in default of its obligations under the Loan and the Note and that the unpaid principal balance thereof together with interest thereupon is immediately due and payable to Secretary of Housing and Urban Development without offset, defense, or counterclaim;

(b) the Note and the Deed of Trust or Mortgage are valid and binding agreements enforceable in accordance with their terms;

Advice of Counsel. Grantor hereby agrees, represents, and warrants that it has had advice of competent counsel of its own choosing, or has willingly forgone advice of counsel, in negotiations for and the preparation of this Deed, that it has read this Deed or has had the same read to it by its counsel, that it has had this Deed fully explained by such counsel, and that it is fully aware of its contents and legal effect.

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RIGHT TO FORECLOSE

TRANSFEROR AGREES AND ACKNOWLEDGES THAT NOTHING CONTAINED HEREIN SHALL AFFECT, AND TRANSFEREE HEREBY EXPRESSLY RESERVES, THE RIGHT TO FORECLOSE THE "MORTGAGE", "DEED TO SECURE DEBT" OR "DEED OF TRUST" BY JUDICIAL OR, TO THE EXTENT PERMITTED BY APPLICABLE LAW, NONJUDICIAL FORECLOSURE AND, IN CONNECTION WITH ANY SUCH FORECLOSURE, TRANSFEROR AND/OR GUARANTOR MAY, IN TRANSFEREE'S SOLE DISCRETION, BE NAMED AS A PARTY DEFENDANT, AND TO THE EXTENT PERMITTED BY APPLICABLE LAW, TRANSFEROR SHALL AGREE TO ANY CONSENT TO JUDGMENT (OR SIMILAR PROCESS) AVAILABLE TO TRANSFEREE, AND TRANSFEREE WILL BE PERMITTED TO SEEK, OBTAIN, AND SATISFY A JUDGMENT IN ANY SUCH FORECLOSURE PROCEEDINGS, PROVIDED, HOWEVER, THAT TRANSFEROR AND GUARANTOR SHALL NOT BE PERSONALLY LIABLE FOR SATISFACTION OF SUCH JUDGMENT. IF TRANSFEREE PURSUES ITS RIGHTS UNDER THIS SECTION, IT MAY DETRIMENTALLY AFFECT TRANSFEROR'S CREDIT RATING.

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WITNESS the hand of said Grantor this 1st day of August, 2018.

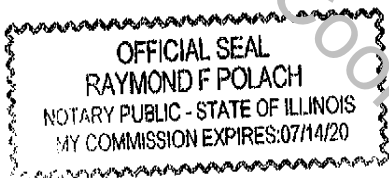
Thomas E. Sucher
Thomas E. Sucher

Margaret M. Sucher
Margaret M. Sucher

STATE OF ILLINOIS
COUNTY OF COOK

The foregoing instrument was acknowledged before me on August 1, 2018 by Thomas E. Sucher and Margaret M. Sucher who are personally known to me or have produced ~~DRIVERS LICENSES~~ as identification, and furthermore, the aforementioned persons have acknowledged that their signatures were their free and voluntary act for the purposes set forth in this instrument.

Raymond F. Polach
Notary Public



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MUNICIPAL TRANSFER STAMP
(If Required)

COUNTY/ILLINOIS TRANSFER STAMP
(If Required)

EXEMPT under provisions of Paragraph ~~4~~^L Section 31-45, Property Tax Code.

Date: 8/1/18

Thomas S. Archer
Buyer, Seller or Representative

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GRANTOR(S) AFFIDAVIT

State of Illinois)
County of Cook)

Thomas E. Sucher and Margaret M. Sucher, named in the attached deed, being first duly sworn upon oath, each for himself or herself and not one for the other, deposes and says:

That he or she has read the attached deed and knows the contents thereof, and that every statement contained in the terms, warranties and covenants therein set forth is true of his or her own knowledge.

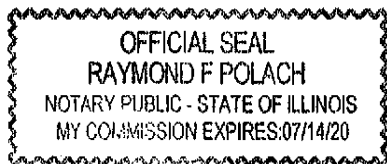
SWORN to under the pains and penalties of perjury this 1st day of August, 2018.

Thomas E. Sucher
Thomas E. Sucher

Margaret M. Sucher
Margaret M. Sucher

STATE OF Illinois
COUNTY OF Cook

The foregoing instrument was acknowledged before me on August 1, 2018 by **Thomas E. Sucher and Margaret M. Sucher** who is personally known to me or has produced DRIVERS LICENSES as identification, and furthermore, the aforementioned person has acknowledged that his/her signature was his/her free and voluntary act for the purposes set forth in this instrument and he/she has been duly sworn and hereby execute this affidavit and attest to the facts stated herein.



Raymond F. Polach
Notary Public/Justice of the Peace
Printed Name: RAYMOND F. POLACH
My Commission Expires: 7/14/2020

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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 land trust is either a natural person, and 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.

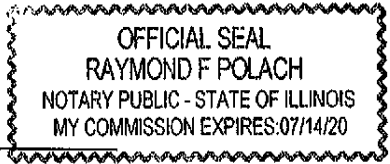
Dated August 1, 2018

Margaret M. Sucher
Signature of Grantor or Agent

Thomas E. Sucher
Signature of Grantor or Agent

Subscribed and sworn to before
Me by the said MARGARET M. SUCHER AND THOMAS E. SUCHER
this 1st day of August,
2018.

NOTARY PUBLIC Raymond F. Polach



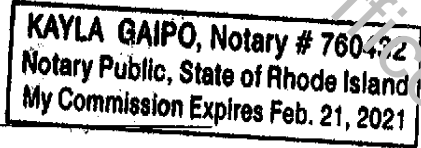
The Grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois a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

Date Aug 21, 2018

Jonathan Miller
Signature of Grantee or Agent

Subscribed and sworn to before
Me by the said Jonathan Miller
This 21 day of August,
2018.

NOTARY PUBLIC Kayla Gaiipo



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.)

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EXHIBIT "B" ESTOPPEL AFFIDAVIT

STATE OF ILLINOIS
COUNTY OF COOK

Thomas E. Sucher and Margaret M. Sucher, 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 Secretary of Housing and Urban Development, conveying the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION

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

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 Secretary of Housing and Urban Development, 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.

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That the consideration for said deed was and is payment to affiants of the sum of \$1.00 by Secretary of Housing and Urban Development, 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(s) or deed(s) of trust referred to herein as described as follows:

SEE EXHIBIT "C" ATTACHED HERETO FOR DESCRIPTION OF MORTGAGE OR DEED OF TRUST

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 Secretary of Housing and Urban Development, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property herein described.

I understand and agree that I have waived or released any and all claims, known or unknown, that I have or might have against the Grantee and/or Secretary of Housing and Urban Development, and/or their accountants, agents, attorneys, directors, employees, managers, members, officers, servants, and/or shareholders.

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

Dated: August 1, 2018

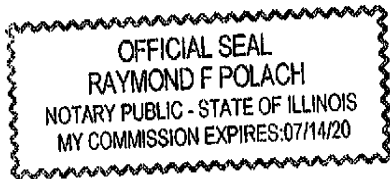
SWORN to under the pains and penalties of perjury this 1st day of August, 2018.

Thomas E. Sucher
Thomas E. Sucher

Margaret M. Sucher
Margaret M. Sucher

STATE OF Illinois
COUNTY OF Cook

The foregoing instrument was acknowledged before me on August 1, 2018 by Thomas E. Sucher and Margaret M. Sucher who is personally known to me or has produced DRIVERS LICENSES as identification, and furthermore, the aforementioned person has acknowledged that his/her signature was his/her free and voluntary act for the purposes set forth in this instrument and he/she has been duly sworn and hereby execute this affidavit and attest to the facts stated herein.



Raymond F. Polach
Notary Public/Justice of the Peace
Printed Name: RAYMOND F. POLACH
My Commission Expires: 7/14/2020

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EXHIBIT "A" LEGAL DESCRIPTION

The land described herein is situated in the State of Illinois, County of Cook, described as follows:

Parcel 1: Lot 4 in Block 48 in the Trails Unit 3, being a subdivision in the Southwest $\frac{1}{4}$ of Section 35, Township 41 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded January 4, 1973 as document no. 22176580, in Cook County, Illinois.

Parcel 2: Non-exclusive easements for ingress and egress appurtenant of the Lot hereinabove described upon and across Out Lots A, B and C in the Trails Unit 1 and Out Lots A and B in the Trails Unit 2 and Out Lots A, B, and C in the Trails Unit No. 3, being a subdivision in the Southwest $\frac{1}{4}$ of Section 35, Township 41 North, Range 10, East of the Third Principal Meridian, said Easement having been by Grant recorded July 27, 1972 as document no. 21992274 and by Grant recorded on February 16, 1973 as document no. 22223915, in Cook County, Illinois.

APN: 07-35-313-042-0000

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EXHIBIT C (DESCRIPTION OF MORTGAGE(S) OR DEED(S) OF TRUST)

Mortgage to secure an indebtedness of \$360,000.00, recorded October 13, 2005, (instrument) 0528605359, Official Records.

Mortgagor: Thomas E. Sucher and Margaret M. Sucher, his wife, in joint tenancy
Mortgagee: Financial Freedom Senior Funding Corporation, a subsidiary of IndyMac Bank, F.S.B.
Loan No. 7048438

Maximum loan amount: \$ 360,000.00

The Beneficial Interest under said Deed of Trust was assigned of record to Mortgage Electronic Registration System Inc. ("MERS"), a Delaware Corporation, its successors or assigns, acting solely as nominee for Financial Freedom Acquisition LLC, MIN Number 100854900070484387, by assignment recorded October 16, 2009, as (instrument) 0928919090, Official Records.

The Beneficial Interest under said Mortgage was assigned of record to Secretary of Housing and Urban Development Washington D.C., its successors and assigns, by assignment, recorded November 5, 2015, (instrument) 1530956030, Official Records.

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