

# UNOFFICIAL COPY



\*1827557114D\*

Doc# 1827557114 Fee \$70.00

RHSP FEE: \$9.00 RPRF FEE: \$1.00

AFFIDAVIT FEE: \$2.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 10/02/2018 12:12 PM PG: 1 OF 17

Order Number: 180264681

This instrument prepared by: Ross M. Rosenberg, Esq., Rosenberg LPA, Attorneys At Law, 3805, Edwards Road, Suite 650, Cincinnati, Ohio 45209 (513) 247-9605.

Return To:  
10385 Westmoor Drive,  
Suite 100 Westminster, CO 80021  
Attention: Denver DIL Title

Mail Tax Statements To:  
**NJCC FUND #5 TRUST, BY U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY**  
9990 Richmond Ave., St. 400S, Houston, TX 77042.

Parcel Number or APN: 24-16-314-003-0000

## DEED IN LIEU OF FORECLOSURE

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

KNOWN ALL MEN BY THESE PRESENTS, that **ZACARIAS O. MIRA, JR.** and **FILIPINAS T. MIRA**, a married couple, and **ZACARIAS T. MIRA, III** and **CATHERINE C. MIRA AKA CATHERINE CRUZ**, a married couple, whose mailing address is **Rep. by atty: Kathleen Cunningham, 19201 S. LaGrange Road, Suite 205, Mokena, IL 60448**, hereinafter called grantors, for \$1.00 and the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto **NJCC FUND #5 TRUST, BY U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY**, whose tax mailing address is **9990 Richmond Ave., St. 400S, Houston, TX 77042**, hereinafter called grantee, and unto grantee's successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances

Property Address: 10909 Cook Avenue, Oak Lawn, IL 60453

1 of 2

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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

COMMONLY known as: **10909 Cook Avenue, Oak Lawn, IL 60453**

This being the identical property conveyed to the GRANTOR herein by Deed from recorded in **Instrument Number: 0808605257**.

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 **NJCC**

Property Address: 10909 Cook Avenue, Oak Lawn, IL 60453

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**FUND #5 TRUST, BY U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY** 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.

## **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 21 day of September, 2018.

  
\_\_\_\_\_  
ZACARIAS O. MIRA, JR.

  
\_\_\_\_\_  
FILIPINAS T. MIRA

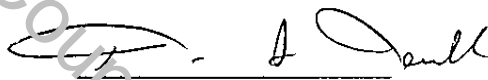
~~\_\_\_\_\_  
ZACARIAS T. MIRA, III~~

~~\_\_\_\_\_  
CATHERINE C. MIRA AKA  
CATHERINE CRUZ~~

STATE OF Texas  
COUNTY OF Hidalgo

The foregoing instrument was acknowledged before me on September 21, 2018 by ZACARIAS O. MIRA, JR., FILIPINAS T. MIRA, ZACARIAS T. MIRA, III and CATHERINE C. MIRA AKA CATHERINE CRUZ who are personally known to me or have produced Drivers License 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.



  
\_\_\_\_\_  
Notary Public

# UNOFFICIAL COPY

WITNESS the hand of said Grantor this 24<sup>th</sup> day of SEPTEMBER, 2018.

ZACARIAS O. MIRA, JR.

FILIPINAS T. MIRA

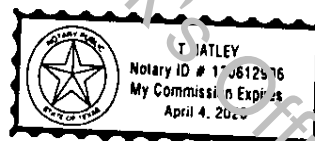
ZACARIAS T. MIRA, III

CATHERINE C. MIRA AKA  
CATHERINE CRUZ

STATE OF Texas  
COUNTY OF Montgomery

The foregoing instrument was acknowledged before me on Sept 24, 2018 by ZACARIAS O. MIRA, JR., FILIPINAS T. MIRA, ZACARIAS T. MIRA, III and CATHERINE C. MIRA AKA CATHERINE CRUZ who are personally known to me or have produced TDC 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.

Thasley  
Notary Public



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**MUNICIPAL TRANSFER STAMP**  
(If Required)

**COUNTY/ILLINOIS TRANSFER STAMP**  
(If Required)

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

Date:   9/25/18  

*Jody Walsh*  
Buyer, Seller or Representative

Property of Cook County Clerk's Office

Property Address: 10909 Cook Avenue, Oak Lawn, IL 60453

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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 September 21, 2018

[Signature]  
Signature of Grantor or Agent

Subscribed and sworn to before  
Me by the said Grantor  
this 21 day of September,  
2018.



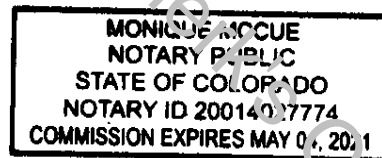
NOTARY PUBLIC [Signature]

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 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 Sept. 25th, 2018

[Signature]  
Signature of Grantee or Agent

Subscribed and sworn to before  
Me by the said Jody Walsh  
This 25 day of September,  
2018.



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.)

Property Address: 10909 Cook Avenue, Oak Lawn, IL 60453

# UNOFFICIAL COPY

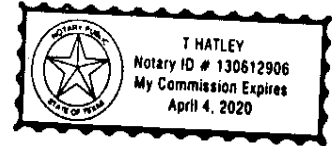
## STATEMENT BY GRANTOR AND GRANTEE

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed 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 SEPTEMBER 24, 2018

[Signature]  
Signature of Grantor or Agent

Subscribed and sworn to before  
Me by the said ZOCARIAS T. MIRA III  
this 24 day of SEPT,  
2018.



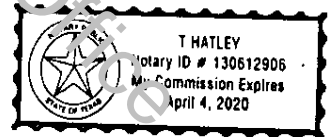
NOTARY PUBLIC [Signature] T Hatley  
11-4-20

~~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 SEPT. 24, 2018~~

~~[Signature]  
Signature of Grantee or Agent~~

~~Subscribed and sworn to before  
Me by the said Catherine C. Mira  
This 24 day of SEPT,  
2018.~~



~~NOTARY PUBLIC [Signature] T Hatley  
11-4-20~~

~~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.)~~

Property Address: 10909 Cook Avenue, Oak Lawn, IL 60453



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EXHIBIT A  
(LEGAL DESCRIPTION)

**LOT 342 IN EAGLE RIDGE SUBDIVISION PHASE SIX, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

**TAX ID: 24-16-314-003-0000.**

Property of Cook County Clerk's Office

Property Address: 10909 Cook Avenue, Oak Lawn, IL 60453

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## EXHIBIT "B" ESTOPPEL AFFIDAVIT

STATE OF Texas  
COUNTY OF Hidalgo

**ZACARIAS O. MIRA, JR., FILIPINAS T. MIRA, ZACARIAS T. MIRA, III and CATHERINE C. MIRA AKA CATHERINE CRUZ**, 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 **NJCC FUND #5 TRUST, BY U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY**, 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 **NJCC FUND #5 TRUST, BY U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY**, 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 **NJCC FUND #5 TRUST, BY U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY**, therein all their right, title, and interest absolutely in and to said premises; that possession of said premises has been surrendered to **NJCC FUND #5 TRUST, BY U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY**;

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 **NJCC FUND #5 TRUST, BY U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY**;

Property Address: 10909 Cook Avenue, Oak Lawn, IL 60453

# UNOFFICIAL COPY

ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, 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 \$1.00 by NJCC FUND #5 TRUST, BY U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, 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 NJCC FUND #5 TRUST, BY U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, 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: September 21, 2018

[Signature]  
ZACARIAS O. MIRA, JR.

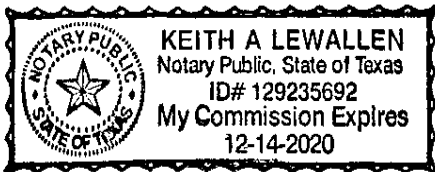
[Signature]  
FILIPINAS T. MIRA

[Signature]  
ZACARIAS T. MIRA, III

[Signature]  
CATHERINE C. MIRA AKA  
CATHERINE CRUZ

STATE OF Texas  
COUNTY OF Hidalgo

The foregoing instrument was acknowledged before me on September 21, 2018 by ZACARIAS O. MIRA, JR., FILIPINAS T. MIRA, ZACARIAS T. MIRA, III and <sup>KOL</sup> CATHERINE C. MIRA AKA CATHERINE CRUZ who are personally known to me or have produced Drivers License 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.



[Signature]  
Notary Public

# UNOFFICIAL COPY

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: 9-24-2018

~~\_\_\_\_\_  
ZACARIAS O. MIRA, JR.~~

~~\_\_\_\_\_  
FILIPINAS T. MIRA~~

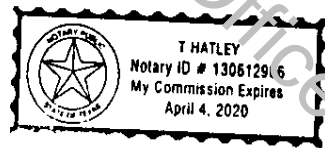
~~\_\_\_\_\_  
ZACARIAS T. MIRA, III~~

Catherine C. Mira  
\_\_\_\_\_  
CATHERINE C. MIRA AKA  
CATHERINE CRUZ

STATE OF Texas  
COUNTY OF Montgomery

The foregoing instrument was acknowledged before me on Sept. 24, 2018 by ~~ZACARIAS O. MIRA, JR.~~, ~~FILIPINAS T. MIRA~~, ZACARIAS T. MIRA, III and CATHERINE C. MIRA AKA CATHERINE CRUZ who are personally known to me or have produced TIC 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.

Theresa Hatley  
Notary Public



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## GRANTOR(S) AFFIDAVIT

State of Texas  
County of Montgomery

**ZACARIAS O. MIRA, JR., FILIPINAS T. MIRA, ZACARIAS T. MIRA, III and CATHERINE C. MIRA AKA CATHERINE CRUZ**, 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.

ZACARIAS O. MIRA, JR.

FILIPINAS T. MIRA

ZACARIAS T. MIRA, III

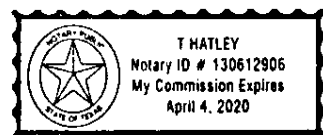
CATHERINE C. MIRA AKA CATHERINE CRUZ

STATE OF Texas  
COUNTY OF Montgomery

The foregoing instrument was acknowledged before me on Sept 24, 2018 by ZACARIAS O. MIRA, JR., FILIPINAS T. MIRA, ZACARIAS T. MIRA, III and CATHERINE C. MIRA AKA CATHERINE CRUZ who are personally known to me or have produced TDL 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.

Charles Hatley  
Notary Public 04-4-20

Property Address: 10909 Cook Avenue, Oak Lawn, IL 60453



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## GRANTOR(S) AFFIDAVIT

State of Texas }  
County of Hidalgo }

**ZACARIAS O. MIRA, JR., FILIPINAS T. MIRA, ZACARIAS T. MIRA, III and CATHERINE C. MIRA AKA CATHERINE CRUZ**, 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.

  
\_\_\_\_\_  
**ZACARIAS O. MIRA, JR.**

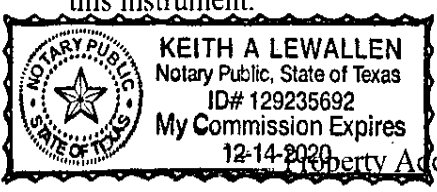
  
\_\_\_\_\_  
**FILIPINAS T. MIRA**

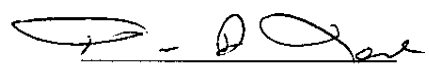
~~\_\_\_\_\_  
**ZACARIAS T. MIRA, III**~~

~~\_\_\_\_\_  
**CATHERINE C. MIRA AKA CATHERINE CRUZ**~~

STATE OF Texas  
COUNTY OF Hidalgo

The foregoing instrument was acknowledged before me on September 21, 2018 by **ZACARIAS O. MIRA, JR., FILIPINAS T. MIRA, ZACARIAS T. MIRA, III** and **CATHERINE C. MIRA AKA CATHERINE CRUZ** who are personally known to me or have produced Drivers License 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.



  
\_\_\_\_\_  
Notary Public

Property Address: 10909 Cook Avenue, Oak Lawn, IL 60453

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

**MORTGAGE FROM ZACARIAS O MIRA JR, AND FILIPINAS T MIRA; HUSBAND AND WIFE AS JOINT TENANTS, AND ZACARIAS T MIRA III, A MARRIED MAN AND WIFE CATHERINE C MIRA TO BANK OF AMERICA, N.A. IN INSTRUMENT NO 0929903020 IN THE AMOUNT OF \$337,200.00, DATED 09/24/2009, RECORDED 10/26/2009, IN COOK COUNTY RECORDS.**

**a. ASSIGNMENT OF RECORD BETWEEN BANK OF AMERICA, N.A. AND FEDERAL NATIONAL MORTGAGE ASSOCIATION AS SET FORTH IN INSTRUMENT NO 1611118039, DATED 04/18/2016, RECORDED 04/20/2016 IN COOK COUNTY RECORDS.**

**b. ASSIGNMENT OF RECORD BETWEEN FEDERAL NATIONAL MORTGAGE ASSOCIATION, BY NATIONWIDE TITLE CLEARING, INC., ITS ATTORNEY -IN -FACT AND COMMUNITY LOAN FUND OF NEW JERSEY, INC. AS SET FORTH IN INSTRUMENT NO 18106081-6, DATED 04/12/2018, RECORDED 04/16/2018 IN COOK COUNTY RECORDS.**

**C. ASSIGNMENT OF RECORD BETWEEN COMMUNITY LOAN FUND OF NEW JERSEY, INC. AND NJCC FUND #5 TRUST, BY U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, AS SET FORTH IN INSTRUMENT NO 1820004009, DATED 06/28/2018, RECORDED 07/19/2018 IN COOK COUNTY RECORDS.**



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9446 South Raymond Avenue, Oak Lawn Illinois 60453  
Telephone: (708) 636-4400 | Facsimile (708) 636-8606 | WWW.OAKLAWN-IL.GOV



## CERTIFICATE OF REAL ESTATE TRANSFER TAX EXEMPTION

10909 S COOK AVE

Oak Lawn Il 60453

This is to certify, pursuant to Section 20-65 of the Ordinance of the Village of Oak Lawn relating to a Real Estate Transfer Tax, that the transaction accompanying this certificate is exempt from the Village of Oak Lawn Real Estate Transfer Tax pursuant to Section(s) 1 (M) of said Ordinance

Dated this 1ST day of OCTOBER, 2018

**Dr. Sandra Bury**  
Village President

**Jane M. Quinlan, MMC**  
Village Clerk

**Larry R. Deetjen, CM**  
Village Manager

**Village Trustees**  
Tim Desmond  
Alex G. Olejniczak  
Thomas E. Phelan  
Bud Stalker  
Robert J. Streit  
Terry Vorderer

Larry Deetjen  
Village Manager

SUBSCRIBED and SWORN to before me this

1ST Day of OCTOBER, 2018



Property of Cook County Clerk's Office