

# UNOFFICIAL COPY



Doc# 2102710037 Fee \$28.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 01/27/2021 12:04 PM PG: 1 OF 16

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

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

Mail Tax Statements To:  
**Deutsche Bank National Trust Company, as Trustee in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE9, Mortgage Pass-Through Certificates, Series 2004-HE9**  
3217 S. Decker Lake Drive, Salt Lake City, UT 84119.

Parcel Number or APN: 19-36-101-026-0000

## DEED IN LIEU OF FORECLOSURE

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

KNOWN ALL MEN BY THESE PRESENTS, that **THEODORE MARTIN** and **JEMIA MARTIN**, a married couple, whose mailing address is **11025 S KEATING AVENUE, UNIT 302, OAK LAWN, IL 60453**, hereinafter called grantors, for \$1.00 and the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto **Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE9, Mortgage Pass-Through Certificates, Series 2004-HE9**, whose tax mailing address is **3217 S. Decker Lake Drive, Salt Lake City, UT 84119**, hereinafter called grantee, and unto grantee's successors and assigns all of that certain real

1 of 2

Property Address: 7918 S. ALBANY AVENUE, CHICAGO, IL 60652

S ✓  
P 1/6  
S 1  
M ✓  
SC ✓  
E ✓  
DIT ✓

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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**

COMMONLY known as: **7918 S. ALBANY AVENUE, CHICAGO, IL 60652**

This being the identical property conveyed to the GRANTOR herein by Deed from recorded in **Instrument 09045855**.

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 **Deutsche**

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**Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE9, Mortgage Pass-Through Certificates, Series 2004-HE9** 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;

**TAX CONSEQUENCES:** This transaction may include debt forgiveness. In some cases, debt forgiveness may be taxed as income. Please consult a tax advisor regarding any tax implications you may have due to this transaction.

**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 11 day of September, 2020.

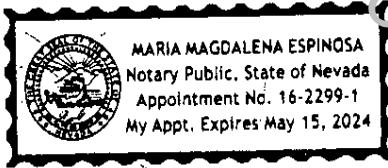
\_\_\_\_\_  
THEODORE MARTIN

Jemia Martin  
JEMIA MARTIN

STATE OF Nevada  
COUNTY OF Clark

The foregoing instrument was acknowledged before me on September 11<sup>th</sup>, 2020 by ~~THEODORE MARTIN~~ and JEMIA MARTIN who are personally known to me or have produced Driver 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

WITNESS the hand of said Grantor this 11<sup>th</sup> day of September, 2020.

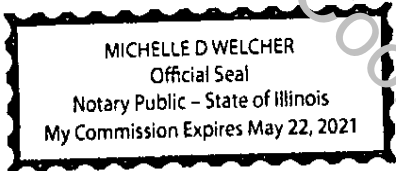
Theodore Martin  
THEODORE MARTIN

JEMIA MARTIN MDW

STATE OF Illinois  
COUNTY OF COOK

The foregoing instrument was acknowledged before me on September 11, 2020 by THEODORE MARTIN and JEMIA MARTIN <sup>now</sup> who are personally known to me or have produced DRIVER'S 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.

Michelle D. Wheeler  
Notary Public



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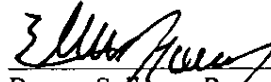
**MUNICIPAL TRANSFER STAMP**  
(If Required)

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

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


Date: SEP 18 2020

Elmer Hoyos





Doc. Control Officer

Buyer, Seller or Representative

REAL ESTATE TRANSFER TAX		30-Nov-2020
	CHICAGO:	0.00
	CTA:	0.00
	TOTAL:	0.00 *

19-36-101-026-0000 | 20200901603825 | 0-395-323-360  
Total does not include any applicable penalty or interest due.

REAL ESTATE TRANSFER TAX		26-Jan-2021
	COUNTY:	0.00
	ILLINOIS:	0.00
	TOTAL:	0.00

19-36-101-026-0000 | 20200901603825 | 0-0-8-16-272

Property Address: 7918 S. ALBANY AVENUE, CHICAGO, IL 60652

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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 \_\_\_\_\_, 2020

\_\_\_\_\_  
Signature of Grantor or Agent

Subscribed and sworn to before  
Me by the said \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_,  
2020.

NOTARY PUBLIC \_\_\_\_\_

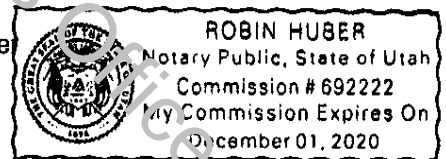
The Grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois a 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 September 18, 2020

Elmer Hoyos Elmer Hoyos  
Doc. Control Officer  
Signature of Grantee or Agent

Subscribed and sworn to before  
Me by the said Elmer Hoyos  
This 18 day of Sept,  
2020.

State of Utah  
County of Salt Lake  
Document Control Office  
Personally Known



NOTARY PUBLIC \_\_\_\_\_

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: 7918 S. ALBANY AVENUE, CHICAGO, IL 60652

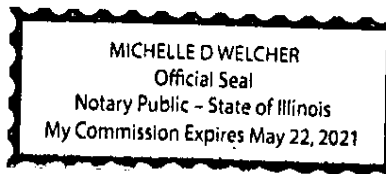
# UNOFFICIAL COPY

## 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 11, 2020

Sheshae Martin  
Signature of Grantor or Agent



Subscribed and sworn to before  
Me by the said Grantor  
this 11<sup>th</sup> day of September,  
2020.

NOTARY PUBLIC Michelle D. Keeney

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 \_\_\_\_\_, 2020

\_\_\_\_\_  
Signature of Grantee or Agent

Subscribed and sworn to before  
Me by the said \_\_\_\_\_  
This \_\_\_\_\_ day of \_\_\_\_\_,  
2020.

NOTARY PUBLIC \_\_\_\_\_

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 A  
(LEGAL DESCRIPTION)

**ALL THAT CERTAIN PARCEL OF LAND SITUATED IN THE COUNTY OF COOK AND STATE OF ILLINOIS BEING KNOWN AND DESIGNATED AS FOLLOWS**

**LOT 37 IN BLOCK 3 IN MORSE RYAN DUFFY INCORPORATED DO RITA 79TH AND KEDZIE HIGHLANDS A SUBDIVISION IN THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY ILLINOIS.**

**PARCEL ID NUMBER: 19-36-101-026-0000**

Property of Cook County Clerk's Office

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## EXHIBIT "B" ESTOPPEL AFFIDAVIT

STATE OF Nevada  
COUNTY OF Clark

**THEODORE MARTIN and JEMIA MARTIN**, 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 Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE9, Mortgage Pass-Through Certificates, Series 2004-HE9, 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 Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE9, Mortgage Pass-Through Certificates, Series 2004-HE9, 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 Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE9, Mortgage Pass-Through Certificates, Series 2004-HE9, therein all their right, title, and interest absolutely in and to said premises; that possession of said premises has been surrendered to Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE9, Mortgage Pass-Through Certificates, Series 2004-HE9;

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;

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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 **Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE9, Mortgage Pass-Through Certificates, Series 2004-HE9**, 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 **Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE9, Mortgage Pass-Through Certificates, Series 2004-HE9**, 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 **Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE9, Mortgage Pass-Through Certificates, Series 2004-HE9**, 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 11, 2020

Theodore Martin  
THEODORE MARTIN

JEMIA MARTIN HOW  
JEMIA MARTIN HOW

STATE OF Illinois  
COUNTY OF COOK

The foregoing instrument was acknowledged before me on September 11, 2020 by THEODORE MARTIN and JEMIA MARTIN HOW who are personally known to me or have produced Driver's 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.

Michelle D. Welcher  
Notary Public



Property Address: 7918 S. ALBANY AVENUE, CHICAGO, IL 60652

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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: 9/11/2020

\_\_\_\_\_  
THEODORE MARTIN

Jemima Martin  
JEMIA MARTIN

STATE OF Nevada  
COUNTY OF Clark

The foregoing instrument was acknowledged before me on September 11th, 2020 by ~~THEODORE MARTIN~~ and JEMIA MARTIN who are personally known to me or have produced Driver 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.

Maria Espinosa  
Notary Public



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## GRANTOR(S) AFFIDAVIT

State of Illinois }  
County of COOK }

**THEODORE MARTIN and <sup>MOW.</sup> ~~JEMIA MARTIN~~**, 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:

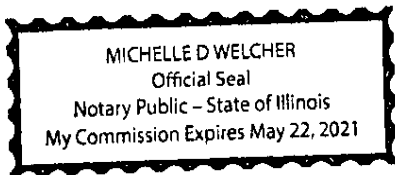
That he or she has read the attached deed and knows the contents thereof, and that every statement contained in the terms, warranties and covenants therein set forth is true of his or her own knowledge.

Theodore Martin  
**THEODORE MARTIN**

\_\_\_\_\_  
**~~JEMIA MARTIN~~ MOW**

STATE OF Illinois  
COUNTY OF COOK

The foregoing instrument was acknowledged before me on September 11, 2020 by **THEODORE MARTIN** and **~~JEMIA MARTIN~~ MOW** who are personally known to me or have produced Driver's 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.



Michelle D. Welcher  
Notary Public

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## GRANTOR(S) AFFIDAVIT

State of Nevada }  
County of Clark }

~~THEODORE MARTIN~~ and JEMIA MARTIN, 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.

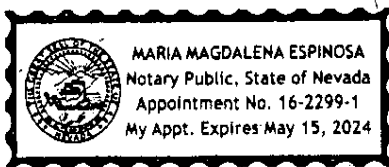
\_\_\_\_\_  
THEODORE MARTIN

Jemina Martin  
\_\_\_\_\_  
JEMIA MARTIN

STATE OF Nevada  
COUNTY OF Clark

The foregoing instrument was acknowledged before me on September 11th, 2020 by ~~THEODORE MARTIN~~ and JEMIA MARTIN who are personally known to me or have produced Driver 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



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

**MORTGAGE FROM THEODORE MARTIN AND JEMIA MARTIN, HUSBAND AND WIFE TO NEW CENTURY MORTGAGE CORPORATION IN DOCUMENT NO. 0421627072 IN THE AMOUNT OF \$118,000.00, DATED 07/16/2004, RECORDED 08/03/2004, IN COOK COUNTY RECORDS.**

**a. ASSIGNMENT OF RECORD BETWEEN NEW CENTURY MORTGAGE CORPORATION BY COUNTRYWIDE HOME LOANS, INC., ITS ATTORNEY IN FACT AND DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, IN TRUST FOR THE REGISTERED HOLDERS OF MORGAN STANLEY ABS CAPITAL I INC. TRUST 2004-HE9, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-HE9 AS SET FORTH IN DOCUMENT NO. 1524655100, DATED 08/27/2015, RECORDED 09/03/2015 IN COOK COUNTY RECORDS.**

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