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DECLARATION OF FORFEITURE

DEPT-01 RECORDING \$37.50
16666 TRAN 8156 09/04/96 14:12:00
7837 SA *-96-675579
COOK COUNTY RECORDER



HARRIS & HARRIS
100 S WACKER DR STE 225
CHICAGO IL 60604
ATTN: BONNY LAND

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98879179

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Declaration of Forfeiture

DECLARATION OF FORFEITURE AND EXTINGUISHMENT OF ALL RIGHTS OF PURCHASE UNDER ARTICLES OF AGREEMENT FOR WARRANTY DEED.

Whereas, on the 26th day of June 1996, Bankers Trust Company of California N.A., not in its individual capacity, but solely as trustee on behalf of American Housing Trust V, as Seller under Articles of Agreement for Warranty Deed dated the 11th day of February, 1989 concerning the herein legally described property with Thomas Brown and Sharon Brown, as Purchaser, (hereinafter "Contract") served a copy of the attached NOTICE OF INTENTION TO DECLARE FORFEITURE OF ALL RIGHTS UNDER ARTICLES OF AGREEMENT FOR WARRANTY DEED AND NOTICE OF INTENTION TO FILE FORCIBLE DETAINER SUIT PURSUANT TO ILL.REV.STAT., c. 110, PARAGRAPH 9-104.1, such Notice being served by personal service; and

Whereas, said Notice stated that Purchaser was in default under the provisions of the Contract as follows:

Whereas, Purchaser ceased making payments on the 1st day of September, 1995 and has failed to pay any installments due thereafter, and there is now due and owing Seller the sum of \$5,130.10 for the period from September 1, 1995 to June 1, 1996; and

Whereas, Thomas Brown and Sharon Brown the Purchaser under said Contract has failed to cure the defaults set forth in said Notice and more than thirty (30) days have elapsed from the date of service.

Now, Therefore, Bankers Trust Company of California N.A., not in its individual capacity, but solely as trustee on behalf of American Housing Trust V, as Seller under that certain Articles of Agreement for Warranty Deed dated the 11th day of February, 1989 with Thomas Brown and Sharon Brown, as Purchaser, concerning the following described property;

LEGAL DESCRIPTION

LOT 37 IN BLOCK 19 IN S.E. GROSS CALUMET HEIGHTS ADDITION TO SOUTH CHICAGO BEING A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.. 25-01-423-037

Commonly known as: 9336 South Oglesby, Chicago, IL 60617

HEREBY DECLARES that all of the rights of the said Thomas Brown and Sharon Brown, as Purchaser, under said Articles of Agreement for Warranty Deed are hereby forfeited and extinguished, and that all payments made by Thomas Brown and Sharon Brown, as Purchaser under said Contract, will be retained by Seller pursuant

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to their rights under said Contract and that all of the rights of Thomas Brown and Sharon Brown, as Purchaser thereunder, are hereby forfeited.

In Witness Whereof, Bankers Trust Company of California N.A., not in its individual capacity, but solely as trustee on behalf of American Housing Trust V have set their hands and seals at Chicago, Illinois this 12th day of August, 1996.

Laura Carey

STATE OF ILLINOIS

COUNTY OF COOK

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Laura Carey personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as a free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 12th day of August, 1996.

Penny A. Land
NOTARY PUBLIC

OFFICIAL SEAL
PENNY A. LAND
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 1-25-99

61112005

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AFFIDAVIT OF SERVICE

Jeffrey Mills being duly sworn on oath deposes and says that on the 20th day of August, 1996, he served a copy of DECLARATION OF FORFEITURE AND EXTINGUISHMENT OF ALL RIGHTS OF PURCHASER UNDER ARTICLES OF AGREEMENT FOR WARRANTY DEED PURSUANT TO Ill. Rev. Stat., c. 110, Paragraph 9-104.2, upon SHARON BROWN by personally delivering a copy thereof to her @ 9336 S. PULASKY, CHICAGO @ 7:00 p.m.

Subscribed and sworn to before me
this 20th day of August, 1996.

Jeffrey Mills

Penny A. Land
NOTARY PUBLIC

OFFICIAL SEAL
PENNY A. LAND
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 12/31/98

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AFFIDAVIT OF SERVICE

JEFFREY MILLS being duly sworn on oath deposes and says that on the 20th day of AUGUST, 1996, he served a copy of DECLARATION OF FORFEITURE AND EXTINGUISHMENT OF ALL RIGHTS OF PURCHASER UNDER ARTICLES OF AGREEMENT FOR WARRANTY DEED PURSUANT TO Ill. Rev. Stat., c. 110, Paragraph 9-104.2, upon THOMAS BROWN by personally delivering a copy thereof to wife, SHARON, @ 1331 S. OFFESBY, CHICAGO @ 7:00 pm

Subscribed and sworn to before me
this 20th day of August, 1996.

Jeffrey Mills

Penny A. Land

NOTARY PUBLIC

OFFICIAL SEAL
PENNY A. LAND
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 12/31/97

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WARNING NOTICE/DEMAND FOR POSSESSION

NOTICE OF INTENTION TO DECLARE FORFEITURE OF ALL RIGHTS UNDER ARTICLES OF AGREEMENT FOR WARRANTY DEED AND NOTICE OF INTENTION TO FILE FORCIBLE DETAINER SUIT PURSUANT TO ILL.REV.STAT., c. 110, PARAGRAPH 9-104.1

- To: 1) THOMAS BROWN
2) SHARON BROWN
3) OTHER UNKNOWN OCCUPANTS

You are hereby notified that:

Whereas, on the 11th day of February, 1989, Thomas Brown and Sharon Brown (hereinafter "Purchaser") did enter into a certain Installment Agreement for Deed (hereinafter "Contract") with Bankers Trust Company, N.A., not in its individual capacity, but solely as trustee on behalf of American Housing Trust v (hereinafter "Seller"), which Contract was recorded, concerning the following legally described real estate:

LEGAL DESCRIPTION

LOT 37 IN BLOCK 19 IN S.E. GROSS CALUMET HEIGHTS ADDITION TO SOUTH CHICAGO BEING A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS (hereinafter "Property"), commonly known as 9336 South Oglesby, Chicago, IL 60617; and

Whereas, Purchaser in the Contract agreed to pay the sum of \$50,000.00 for the Property in monthly installments of \$513.01 until paid; and, the whole of the existing balance by February 1, 2019.

Whereas, the Contract provides in part that time is of the essence, and that in the event of Purchaser's default in any payment of principal and/or interest when due, or if Purchaser should fail to perform any of the other covenants of the Contract, then the Contract shall at the option of the Seller be forfeited and determined and any and all payments theretofore made by Purchaser shall be retained by Seller;

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Whereas, Purchaser ceased making payments on the 1 day of September, 1995 and has failed to pay any installments due thereafter, and there is now due and owing Seller the sum of \$5 130.10 for the period from September 1, 1995 to June 1, 1996; and

Whereas, pursuant to the provisions of Ill.Rev.Stat., c. 110, Paragraph 9-104.1, demand for possession is hereby made upon you for possession if you fail to cure the defaults herein set forth by the time herein set forth.

Now, Therefore, Purchaser, you are hereby notified:

- 1) Unless all defaults under the Contract are cured on or before the 10 day of August, 1996, that it is the intention of Seller to declare all your rights under the Contract to be forfeited, and all payments made by you will be retained by Seller.
- 2) That it is the intention of Seller to institute proceedings to evict you from possession of the Property under the act relating to forcible entry and detainer, unless you remedy the aforesaid defaults on or before the 10 day of August, 1996.
- 5) Demand is hereby made of you for possession of the Property.

In Witness Whereof, Laura Carey of the firm of Harris & Harris, Ltd., 100 S. Wacker Dr., Ste. 225, Chicago, Illinois, as agent and attorney for Bankers Trust Company, not in its individual capacity, but solely as trustee, on behalf of American Housing Trust V, has hereunto set his hand and seal this 19 day of June, 1996.


Laura Carey

Subscribed and Sworn to before me
this 19 day of June, 1996


NOTARY PUBLIC

OFFICIAL SEAL
PENNY A. LAND
NOTARY PUBLIC STATE OF ILL.
MY COMMISSION EXPIRES

62752010

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AFFIDAVIT OF SERVICE

Jeff Mills being duly sworn on oath deposes and says that on the 26th day of June, 1996, I served a copy of NOTICE OF INTENTION TO DECLARE FOR REITURE OF ALL RIGHTS UNDER ARTICLES OF AGREEMENT FOR WARRANTY DEED AND NOTICE OF INTENTION TO FILE FORCIBLE DETAINER SUIT PURSUANT TO Ill.Rev.Stat., c.110, Paragraph 9-104.1, upon THOMAS BROWN by personally delivering a copy thereof to THOMAS BROWN at 9:45 p.m. @ 9336 S Oglesby, Chicago, IL

Jeff Mills

Subscribed and sworn to before me this 26 day of June, 1996

Penny Adams
Notary Public

OFFICIAL SEAL
PENNY A. LAND
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 1-28-02

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AFFIDAVIT OF SERVICE

Jeff Mills being duly sworn on oath deposes and says that on the 26th day of June, 1996, I served a copy of NOTICE OF INTENTION TO DECLARE FOFFEITURE OF ALL RIGHTS UNDER ARTICLES OF AGREEMENT FOR WARRANTY DEED AND NOTICE OF INTENTION TO FILE FORCIBLE DETAINER SUIT PURSUANT TO Ill.Rev.Stat., c.110, Paragraph 9-04.1, upon SHARON BROWN by personally delivering a copy thereof to Thomas Brown at 9:40 p.m @ 9336 S. OGLESBY, CHICAGO, IL

Jeff Mills

Subscribed and sworn to before me this 26 day of June, 1996.

Penny A. Land
Notary Public

OFFICIAL SEAL
PENNY A. LAND
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES

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