

AFFIDAVIT

Order No. 620042789 *em*

STATE OF INDIANA

County of Lake

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LAKE COUNTY
FILED FOR RECORD

2004 038432

2004 MAY 11 AM 9:34

Chicago Title Insurance Company

Allan Fefferman, as Beneficiary of Mercantile National Bank Trust #6141 dated April 18, 1996, (hereinafter called Affiant), being first duly sworn upon oath, deposes and says that they are the owners of the following described realty situated in Lake County, Indiana:

Lots 2, 18, 32 & 40 in Estates of White Oak, Munster, IN 46321

which said property is to be the subject of a mortgage for **\$400,000.00** by Affiant in favor of Citizens Financial Services, FSB / Commercial.

Affiant further states that Affiant owns a good and indefeasible title in fee simple in and to said realty; that said realty is free and clear of any encumbrances, liens or claims (including unpaid bills for labor or material for work performed on said realty within the past 90 days) which could ripen into liens, except the foregoing mortgage, current taxes and assessments, including sewer use charges, not delinquent, and except the following:

Affiant, if above described as husband and wife, are each of lawful age, competent to mortgage said realty, and both joined in the execution and delivery of said mortgage; Affiant has not executed, nor caused to be executed, except as aforesaid, any deed, mortgage, contract of sale or other instrument affecting the title to said realty; there are not pending suits, judgments, attachments or executions levied in any state, county or municipal court, or in the United States Courts, in any way affecting said realty or which could in any way interfere with, weaken or diminish the security of said mortgage as first lien on said realty; Affiant is a citizen of the United States; said realty is now in possession of Affiant or of a tenant acknowledging Affiant's legal title; Affiant knows of no claim to title or possession of said realty adverse to Affiant.

All statements contained herein apply equally where Affiant is a partnership or the officers of a corporation.

Affiant makes the foregoing statements and representations for the purpose of inducing said mortgagee to advance said mortgage funds, or part thereof, and further to induce CHICAGO TITLE INSURANCE COMPANY to issue its policy or policies of title insurance guaranteeing Affiant's title to said realty and / or the validity of said mortgage as a first lien on said realty, except as aforesaid; and Affiant agrees that the truth of the statements herein contained is a condition without which said mortgage funds would not be advanced or said title insurance issued.

x *Allan Fefferman*
Allan Fefferman, Affiant

Subscribed and sworn to before me, a Notary Public in and for the said County and State this *6th* day of *May*, 2004.

Patricia A. Smolinski
PATRICIA A. SMOLINSKI
Notary Public's typed name

My Commission Expires: *11-26-08*
County of Residence: *LAKE*

*1050
ATDC*