

STATE OF INDIANA  
LAKE COUNTY  
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MICHAEL B. BROWN  
RECORDER

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**DEED IN LIEU OF FORECLOSURE**



REF124939596B

KNOW ALL MEN BY THESE PRESENTS, that **DAVID K. MITCHELL AND GUINELLA MITCHELL, HUSBAND AND WIFE**, hereinafter called Grantor, for **\$57,008.64** and the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto **THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-12**, whose mailing address is C/O BANK OF AMERICA, N.A., 4500 AMON CARTER BLVD., MAIL STOP TX 2-979-01-19, FORT WORTH, TX 76155 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 the County of LAKE, State of Indiana, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

ADDRESS: 930 FLEMING ST, HOBART, IN 46342

PARCEL NO.: 45-09-32-359-009.000-018

To have and to hold the same unto the said Grantee's 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.

This deed does not effect a merger of the fee ownership and the lien of the mortgage described below. The fee and lien shall hereafter remain separate and distinct.

By acceptance and recording of this deed, Grantee covenants and agrees that it shall forever forebear taking any action whatsoever to collect against Grantor on the obligations which are secured by the mortgage (referred to herein as "mortgage") described below, other than by foreclosure of that mortgage; and, that in any proceeding to foreclose that mortgage, Grantee shall not seek, obtain or permit a deficiency judgment against Grantor, Grantor's heirs, successors or assigns, such right being hereby waived. This paragraph shall be inapplicable in the event that Grantor attempts to have this deed set aside or this deed is determined to transfer less than fee simple title to Grantee.

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, Grantee's agent, attorney or any other person. Grantor declares that this conveyance is freely and fairly made. **SEE ESTOPPEL AFFIDAVIT ATTACHED AS EXHIBIT "B"**

The true and actual consideration for this transfer consists of \$57,008.64 and Grantee's waiver of its right to bring an action against Grantor based on the promissory note secured by the mortgage hereinafter described and agreement not to name the Grantor as a party to a foreclosure action as stated above with respect to that certain mortgage dated 10/7/2004, executed by DAVID K. MITCHELL, AND GUINELLA MITCHELL, HUSBAND AND WIFE in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR FULL SPECTRUM LENDING, INC., in the principal amount of \$66,000.00 and recorded on 10/14/2004,

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DULY ENTERED FOR TAXATION SUBJECT  
FINAL ACCEPTANCE FOR TRANSFER

JAN 10 2017

JOHN E. PETALAS  
LAKE COUNTY AUDITOR

010204

AMOUNT \$ 26100  
CASH \_\_\_\_\_ CHARGE \_\_\_\_\_  
CHECK# 5245646  
OVERAGE \_\_\_\_\_  
COPY \_\_\_\_\_  
NON-CONF \_\_\_\_\_  
DEPUTY AB



as Instrument No. 2004-088228, in the Office of the Recorder of LAKE County, Indiana. Said Mortgage was assigned to THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-12, by an assignment to be recorded herewith in the Lake County, Indiana records.

In construing this deed and where the context so requires, the singular includes 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.

IN WITNESS WHEREOF, the Grantor has executed this instrument this 19<sup>th</sup> day of OCTOBER, 2014.

*David K Mitchell*  
DAVID K. MITCHELL

*Guinella Mitchell*  
GUINELLA MITCHELL

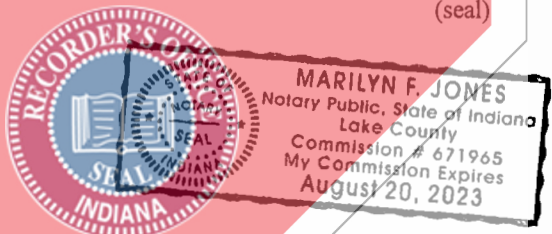
STATE OF INDIANA  
COUNTY OF JASPER LAKE ) SS.



Before me, a Notary Public in and for said County and State, personally appeared DAVID K. MITCHELL, GUINELLA MITCHELL, who acknowledged the execution of the foregoing Deed in Lieu of Foreclosure and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 19<sup>th</sup> day of OCTOBER, 2014.  
(seal)

*Marilyn F Jones*  
Notary Public  
Printed Name: MARILYN F. JONES  
County: LAKE  
My Commission Expires: 08/20/23



This instrument was prepared by Natalie Palacios, BC Law, 1181 California Ave. Ste. 175A, Corona, CA 92881  
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Natalie Palacios

Grantee's mailing address is C/O BANK OF AMERICA, N.A., 4500 AMON CARTER BLVD., MAIL STOP TX 2-979-01-19, FORT WORTH, TX 76155  
After recording, return to: BANK OF AMERICA, N.A., 4500 AMON CARTER BLVD., MAIL STOP TX 2-979-01-19, FORT WORTH, TX 76155

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EXHIBIT "A"

**THE EAST 125 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 36 NORTH, RANGE 7 WEST OF THE 2ND P.M., EXCEPT THE SOUTH 235 FEET THEREOF, IN THE CITY OF HOBART, LAKE COUNTY, INDIANA.**



Exhibit "B"  
ESTOPPEL AFFIDAVIT

STATE OF INDIANA )  
 ) SS.  
COUNTY OF LAKE )

DAVID K. MITCHELL AND GUINELLA MITCHELL, HUSBAND AND WIFE, being first duly sworn, depose and say: That their/they're the identical party(ies) who made, executed, and delivered that certain Deed in Lieu of Foreclosure to THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-12, dated the 19<sup>th</sup> day of OCTOBER, 2011, conveying the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

ADDRESS: 930 FLEMING ST, HOBART IN 46342

PARCEL NO.: 45-09-32-359-009.000-018

That the aforesaid deed was intended to be and was an absolute conveyance of the title to said premises to THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-12 and was not and is not now intended as a mortgage, trust conveyance, or security of any kind; that it was the intention of affiant as Grantor in said deed to convey, and by said deed the affiant did convey to THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-12, therein all their right, title, and interest absolutely in and to said premises; that possession of said premises has been surrendered to THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-12.

That in the execution and delivery of said deed the 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 the aforesaid deed was not given as a preference against any other creditors of 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 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-12, who had an interest, either directly or indirectly, in said premises; that this deponent is solvent and has no other creditors whose rights would be prejudiced by such conveyance, and that deponent is 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 \$57,008.64 by THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC.,

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ASSET-BACKED CERTIFICATES, SERIES 2004-12 and THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-12's agreement to forbear taking any action against affiant 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 affiant in such foreclosure action. The mortgage referred to herein was dated 10/7/2004, executed by DAVID K. MITCHELL, AND GUINELLA MITCHELL, HUSBAND AND WIFE to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR FULL SPECTRUM LENDING, INC. in the principal amount of \$66,000.00 and recorded on 10/14/2004, as Instrument No. 2004-088228, in the Office of the Recorder of LAKE, County, State of Indiana. Said Mortgage was assigned to THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-12, by an assignment to be recorded herewith in the Lake County, Indiana records.

At the time of making said deed in lieu of foreclosure affiant believed and now believes 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 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2004-12, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property herein described.

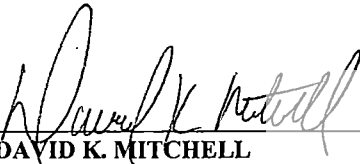
That affiant will testify, declare, depose, or certify before any competent tribunal, officer, or person, in any case now pending or which may hereafter be instituted, to the truth of the particular facts hereinabove set forth.

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

Dated: 19 October 2014.

  
DAVID K. MITCHELL

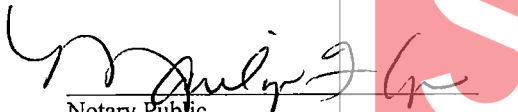
  
GUINELLA MITCHELL

**Document is NOT OFFICIAL!**

**This Document is the property of the Lake County Recorder!**

STATE OF INDIANA  
COUNTY OF LAKE

Subscribed and sworn to before me this 19<sup>th</sup> day of OCTOBER, 2014.

  
Notary Public  
Printed Name: MARILYN F. JONES  
County: LAKE  
My Commission Expires: 08/20/23

(seal)  
MARILYN F. JONES  
Notary Public, State of Indiana  
Lake County  
Commission # 671965  
My Commission Expires  
August 20, 2023



This instrument was prepared by Natalie Palacios, BC Law, 1181 California Ave. Ste. 175A, Corona, CA 92881

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Natalie Palacios

After recording, return to: BANK OF AMERICA, N.A., 4500 AMON CARTER BLVD., MAIL STOP TX 2-979-01-19, FORT WORTH, TX 76155

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