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Cook County Recorder 33.50



BANK UNITED

vs Case# 99CH163

KELLUM; et., al

**FILED**  
BOONE COUNTY ILLINOIS

JUL 19 2000

*Judith A. Allen*  
Clerk of the Circuit Court

(FOR RECORDER'S USE ONLY)

**CONSENT JUDGMENT FOR FORECLOSURE**

This day comes the Plaintiff, BANK UNITED, authorized to do business in the State of Illinois, by its attorney, PIERCE & ASSOCIATES, P.C.

And it appearing to the Court that the Plaintiff heretofore commenced this action by filing its Complaint against the Defendants, VALERIE A. KELLUM, JOHN KELLUM AKA JOHN D. KELLUM, CANDLEWICK LAKE ASSOCIATION, INC., UNKNOWN TENANTS, UNKNOWN OWNERS AND NON RECORD CLAIMANTS that the affidavits required to make such unknown parties defendants to this action were duly filed and UNKNOWN OWNERS and NON RECORD CLAIMANTS have been dully and regularly made parties defendant to this action in manner provided by law; That the persons designated as UNKNOWN OWNERS include other persons who are interested in this action and who have or claim some right, title, interest or lien in, to or upon the real estate, or some part thereof in this Complaint described as tenants in possession; and in addition other persons who are interested in this action and who have or claim some right, title, interest or lien in, to or upon the real estate, or some part thereof in this Complaint; that the name of each of such other persons interested in this action is unknown to the Plaintiff, and upon diligent inquiry cannot be ascertained, and all such persons are, therefore, made parties defendant to this action by the name and description of UNKNOWN OWNERS.

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And the Court having examined the files and records in this cause and having examined the evidence and being fully advised in the premises finds that each of the Defendants in this cause has been duly and properly brought before the court, either through service of summons or publication, all in manner provided by law; that due and proper notice has been given to each of the Defendants during the progress of this cause, as required by law and that this Court now has jurisdiction over all of the parties to this cause and the subject matter thereof;

And it further appearing to the Court that Candlewick Lake Association, Inc., having failed to plead to Plaintiff's Complaint within the time required by law and that Plaintiff's Complaint has been taken as confessed by and against all the Defendants, herein;

And this cause coming on now to be heard upon the Complaint herein, and upon all other pleadings and upon all the files and matters of record herein;

And it further appearing to the Court that due notice of the presentation of this Judgment has been given to all parties entitled thereto, and the Court being fully advised in the premises, does find from the files, records and competent evidence herein, as follows:

1. That all the material allegations of the Complaint are true and proven, and that by virtue of the Mortgage and the evidence of indebtedness secured thereby alleged in the Complaint, there is due to the Plaintiff, and it has a valid and subsisting first lien on the property described hereafter for the following amounts:

Principal balance and accrued interest	\$106,464.34
as of May 25, 2000	
Costs of suit	1,305.50
Attorney's fees	945.00
TOTAL	\$108,714.84

2. That in said Mortgage it is provided that the attorneys for Plaintiff are entitled to reasonable attorney's fees; that the sum of \$945.00 has been included in the above indebtedness as and for said attorney's fees as provided in said Mortgage; that said sum is the usual, customary and

reasonable charge made by attorneys in like cases, and the said sum is hereby allowed to the Plaintiff.

3. That under the provisions of said Mortgage the costs of this foreclosure are an additional indebtedness for which the Plaintiff should be reimbursed, and that such expenses are hereby allowed to the Plaintiff.

4. That the Mortgage described in the Complaint and hereby foreclosed appears of record in the Office of the Recorder of Deeds of Boone County Recorder of Deeds, Boone County, Illinois as document number #97-1045 and the property herein referred to and directed to be sold is described as follows:

LOT 67 IN CANDLEWICK LAKE UNIT NO. 9 ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 72-3274 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS; SITUATED IN THE COUNTY OF BOONE AND THE STATE OF ILLINOIS.

Commonly Known as: 206 PICADILLY DRIVE SE., POPLAR GROVE, IL 61065

P.I.N. No.: 09-03-26-182-003

5. That the rights and interest of all the other parties to this cause in and to the property hereinbefore described are inferior to the lien of the Plaintiff heretofore mentioned.

6. That the Mortgage sought to be foreclosed herein was executed after August 7, 1961.

7. That, Defendants herein, have filed with the Court their stipulation for the entry of a Judgment of Foreclosure without right of redemption and vesting absolute title in the Plaintiff pursuant to 735 I.L.C.S. 5/15-1402.

NOW THEREFORE IT IS HEREBY ORDERED that absolute title to the real estate is vested in Plaintiff free and clear of all claims, liens and interests of the mortgagors and of all persons claiming by, through or under the mortgagor and of all Defendants in this cause.

IT IS FURTHER ORDERED AND ADJUDGED that any in personam deficiency against the mortgagors, VALERIE A. KELLUM, JOHN KELLUM AKA JOHN D. KELLUM, and any

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other person liable for the indebtedness or other obligations secured by the mortgage, if any, be and is hereby waived and released by Plaintiff.

IT IS FURTHER ORDERED AND ADJUDGED that the attorneys for Plaintiff may withdraw from the files of this cause all original exhibits offered in evidence by them.

The Court hereby retains jurisdiction of the subject matter of this cause and of all the parties hereto, for the purpose of enforcing this Judgment and expressly finds that there is no just reason for delaying the enforcement of this Judgment or an appeal therefrom.

DATE: 7/19/00

ENTERED:

[Signature]  
JUDGE

Property of Cook County Clerk's Office

PREPARED BY:  
PIERCE & ASSOCIATES, P.C.  
18 South Michigan Avenue  
Suite 1200  
Chicago, IL 60603  
(312) 346-9088  
ATTORNEY NO.: 91220

STIPULATION

THIS AGREEMENT is entered in on \_\_\_\_\_, by and between Plaintiff,  
Bank United, represented by Pierce and Associates, P.C., and Defendant-Mortgagors, Valerie A.  
Kellum and John Kellum, represented by James Pope.

**WHEREAS**, Bank United holds the first mortgage on the property legally described as:

LOT 67 IN CANDLEWICK LAKE UNIT NO. 9 ACCORDING TO THE PLAT  
THEREOF RECORDED AS DOCUMENT NO. 72-3274 IN THE RECORDER'S  
OFFICE OF BOONE COUNTY, ILLINOIS, SITUATED IN THE COUNTY OF  
BOONE AND THE STATE OF ILLINOIS. TOGETHER WITH ALL RIGHTS AND  
EASEMENTS APPURTENANT TO THE ABOVE DESCRIBED REAL ESTATE, THE  
RIGHTS AND EASEMENTS FOR THE BENEFIT OF SAID PROPERTY SET FORTH  
IN THE AFOREMENTIONED DECLARATION.

COMMONLY KNOWN AS :

206 Southeast Picadilly Dr.  
Poplar Grove, IL 61065

PERMANENT REAL ESTATE TAX NUMBER 09-03-26-182-003.

by virtue of a Mortgage document dated February 20, 1997, and recorded February 21, 1997, in  
the Recorder's Office of Boone County, Illinois as Document No. 97-1045, executed by Valerie  
A. Kellum and John Kellum; and

**WHEREAS**, Valerie A. Kellum and John Kellum are the Mortgagors and owners of the subject  
property; and

**WHEREAS**, Mortgage payments to Bank United are currently in default and Bank United has  
filed a mortgage foreclosure action now pending in the Circuit Court for the 17<sup>th</sup> Judicial Circuit,  
Boone County-Belvidere, Illinois as Case Number 99 CH 163; and


**WHEREAS**, Bank United and John and Valerie Kellum desire to resolve this matter by way of  
the entry of a Consent Foreclosure vesting Absolute Title to Bank United.

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NOW THEREFORE, in exchange for good and valuable consideration, receipt of which is hereby acknowledged, and in exchange for the covenants and agreements of Valerie and John Kellum and Bank United (the Parties), said Parties hereby agree as follows:

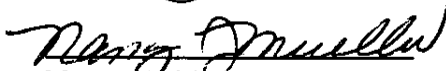
1. The above recitals are hereby incorporated into and made a part of this Agreement.
2. Bank United hereby agrees to waive any claim that it might have against the Mortgagors and Owners, John and Valerie Kellum, for a personal deficiency upon the execution of this Agreement and completion of the foreclosure proceedings.
3. Pursuant to 735 ILCS Section 5/15-1402 Valerie and John Kellum, as the only mortgagors of the mortgaged property, and Bank United, owner of the mortgage indebtedness, hereby further expressly agree and consent to entry of an Order providing that Judgment of Foreclosure without Right of Redemption to be entered in Case No. 99 CH 163, now pending in Boone County, Illinois in favor of Bank United vesting absolute title to the mortgaged property in Bank United thirty days after its entry, free and clear of all claims, liens, and interests of the mortgagor and of all persons claiming by, through, or under the mortgagor, and free and clear of all rights to redeem and free and clear of all rights of all other persons made parties in the foreclosure and of all non-record claimants.
4. The Parties hereby acknowledge that they have read this Agreement and fully understand its terms.

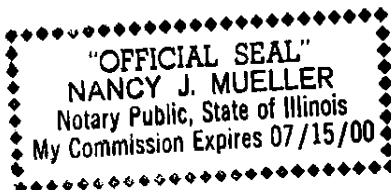
Bank United

By:   
 Pierce & Associates, P.C.  
 One of its Attorneys

SUBSCRIBED AND SWORN TO before me this

13th day of July, 2000.

  
 Notary Public



*Valerie A. Kellum*  
Valerie A. Kellum

*John Kellum*  
John Kellum

I, ~~James A. P.~~ Notary Public, in and for the County of Cook, State of Illinois, do hereby certify that Valerie A. Kellum and John Kellum, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 17 day of July, 2000.

*[Signature]*  
Notary Public  
Exp: 1-20-02  
SEAL

PIERCE & ASSOCIATES  
Attorneys for Plaintiff  
18 South Michigan Avenue  
Chicago, IL 60603  
312/346-9088

A true copy of the original is in my office.  
Attached to this 19th day of July, 2000  
Clerk of the Circuit Court 17th Judicial Circuit  
Boone County, Illinois  
By *[Signature]*  
Deputy Clerk

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