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Cook County Recorder 33.50



LIS PENDENS NOTICE

Mail to:

Law Offices of
BARTLEY F. GOLDBERG
2551 N. Clark St, Suite 505
Chicago, IL 60614

PIN # 14-20-105-039

RECORDER'S STAMP

Lis Pendens Notice

Pursuant to Section 2-1901 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-1901, the undersigned hereby gives notice to any and all parties attempting to subsequently acquire a title or lien interest in the real estate commonly known as 1517 West Byron Street in Chicago, IL, the legal description of which is attached hereto and made a part hereof, of the existence of a cause of action that I have this day filed, and state that any subsequent purchaser or lienholder shall be bound by the Court's determination in these proceedings to the same extent and in the same manner as if he or she were a party thereto. The case caption for the lawsuit, indicating the title of the action, the parties to it, and the court where it was brought are as follows:

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

ROSITA HERNANDEZ,

Plaintiff

v.

VELOIRA ENTERPRISES, INC., an Illinois Corporation, FELINO C. VELOIRA, individually and AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, a National Banking Association as Trustee under the Trust Agreement dated June 20, 1995 and known as Trust Number 300458-01,

Defendants.

NO. 00 CH 00322

**COMPLAINT FOR DECLARATORY JUDGMENT
AND OTHER RELIEF**

Signature:
Rosita Hernandez

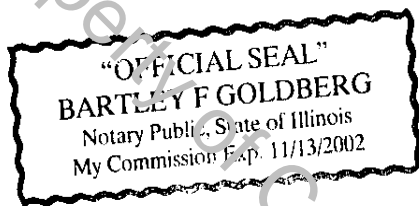
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State of Illinois)
) ss
County of Cook)

I, the undersigned, Notary Public in and for said County and State Aforesaid, DO HEREBY CERTIFY THAT ROSITA HERNANDEZ, 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 she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this 10th day of January 2000.





(Notary Public)

Legal Description: Lot 4 (except the East 20 feet thereof) in Block 6 in Lake View High School Subdivision, Being a Subdivision of the Northwest 1/4 of Section 20, Township 40 North, Range 14, East Of the Third Principal Meridian in Cook County, Illinois.

Permanent Index Number: 14-20-105-039

For the property more commonly known as: 1517 West Byron Ave. Chicago, IL 60613

This instrument prepared by:
BARTLEY F. GOLDBERG
Law Offices of GOLDBERG & WAKENIGHT
2551 N. Clark Street Suite 505
Chicago, IL 60614-1705
Ph (773) 975-0143
Atty Code: 15722

#15722

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

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CIRCUIT COURT OF COOK COUNTY
CLERK

ROSITA HERNANDEZ,)
)
 Plaintiff)
)
 v.)
)
 VELOIRA ENTERPRISES, INC.,)
 an Illinois Corporation,)
 FELINO C. VELOIRA,)
 individually, and AMERICAN)
 NATIONAL BANK AND TRUST)
 COMPANY OF CHICAGO, a)
 National Banking Association)
 as Trustee under the Trust)
 Agreement dated June 20, 1995)
 and known as Trust Number)
 300458-01,)
)
 Defendants)

No.

00CH00322

COMPLAINT FOR DECLARATORY JUDGMENT
AND OTHER RELIEF

Now comes the Plaintiff, ROSITA HERNANDEZ, by and through her attorneys, the Law Offices of Goldberg and Wakenight, and complains of the defendants, VELOIRA ENTERPRISES, INC., an Illinois Corporation, FELINO C. VELOIRA, individually, and AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, a National Banking Association as Trustee under the Trust Agreement dated June 20, 1995 and known as Trust Number 300458-01, and respectfully alleges as follows:

1. Plaintiff, Rosita Hernandez (Hernandez), is an individual who resides in Cook County, Illinois.

2. Defendant, Felino C. Veloira (Veloira), is an individual who resides in Cook County, Illinois.

3. Defendant, Veloira Enterprises, Inc., (the Corporation) is an Illinois corporation in good standing, duly authorized and conducting business relating to the real estate commonly known as 1517 West Byron Street, Chicago, IL (subject property) which property is legally described in the exhibit attached hereto as "Exhibit A". That at all times relevant hereto the subject property was improved with a six unit apartment building.

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4. Plaintiff is informed and believes that Defendant, American National Bank and Trust Company of Chicago, as Trustee under the trust agreement dated June 20, 1995 and known as Trust Number 300458-01 (Land Trustee), is a national banking association that is authorized to conduct business as a land trustee in the state of Illinois, and that the beneficial interest of the trust is held by the Corporation.

5. That in March of 1991 title to the subject property was held by the Corporation, and that the subject property was vacant and in a state of disrepair that prevented it from being occupied by tenants.

6. That in March of 1991 the subject property was encumbered with a mortgage securing amounts owed to Citibank, FSB, (Citibank Loan) as successor in interest to First Federal Savings and Loan of Chicago, and that beginning in March of 1991 each and every monthly installment that was due on this loan was paid solely by Hernandez. That the total amount paid by Hernandez towards these monthly payments between March of 1991 and the summer of 1993 exceeded \$30,000.

7. Plaintiff is informed and believes that the payments set forth in the prior paragraph were a loan and that the Corporation and Veloira agreed to repay said sums with interest thereon.

8. That in July and August of 1993, Hernandez withdrew

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additional sums totaling \$48,650 from her pension plan, which plan was known as the Rosita S. Hernandez, MD, SC Pension Plan. That these sums were used to pay the Cook County Collector's office for the unpaid real estate taxes effecting the subject property, and to pay off the remaining balance on the Citibank Loan.

9. Plaintiff is informed and believes that in July and August of 1993, Veloira was the President of the Corporation, and was duly authorized to act on behalf of the Corporation in connection with the subject property. **00022992**

10. That in partial consideration of the payments described above made by Hernandez for the benefit of the subject property and the Corporation, the Corporation sold and conveyed to Hernandez a one half interest in the subject property to be held as a tenant in common with the Corporation, and in addition Veloira conveyed 48,650 shares in the corporation to Hernandez.

11. That the above conveyance of the one half interest in the subject property and the shares of stock were set forth in a document that was executed by the Corporation and Veloira and was delivered to Hernandez in August of 1993, a copy of which document is attached hereto as "Exhibit B", and the original of which is being this day recorded in the Office of the Recorder of Deeds in Cook County, Illinois.

12. That while the conveyance executed in August of 1993 purports on it's face to convey the Corporation's entire interest in the subject property, it was the understanding of Hernandez at the time, and to the best of her information and belief it was also the understanding of Veloira, that a one half interest in the subject property was being conveyed to her as a tenant in common with the Corporation.

13. That in 1995 the Corporation purported to convey it's

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interest in the subject property to the Land Trustee to hold title pursuant to the terms of a land trust agreement, and additional funds for the improvement of the property were obtained by purporting to grant the First National Bank of Chicago a mortgage and a collateral assignment of the beneficial interest of the land trust.

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14. Plaintiff is informed and believes that the above conveyance to the Land Trustee did not indicate that the Corporation only had a one half interest in the subject property to convey to the Land Trustee.

15. Plaintiff is informed and believes that Veloira, purporting to act as an officer of the Corporation and without the consent or approval of Hernandez, intends to direct the Land Trustee to either sell or further encumber the subject property, without disclosing to any such third party the interests of Hernandez.

16. That an actual controversy exists between Hernandez and the defendants as to her rights with regards to the subject property.

WHEREFORE, the Plaintiff, ROSITA HERNANDEZ prays for the entry of a judgment providing as follows:

1. A declaration that Rosita Hernandez is an owner of a one half interest of the subject property as a tenant in common with the Land Trustee.

2. A declaration that Rosita Hernandez additionally has a lien against the subject property for all amounts advanced by her as described in paragraph 6 above, plus interest since the time they were advanced at the rate of 9 per cent per annum.

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3. For such other relief as this Court deems to be fair and just.

ROSITA HERNANDEZ

by:


One of her Attorneys

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