UNOFFICIAL COMMUNICATION OF Page 1 of

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Cook County Recorder

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AFFIDAVIT OF 'EQUITABLE CLAYM

This document was prepared by and after recording should be returned to:

Joel Brosk, Esq.
Brozosky & Brosk, P.C.
40 Skokie Boulevard, Suite 630
Northbrook, Illinois 60062

0020295970

(THE ABOVE SPACE RESERVED FOR RECORDING DATA) COOK COUNTY RECORDER

## AFFIDAVIT OF EQUITABLE CLAIM

EUGENE "GENE" MOORE

The undersigned, KENNETH W. SWITAL, a single person, and SKINA OFFICE ANTONOVICH, a single person, hereby state as follows:

1. That on or about March 13, 2001 Wells Fargo Bank Minnesota, National Association, FKA Norwest Bank Minnesota, National Association, as Trustee for registered Holders of Option One Mortgage Loan Trust 2000 E. Asset-Backed Certificates, Series 2000-B, without recourse filed foreclosure proceedings against the undersigned as Case No. 01 CH 3965 lis pendens recorded as Document No. 00 10190549 for property at 8932 N. Lamon Avenue, Skokie, Illinois 60077,

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A:

PERMANENT INDEX NUMBERS: 10-16-421-034 AND 10-16-421-035.

- 2. That on or about November 5, 2001, we were approached by Ai Young (a/k/a Albert S. Young, Sr.) who offered to help us with the pending foreclosure, described above, and he specifically told us that with his aid and assistance, he could help us stop the pending foreclosure and save our property at 8932 N. Lamon Avenue, in Skokie, Thinois. At that time we were the owners of 8932 N. Lamon Avenue, and we continue to be in possession of the property along with our three (3) tenants, and we claim to be the legal and/or equitable owners of 8932 N. Lamon Avenue, in Skokie.
- 3. That on or about November 18, 2001, we were induced to sign a purported "Agreement" with "Investor" to ostensibly alleviate and stop the pending foreclosure.
- 4. That we were deceived as to the contents of the purported "Agreement" and were not made aware of the consequences.
- 5. That we have a substantial equity in the above-referenced property after allowing for the balance owed on the first mortgage.

6. That subsequent to our execution of the "Investor Agreement", title or a lien may have been conveyed to any of the following:

Surplus Properties, Inc. of Chicago, Illinois; Al Young (a/k/a Albert S. Young, Sr.); John Argianas; George Tavoularis; and Paul Ragano and/or Home Raters of Highwood, Illinois.

- 7. That the Agreement with Investor and any subsequent conveyance or lien to any of the above-named parties was obtained through fraud and deceit.
- 8. Any len let or prospective purchaser take notice that in dealing with the property at 8932 N. Lamor Avenue, Chicago, Illinois, title was obtained, or may have been obtained from us by theft in conjunction with Al Young's breach of fiduciary duty towards us, fraud and deception.
- 9. We make an equitable claim against any lender or purchaser subsequent to the recording of this affidavit, the mortgage loan or title you are obtaining is defective and we will pursue whatever legal remedies available to enforce our claim. In addition, we intend to pursue legal and equitable remedies agained Al Young (a/k/a Albert S. Young, Sr.), Surplus Properties, Inc., John Argianas, George Tayoularis and Paul Ragano.

3/15, IN WITNESS WHEREOF, we have signed this Affidavit of Equitable Claim on March 2002.

KENNETH W. SWITAL

ILONA H. ANTONOVICE

STATE OF ILLINOIS)

) ss

COUNTY OF COOK )

> RENNETH'S FREEDMAN NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 9/6/2004

## EXHIBIT A

LEGAL DESCRIPTION of the following described Real Estate situated in the County of Cook in the State of Illinois, to wit:

LOT 10 AND LOT 11 BLOCK 17 IN THE BRONX, A SUBDIVISION OF THE SOUTH EAST QUARTER (SE1/4) OF SECTION SIXTEEN (16), TOWNSHIP FORTY-ONE NORTH (41), RANGE THIRTEEN (13) EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

iress i. 421-034 i. The Common Address is: 8932 N. Lamon Avenue, Skokie, Illinois 60077.

PIN No's: 10-15-421-034 AND 10-16-421-035