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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**



Doc#: 0600449147 Fee: \$50.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 01/04/2006 04:19 PM Pg: 1 of 3

STEWART TITLE GUARANTY
COMPANY,

Plaintiff,

Case No. 05 C 3796

Judge Zagel

MICHAEL KAKVAND, a/k/a JAFARAS
KAKVAND, a/k/a MIKE KAKVAND,
a/k/a MOHAMMED KAKVAND,
a/k/a MOHAMMAD KAKVAND; an
individual; MORTGAGE BANKERS
SERVICES CORP., a Florida corporation;
BQ FINANCIAL SERVICE, INC., a
corporation; HABEEBA KHAN, an
individual; GITI KAKVAND, a/k/a
GITI AZARI, a/k/a GITI HAZEMI

Magistrate: Levin

Defendants.

JUDGMENT ORDER

This Matter is before the Court on Stewart Title Guaranty Company's Motion for Entry of Default Judgment, the Court having reviewed the Motion and being satisfied in the Premises, none of the defendants having appeared either in person or by counsel, the Court hereby finds and orders:

FINDINGS OF FACT:

1. Stewart Title Guaranty Company ("STEWART") is a Texas corporation, that, among other things, is in the real estate title insurance business, and conducts its business throughout the United States. STEWART maintains its principal place of business in Houston, Texas.

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2. Defendant Michael Kakvand ("KAKVAND") is an individual who at the time of the events alleged in this case was a citizen of Illinois, and resided in South Barrington, Illinois. KAKVAND is also known as Mike Kakvand, Mohammed Kakvand, Mohammad Kakvand, and Jafaras Kakvand. KAKVAND is known to utilize two different US Social Security numbers, 346-66-7509 and 372-91-3462.

3. Defendant Habeeba Khan ("KHAN") is an individual who at the time of the events alleged in this case was a citizen of Illinois, and who resides at 3 Pacer Trail, South Barrington, Cook County, Illinois.

4. Giti Kakvand ("GITI") is an individual who is a citizen of Illinois, and who resides at 3 Pacer Trail, South Barrington, Cook County, Illinois. GITI is also sometime known as Giti Azari and Giti Hazemi.

5. This is a case in which the Defendants, KAKVAND, KHAN, GITI, wrongfully obtained three hundred twenty two thousand four hundred ten and 70/100 dollars (\$322,410.70) from STEWART and caused an additional \$650,000.00 damage to STEWART through a series of fraudulent real estate transactions, culminating in the issuance of a fraudulent payout letter on a non-existent mortgage debt.

CONCLUSIONS OF LAW

6. The Court has jurisdiction to hear this matter pursuant 28 U.S.C. § 1332 as the amount in controversy exceeds \$75,000, and STEWART and each of the defendants are citizens of different States.

7. Venue is appropriate in this Court pursuant to 28 U.S.C § 1391(a) as the cause of action arose from transactions or some part thereof that occurred in this judicial district and KAKVAND, KHAN, and GITI are all residents of this judicial district.

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8. The Court has the authority and power to enter the default judgment requested in this Motion pursuant to Rule 55 of the Federal Rules of Civil Procedure.

9. Stewart's Motion for Entry of Default Judgment is granted, and the clerk is directed to Enter judgment as follows:

PURSUANT TO COUNT I & COUNT III OF STEWART'S VERIFIED COMPLAINT:

- a. In favor of STEWART and against KAKVAND, KHAN, GITI, jointly and severally, in the amount of \$322,410.70;
- b. In favor of STEWART and against KAKVAND, KHAN, GITI, jointly and severally, for prejudgment interest at the statutory rate of five (5%) per annum from June 20, 2001 through October 1, 2005, in the amount of \$71,088.00 (\$45.54 per diem) because the sum owed is certain;
- c. In favor of STEWART and against KAKVAND, KHAN, GITI, jointly and severally, for post judgment interest at the statutory rate of five (5%) per annum until the Judgment entered herein is fully satisfied;
- d. In favor of STEWART and against KAKVAND, KHAN, GITI, jointly and severally, for STEWART'S costs of this lawsuit.

PURSUANT TO COUNT II OF STEWART'S VERIFIED COMPLAINT:

- a) In favor of STEWART and against KAKVAND, KHAN, GITI, jointly and severally, in the amount of \$650,000.00;
- b) In favor of STEWART and against KAKVAND, KHAN, GITI, jointly and severally, for prejudgment interest at the statutory rate of five percent (5%) per annum from October 7, 2004 to October 1, 2005, in the amount of \$31,965.36 (\$89.04 per diem) because the sum owed is certain;
- c) In favor of STEWART and against KAKVAND, KHAN, GITI, jointly and severally, for post judgment interest at the statutory rate of five percent (5%) per annum until the Judgment entered herein is fully satisfied;
- d) In favor of STEWART and against KAKVAND, KHAN, GITI, jointly and severally, for their costs of this lawsuit.

Date: December 22, 2005

ENTER:

James B. Zagel
U.S. District Judge