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Doc#: 0708260064 Fee: \$48.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 03/23/2007 10:42 AM Pg: 1 of 13

## Stipulation and Order

Case No. 04-CH-09787

Plaintiff: Deutsche Bank National Trust Company, as Trustee for Long Beach  
Mortgage Loan Trust 2004-1

Defendant: Jeffrey D. Smith

Legal Description: Lot 4 (EXCEPT the West 11 feet thereof) in Subdivision of Lot 6  
and that part of Lot 5 lying South of the South line of Adams Street of Block 10 in  
Rochwell's Addition to Chicago, in Cook County, Illinois.

Permanent Index Number: 17-18-113-017-0000

Commonly Known as: 2333 W. Adams Street, Chicago, IL 60612

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

Deutsche Bank National Trust Company, as Trustee for )  
Long Beach Mortgage Loan Trust 2004-1 )

PLAINTIFF, )

vs. )

NO. 04-CH-09787 )

Rostislav Mitacek; Unknown Owners and Nonrecorded )  
Claimants, Bobbie Binnion, Credit Asset Servicing )  
& Securitization, John Hemphill, The State of Illinois, )  
The City of Chicago, The People of the State of Illinois, )  
Bobby Binion dba Bobchiq Management Services, )  
Citibank, Federal Savings Bank, Chicago Title Land )  
Trust Company, a corporation of Illinois, as Trustee )  
under the provisions of a trust agreement dated the 6<sup>th</sup> )  
day of December, 2004, known as Trust Number )  
1113813, General Motors Acceptance Corporation, )  
The City/Village of Chicago, Mortgage Electronic )  
Registration Systems, Inc., solely as nominee for )  
Mortgageit Inc, Robert Loncarevic, and Jeffrey D. )  
Smith, )

DEFENDANTS. )

### STIPULATION AND ORDER

NOW COMES the Plaintiff and the Defendant Jeffrey D. Smith, and for their stipulation state as follows:

1. The Court has jurisdiction over the parties and the subject matter of this cause.
2. The property at issue in this cause is legally described as follows:

LOT 4 (EXCEPT THE WEST 11 FEET THEREOF) IN SUBDIVISION OF LOT 6 AND THAT PART OF LOT 5 LYING SOUTH OF THE SOUTH LINE OF ADAMS STREET OF BLOCK 10 IN ROCHWELL'S ADDITION TO CHICAGO, IN COOK COUNTY, ILLINOIS

COMMONLY KNOWN AS: 2333 W. Adams Street, Chicago, Illinois 60612

PARCEL ID NUMBER: 17-18-113-017-0000

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(hereinafter referred to as the "subject property").

3. Plaintiff named Jeffrey D. Smith as a Defendant in this cause because he is the grantee named on a wild Warranty Deed from Bobby Binion, as grantor, which wild deed purported to convey the subject property to him. Said Wild Deed is dated July 25, 2005 and was recorded July 28, 2005 in the records of the Cook County Recorder's Office as Document Number 0520739098.

4. Jeffrey D. Smith has disclaimed any interest in and to the subject property which may have arisen by virtue of said wild deed described in paragraph 3, or otherwise.

5. Plaintiff wishes to foreclose any interest of Defendant Jeffrey D. Smith, and any one that may claim any interest in or lien on the subject property through Smith.

6. Prior to the entry of this Stipulation, Jeffrey D. Smith solely for purposes of this lawsuit provided to Plaintiff, Plaintiff's counsel, and to certain employees in the Cook County State's Attorney's Office via Plaintiff's counsel, certain information which Plaintiff's counsel has reviewed and relied upon in entering into this Stipulation. By signing this Stipulation, Jeffrey D. Smith hereby warrants that all information provided to Plaintiff's counsel, including, but not limited to, his Social Security Number, History of Residences and Marital History/Status are true and correct and that such information shall be maintained by Plaintiff and Plaintiff's counsel as confidential and shall not be released or communicated to any other person, firm or entity other than as expressly agreed.

7. Jeffrey D. Smith warrants that he has dismissed, with prejudice, any and all separate claims he has caused to be filed to adjudicate or otherwise determine his interest in and to the

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subject property. Smith further warrants that any and all liens that he has caused to be placed on the subject property, including, but not limited to, the mortgages dated July 25, 2005 and recorded on July 26, 2005 in the records of the Cook County Recorder's Office as Document Nos. 0520739099 and 0520739100, have been released. Smith further warrants that he is not in possession of the subject property, has vacated the property, has shut off all utilities as of December, 2006, and has not given anyone permission to occupy or take possession of said property.

8. Jeffrey D. Smith further states that the following liens which have been listed in Plaintiff's Amended Complaint as being liens that may have attached to the property as a result of any ownership interest by a person named Jeffrey D. Smith are not applicable to the Jeffrey D. Smith named Defendant in this cause and entering into this Stipulation and Order;

- a. The State of Illinois based on a Notice of Lien claimed by the State of Illinois under the provisions of the Illinois Income Tax Act against Jeff Smith, in the sum of \$303.57 which notice was recorded August 8, 1986 as Document No. 86341644;
- b. The State of Illinois based on a Notice of Lien claimed by the State of Illinois under the provisions of the Illinois Income Tax Act against Jeff Smith, in the sum of \$199.24 which notice was recorded June 10, 1987 as Document No. 87314168;
- c. The State of Illinois based on a Notice of Lien claimed by the State of Illinois under the provisions of the Illinois Income Tax Act against Jeffery Smith in the sum of \$1,128.32, which notice was recorded October 29, 1996 as Document No. 96823883;
- d. The People of the State of Illinois based on a Memorandum of Judgment in favor of People of the State of Illinois and against Jeffery Smith in Case No. 98-1-40330401, rendered January 22, 1999, and recorded June 8, 1999, as Document No. 99544717 in the amount of \$1,000.00 plus costs;
- e. The People of the State of Illinois based on a Memorandum of Judgment in favor of the People of the State of Illinois and against Jeffrey Smith in Case No. 99-1-28783601, rendered August 11, 1999, and recorded October 21, 1999, as Document No. 99990637 in the amount of \$1,000.00 plus costs;
- f. General Motors Acceptance Corporation based on a Memorandum of Judgment

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against Jeffrey D. Smith and Deborah D. Smith, in Case No. 00-M1-105143, rendered May 10, 2000, and recorded, June 12, 2000, as Document No. 00427693 in the amount of \$14,779.52, plus costs;

g. The City/Village of Chicago based on a Memorandum of Judgment in favor of the City/Village of Chicago and against Jeffrey D. Smith, in Case No. 1998-1-33065001, rendered November 28, 2000, and recorded January 24, 2001, as Document No. 0010062801, in the amount of \$5,000.00 plus costs;

h. The City/Village of Chicago based on a Memorandum of Judgment against Jeffrey Smith, in Case No. 2000-1-324026301 rendered March 1, 2001, and recorded September 13, 2001, as Document No. 0010847217, in the amount of \$1,000.00 plus costs;

i. The City/Village of Chicago based on a Memorandum of Judgment against Jeffrey Smith, in Case No. 2001-1-30480601 rendered February 11, 2002, and recorded July 30, 2002, as Document No. 0020828919, in the amount of \$1,000.00, plus costs;

j. The People of the State of Illinois based on a Memorandum of Judgment entered against Jeffrey D. Smith in Case No. 2002-1-23666001, rendered August 23, 2002, and recorded December 31, 2002, as Document No. 0021461676, in the amount of \$1,000.00, plus costs;

k. The People of the State of Illinois based on a Memorandum of Judgment entered against Jeffrey Smith in Case No. 2003-6-00537701 rendered August 23, 2002, and recorded December 31, 2002, as Document No. 0021461676, in the amount of \$1,000.00, plus costs;

l. The People of the State of Illinois, based on a Memorandum of Judgment entered against Jeffrey Smith, in Case No. 2003-6-00537701, rendered June 12, 2003, and recorded July 9, 2003, as Document No. 0319007153, in the amount of \$1,000.00, plus costs;

m. The People of the State of Illinois based on a Memorandum of Judgment in favor of People of the State of Illinois, and against Jeffrey Smith, in Case No. 2004-1-28474201, rendered December 23, 2004, and recorded July 7, 2004, as Document No. 0518846156 in the amount of \$1,000.00 plus costs.

9. As a result of the foregoing, the parties stipulate and agree, and THE COURT

HEREBY ORDERS AS FOLLOWS:

a. Any interest Jeffrey D. Smith may have heretofore had in the subject property, if any, is subordinate to Plaintiff's mortgage on the property that serves as a basis for the instant

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foreclosure action;

b. Smith is forever barred and precluded from asserting any right, title and interest in and to the subject property based upon any facts, liens, and interests that occurred, accrued, or were had by Smith prior to and including today's date;

c. The Court accepts the disclaimer of any interest in and to the subject property made by Jeffrey D. Smith, and the Court hereby Orders that any interest Smith may have or has had in the subject property through the wild deed described in paragraph three above is extinguished, and the Court further Orders that Jeffrey D. Smith has no right, title and interest in and to the subject property. Based on the fact that the Court has ruled that Smith has no right, title and interest in and to the subject property, Jeffrey D. Smith is hereby dismissed as a party defendant;

d. This Stipulation and Order may be recorded by Plaintiff with the Cook County Recorder's Office to memorialize in said records that Smith has no right, title and interest in and to the subject property;

e. This Stipulation shall be read in conjunction with any Judgment of Foreclosure and Sale that may hereafter be entered in this cause and may be used in adjudicating all rights and interests of all defendants in and to the subject property;

f. If Smith causes any liens to be placed upon the subject property prior to the recording of this Stipulation, this Stipulation shall be vacated, including the dismissal order as to Smith. Additionally, if it is determined or revealed prior to the time any foreclosure sale held in this cause is final, that any information provided by Defendant, Jeffrey D. Smith to Plaintiff's counsel is materially incorrect, or that Smith has, in fact, caused a valid lien to

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Plaintiff's counsel is materially incorrect, or that Smith has, in fact, caused a valid lien to attach to the subject property, then this Stipulation shall be vacated, and the Plaintiff shall proceed as deemed necessary to complete its foreclosure;

g. Nothing in this Stipulation shall preclude the Plaintiff from proceeding with its foreclosure action as to all remaining defendants;

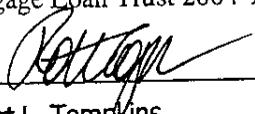
This agreement may be signed in court by the parties and/or their attorneys.

Jeffrey D. Smith

**ENTERED**  
JUDGE LEWIS M. NIXON - 1840  
FEB 28 2007  
DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, IL  
DEPUTY CLERK

Date

Deutsche Bank National Trust Company as Trustee  
For Long Beach Mortgage Loan Trust 2004-1

  
Robert L. Tompkins  
Sr. Vice President  
Litton Loan Servicing LP  
Attorney in Fact

**ENTERED**  
JUDGE LEWIS M. NIXON - 1840  
ENTER:  
FEB 28 2007  
DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, IL  
DEPUTY CLERK  
JUDGE LEWIS M. NIXON

HEAVNER, SCOTT, BEYERS & MIHLAR (ATTORNEY CODE #40387)  
P.O. Box 740  
Decatur, Illinois 62525  
Telephone: (217) 422-1719  
Fax: (217) 422-1754

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COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK

COUNTY DEPARTMENT – CHANCERY DIVISION

Deutsche Bank National Trust Company, as Trustee for )  
Long Beach Mortgage Loan Trust 2004-1 )

PLAINTIFF, )

vs. )

NO. 04-CH-09787

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& Securitization, John Hemphill, The State of Illinois, )  
The City of Chicago, The People of the State of Illinois, )  
Bobby Binion dba Beechiq Management Services, )  
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Trust Company, a corporation of Illinois, as Trustee )  
under the provisions of a trust agreement dated the 6<sup>th</sup> )  
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- c. The Court accepts the disclaimer of any interest in and to the subject property made by Jeffrey D. Smith, and the Court hereby Orders that any interest Smith may have or has had in the subject property through the wild deed described in paragraph three above is extinguished, and the Court further Orders that Jeffrey D. Smith has no right, title and interest in and to the subject property. Based on the fact that the Court has ruled that Smith has no right, title and interest in and to the subject property, Jeffrey D. Smith is hereby dismissed as a party defendant;
- d. This Stipulation and Order may be recorded by Plaintiff with the Cook County Recorder's Office to memorialize in said records that Smith has no right, title and interest in and to the subject property;
- e. This Stipulation shall be read in conjunction with any Judgment of Foreclosure and Sale that may hereafter be entered in this cause and may be used in adjudicating all rights and interests of all defendants in and to the subject property;
- f. If Smith causes any liens to be placed upon the subject property prior to the recording of this Stipulation, this Stipulation shall be vacated, including the dismissal order as to Smith. Additionally, if it is determined or revealed prior to the time any foreclosure sale held in this cause is final, that any information provided by Defendant, Jeffrey D. Smith to Plaintiff's counsel is materially incorrect, or that Smith has, in fact, caused a valid lien to attach to the subject property, then this Stipulation shall be vacated,

