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Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 05/21/2008 02:55 PM Pg: 1 of 5

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Calendar Number 55

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

Deutsche Bank National Trust Company, as Trustee for
Fremont Home Loan Trust 2006-3,

PLAINTIFF

Vs.

Jose Barajas; et. al.

DEFENDANTS

No. 07 CH 15503

CONSENT JUDGMENT FOR FORECLOSURE

THIS CAUSE having been duly heard by this Court upon the record herein on the merits of the Complaint for Foreclosure filed by the Plaintiff and on Plaintiff's Motion for entry of Consent Judgment for Foreclosure (hereinafter referred to as Judgment), and Defendants-Mortgagors consenting, the Court **FINDS**:

- (1) **JURISDICTION**: The Court has jurisdiction over the parties hereto and the subject matter hereof.
- (2) **ALLEGATIONS PROVEN**: All the material allegations of the Complaint filed pursuant to 735 ILCS 5/15-1504 and 5/15-1402(a)(2), those allegations being both required and those deemed alleged by virtue of subsection (c), are true and proven, that by entry of this Consent Judgment for Foreclosure, the Mortgage and Note which is the subject matter of these proceedings is extinguished and merged into Judgment and default no longer exists, but has been replaced by Judgment, and that by virtue of the Mortgage, and the evidences of indebtedness secured thereby alleged in the Complaint, there is due to the Plaintiff, and it has a valid subsisting lien on the property described hereafter for the following amounts:

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| | |
|--|---------------------|
| Principal, Accrued Interest and Advances by Plaintiff: | \$221,497.39 |
| Costs of Suit: | \$1,710.00 |
| Attorneys' Fees: | \$990.00 |
| | |
| TOTAL | \$224,197.39 |

All the foregoing amounts have been accounted for in the Affidavit(s) filed by Plaintiff.

(3) **ATTORNEY FEES:** By its terms said Mortgage provides that the attorneys for the Plaintiff shall be entitled to an award of reasonable attorneys fees herein, and, that included in the above indebtedness are attorneys' fees in the sum of \$990.00.

(4) **COURT COSTS:** Under the provisions of said Mortgage, the costs of foreclosure are an additional indebtedness for which the Plaintiff should be reimbursed, and that such expenses incurred to date totaling \$1,710.00 are hereby allowed to the Plaintiff.

(5) **ADVANCES:** That advances made in order to protect the lien of the Judgment and preserve the real estate, such as, but not limited to: real estate taxes or assessments, property inspections, property maintenance and insurance premiums incurred by the Plaintiff and not included in this judgment, shall become an additional indebtedness secured by the Judgment lien and bear interest from the date of the advance at the mortgage rate of interest pursuant to 735 ILCS 5/15-1503 and 15-1603.

(6) **PROPERTY FORECLOSED UPON:** The Mortgage described in the Complaint and hereby foreclosed appears of record in the Office of the Recorder and/or Registrar for Cook County, Illinois, as Document No. 0622955076, and the property herein referred to is described as follows:

LOT 6 IN J.J. TOUHY'S SUBDIVISION OF LOT 4 (EXCEPT THE WEST 7 FEET THEREOF) IN BLOCK 15, IN MANDELL AND HYMAN'S SUBDIVISION OF THE EAST HALF THE NORTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1535 S. Austin Blvd.
 Cicero, IL 60804

TAX PARCEL NUMBER: 16-20-224-012

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(7) **MORTGAGE NOTE:** The Mortgage herein referred to secures a Mortgage Note in the sum \$194,000.00 which has been duly accelerated pursuant to the terms of said Note and executed by:

Jose Barajas
Sergio Salcedo

(8) **EXHIBITS:** That true and correct copies of the original mortgage and the original note are attached to the Complaint filed herein.

(9) **REDEMPTION AND WAIVER OF DEFICIENCY:** The owner(s) of the equity of redemption are the Mortgagors, Property Owners and any other Party Defendant named in the Complaint with the statutory right of redemption, with the exception of the Registrar of Titles, if named, and any party dismissed by order of Court.

(a) The subject real estate is Residential as defined in 735 ILCS 5/15-1219.

(b) The Court has obtained jurisdiction over the owners of the right of redemption as set forth in The Attorney's Certificate of Service and Defaulted Parties.

(c) That the Mortgagor(s) have waived any and all rights to redeem the mortgaged premises whether by statute or in equity pursuant to 735 ILCS 5/15-1601(c).

(d) That in consideration of entry of this Judgment by Consent, the plaintiff hereby waives any and all rights to a personal judgment for deficiency against the Mortgagor(s), and against all other persons liable for the indebtedness or other obligations secured by the mortgage described herein. This is pursuant to 735 ILCS 5/15-1402(c).

(e) That no party has filed an objection to entry of this Judgment by Consent, nor paid the amount required to redeem in accordance with 735 ILCS 5/15-1603.

(10) Based upon the pleadings, proofs and admission(s), Plaintiff has standing, capacity and authority to maintain this cause.

IT IS HEREBY ORDERED AND ADJUDGED THAT:

(1) **JUDGMENT:** A Consent Judgment for Foreclosure be entered pursuant to 735 ILCS 5/15-1506 and 735 ILCS 5/15-1402.

(2) **VESTING TITLE:** Barring any objection filed by any other party other than the Mortgagor in the above captioned cause within 30 days of the date of this Consent Judgment for Foreclosure, and redemption by any such parties within 30 days of the date of this Consent Judgment for Foreclosure pursuant to 735 ILCS 5/15/1402, title to the real estate described herein is vested absolutely in: **Deutsche Bank National Trust Company, as Trustee for Fremont Home Loan Trust 2006-3**, and this executed, recorded order shall be deemed

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sufficient evidence to establish title vesting in **Deutsche Bank National Trust Company, as Trustee for Fremont Home Loan Trust 2006-3**. Defendants shall deliver to Plaintiff all applicable documentation as may be required by the Office of the Recorder of Deeds of Cook County, Illinois.

(3) **TERMINATION OF SUBORDINATE INTERESTS:** The Court gained jurisdiction over all parties to the foreclosure as required by law; and no objections to this consent judgment having been filed of record, then the defendants and all persons claiming by, through or under them, or any of them since the commencement of this suit are forever barred, and foreclosed of any right, title, interest, claim, lien or right to redeem in and to the mortgaged real estate.

(a) This Judgment and all orders entered pursuant to said judgment are valid as stated above. The inadvertent failure to name a subordinate record claimant will not invalidate this judgment. Plaintiff may take title and file a subsequent action to determine the redemptive rights of such a party. Should such a claimant not exercise its redemptive rights within the stated time, they shall be forever barred and foreclosed of any right, title, interest, claim, lien or right to redeem or otherwise enforce its claim against the subject property.

(4) **POSSESSION:** The plaintiff or his or her legal representative or assigns be let into possession of said premises 30 days after entry of this order, and that any of the parties to this cause who shall be in possession of said premises or any portion thereof, or any person who may have come into such possession under them or any of them since the commencement of this suit shall surrender possession of said premises.

(5) **TORRENS REAL ESTATE:** If the subject property is registered with the Registrar of Titles for Cook County, it is also ordered that the Registrar cancel the Certificate of Title and issue a new Certificate without the surrender of the Owner's Duplicate Certificate of Title or Affidavit of Lost Certificate.

(6) **JURISDICTION:** The Court retains jurisdiction over the parties and subject matter of this cause for the purpose of enforcing this Judgment or vacating said Judgment.

(7) **APPEALABILITY:** This is a final and appealable order and there is no just cause for delaying the enforcement of this judgment or appeal therefrom.

(8) The Sheriff of Cook County is hereby directed to evict Jose Barajas and Sergio Salcedo from the premises commonly known as 1535 S. Austin Blvd., Cicero, IL 60804, without further delay and without further order of the court after 30 days, *at entry of this consent foreclosure judgment.* (SD)

(9) This order may be recorded with the appropriate county recorder.

Associate Judge Franklin Ulyses Valderrama

ENTER: _____

APR 10 2008

DATED: _____

Circuit Court - 1968

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Codilis & Associates, P.C.
Attorneys for Plaintiff
15W030 North Frontage Road, Suite 100
Burr Ridge, IL 60527
(630) 794-5300
Cook #21762
14-07-A423
Cook County ID #21762

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

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