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Cook County Recorder of Deeds
Date: 06/11/2012 12:16 PM Pg: 1 of 10

IN THE CIRCUIT COURT OF
COOK COUNTY, ILLINOIS

PARK RIDGE COMMUNITY
BANK, an Illinois
Banking Corporation,

Plaintiff,

VS.

For Recorder's Use Only

JAMES S. MEYER, AS SUCCESSOR TRUSTEE
UNDER THE ERNEST N. NEOKOS TRUST DATED
APRIL 9, 2008; JP MORGAN CHASE BANK, N.A., a
Delaware Banking Corporation; EDWARD SLISZ;
FRANCES SLISZ; THEODORE RODES, JR.;
MICHAEL H. ERDE & ASSOCIATES, P.C.; DAVID N.
STRINGER; JAMES S. MEYER; UNKNOWN OWNERS
AND NON-RECORD CLAIMANTS

Defendants.

CONSENT JUDGMENT OF FORECLOSURE

THIS CAUSE coming before the Court on the Plaintiff, Park Ridge Community Bank ("PARK RIDGE")'s Omnibus Motion for Summary Determination Against Defendant JP Morgan Chase Bank, N.A. ("CHASE") and Michael H. Erde & Associates P.C. ("ERDE") Pursuant to 735 ILCS 5/2-1005(d), For Entry of Default Against Defendants Edward Slisz, Frances Slisz, Theodore Rodes, Jr., David N. Stringer and James S. Meyer, Individually, Pursuant to 735 ILCS 5/2-1301(d), and for Consent Judgment of Foreclosure Pursuant to 735 ILCS 5/15-1402 (the "Omnibus Motion"), all parties being duly noticed of the Omnibus Motion, and the Court being fully advised in the Premises.

The Court makes these FINDINGS:

I. JURISDICTION

a. Defendant James S. Meyer, successor trustee of the Ernest N. Neokos Trust Dated April 9, 2008 ("MEYER"), was served with Summons and a copy of the Complaint by the Sheriff of Cook County, Illinois on October 25, 2011 by personal service. Despite being served with Service of Process and the Complaint, MEYER did not file an Appearance and also failed to file an Answer or other responsive pleading to the Complaint, and is thus, in default. MEYER has stipulated to the entry of this Consent Judgment of Foreclosure.

b. Defendant Edward Slisz ("EDWARD") was served with Summons and a copy of the Complaint by the Sheriff of Cook County, Illinois on October 17, 2011 by abode service. Despite being served with Service of Process and the Complaint, EDWARD did not file an

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Appearance and also failed to file an Answer or other responsive pleading to the Complaint, and is thus, in default.

c. Defendant Frances Slisz ("FRANCES") was served with summons and a copy of the Complaint by the Sheriff of Cook County, Illinois on October 17, 2011 by abode service. Despite being served with Service of Process and the Complaint, FRANCES did not file an Appearance and also failed to file an Answer or other responsive pleading to the Complaint, and is thus, in default.

d. Defendant Theodore Rodes, Jr. ("RODES") was served with summons and a copy of the Complaint by the Sheriff of Cook County, Illinois on October 25, 2011 by personal service. Despite being served with Service of Process and the Complaint, RODES did not file an Appearance and also failed to file an Answer or other responsive pleading to the Complaint, and is thus, in default.

e. Defendant David N. Stringer, Attorney at Law ("STRINGER"), was served with summons and a copy of the Complaint by the Sheriff of Cook County, Illinois on October 13, 2011 by corporate service. Despite being served with Service of Process and the Complaint, STRINGER did not file an Appearance and also failed to file an Answer or other responsive pleading to the Complaint, and is thus, in default.

f. Defendant CHASE was served with summons and a copy of the Complaint by the Sheriff of Cook County on October 13, 2011 by personal service upon an authorized agent of the corporation. CHASE was named as a party defendant by virtue of a mortgage executed on December 31, 2007, which mortgage was recorded in the Office of the Cook County Recorder of Deeds on January 24, 2008 (Document #0802404278) (the "Chase Mortgage"). On February 7, 2012, CHASE filed its Verified Answer to the Complaint (the "Chase Verified Answer"). In the Chase Verified Answer, CHASE stated it lacked sufficient knowledge to form a belief as to the truth or falsity of allegation Nos. 1-2, 4-7, and 11-15, including the existence and/or superiority of PARK RIDGE's mortgage lien on the Property. CHASE did not raise any affirmative defenses to rebut the Complaint's allegations.

g. Defendant ERDE was served with summons and a copy of the Complaint by Sheriff of Cook County on October 13, 2011 by personal service upon an authorized agent of the corporation. ERDE was named as a party defendant by virtue of a judgment lien on the Property dated July 7, 2010 and recorded July 7, 2010 in the Cook County Recorder's Office (Document #1018822108) (the "Erde Judgment Lien"). On November 2, 2011, ERDE filed its Answer to the Complaint ("Erde Verified Answer"). In the Erde Verified Answer, ERDE stated that it lacked sufficient knowledge to form a belief as to the truth or falsity of allegation Nos. 1-5, 7-8, 11-13 and 15. ERDE admitted the existence of the Erde Judgment Lien, but did not raise any affirmative defenses to rebut the Complaint's allegations.

h. Defendants, Unknown Owners and Non-Record Claimants were duly served by publication of a Notice in a secular daily newspaper of general circulation in Cook County, Illinois and said Defendants failed to answer the Complaint or otherwise enter any appearance herein within 30 days of the last publication date and subsequently failed to answer or otherwise enter any appearance within 30 days of the filing of the Complaint. PARK RIDGE obtained a publisher's Certificate of Publication nothing that Unknown Owners and Non-Record

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Claimants were served by publication for three (3) consecutive weeks beginning October 7, 2011, and on October 14, 2011, and October 21, 2011. Despite being served with Service of Process and the Complaint, no Unknown Owners or Non-Record Claimants filed an Appearance, an Answer or otherwise responded to the Complaint, and are thus, in default.

i. The following Defendants have executed the attached Stipulation for Entry of Consent Judgment of Foreclosure: PARK RIDGE and MEYER.

(1) The Court specifically finds service of process in each instance was properly made in accordance with the Illinois Code of Civil Procedure.

(2) The Court has jurisdiction over all parties hereto and the subject matter presented herein.

II. EVIDENTIARY FINDINGS.
(735 ILCS 5/15-1504(a)(1) through (3))

(1) PARK RIDGE filed its Verified Amended Complaint herein to foreclosure its Mortgage on the Property located at 1420 Prospect Avenue, Park Ridge, IL 60068 ("Mortgaged Real Estate"), hereinafter described and joined the following persons as Defendants: (i) MEYER, (ii) EDWARD, (iii) FRANCES, (iv) KODES, (v) STRINGER, (vi) CHASE, (vii) ERDE, AND (vi) UNKNOWN OWNERS AND NON-RECORD CLAIMANTS.

(2) Attached to the Verified Amended Complaint as Exhibit A is a copy of the Credit Agreement dated August 27, 2003, executed by Ernest N. Neokos and June D. Neokos in favor of PARK RIDGE in the original principal amount of One Hundred Seventy-Five Thousand & 00/100 (\$175,000.00) Dollars ("Note"); as Exhibit B is a copy of the Mortgage securing Note executed by Earnest N. Neokos and June D. Neokos, Mortgagors, to PARK RIDGE, as Mortgagee, encumbering the Mortgaged Real Estate and recorded as document number 0326526163 with the Cook County Recorder of Deeds ("Mortgage"); as Exhibit C is a copy of the Quitclaim Deed executed by June D. Neokos on September 11, 2008 and recorded as document number 0831118101 with the Cook County Recorder of Deeds, quitclaiming her interest in the Mortgaged Real Estate to Ernest N. Neokos ("Quit Claim - 1"); and as Exhibit D is a copy of the Quitclaim Deed executed by Ernest N. Neokos on September 12, 2008 and recorded as document number 0831118102 with the Cook County Recorder of Deeds, quitclaiming his interest in the Property to the Ernest N. Neokos Trust, dated April 9, 2008 ("Quit Claim - 2"). Exhibits A, B, C and D are admitted into evidence and any originals presented may be withdrawn.

(3) Information concerning Mortgage:

- a. Nature of Instrument: Mortgage
- b. Date of Mortgage: August 27, 2003
- c. Name of Mortgagors: Ernest N. Neokos and June D. Neokos
- d. Name of Mortgagee: PARK RIDGE

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- e. Date and Place of Recording: September 22, 2003 with the Cook County Recorder of Deeds.
- f. Identification of Recording: 0326526163.
- g. Interest Subject to the Mortgage: Fee Simple Estate.
- h. Amount of Original Indebtedness: As of June 5, 2012, the following amounts were due under Note and Mortgage (collectively referred to herein as "Loan"):

Unpaid Principal as of June 5, 2012: \$146,361.08

Unpaid Interest as of June 5, 2012: \$14,201.37
(per diem interest accrues at a rate of \$45.7878)

Unpaid Late Charges as of June 5, 2012: \$169.91

Total amount due as of June 5, 2012: \$160,732.36
(excluding costs and fees)

- i. The Legal Description and the Common Address of the Mortgaged Real Estate:

Legal Description:

LOT 199 IN H. ROY BERRY COMPANY'S PARK RIDGE TERRACE NO. 1, BEING A SUBDIVISION OF PART OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Common Address: 1420 PROSPECT AVENUE, PARK RIDGE, ILLINOIS 60068

Permanent Index Number: 12-02-213-026-0000

- j. Statement as to Defaults: The secured indebtedness was declared due and demanded by written notice on September 1, 2011 for failure to make monthly payments due on July 27, 2011 and August 27, 2011. The indebtedness has not been repaid in full, and Mortgageors are currently in default.
- k. Name of Present Owners of Real Estate: The Ernest N. Neokos Trust, dated April 9, 2008.
- l. Names of Other Persons who are Joined as Defendants and Whose Interest in or Lien on the Mortgaged Real Estate is Sought to be

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Terminated: (i) MEYER, individually and as Successor Trustee under the Ernest N. Neokos Trust, dated April 9, 2008, (ii) CHASE, (iii) EDWARD, (iv) FRANCES, (v) RODES, (vi) ERDE, (vii) STRINGER, and (viii) Unknown Owners and Non-Record Claimants.

- m. The Names of Defendants Personally Liable for the Deficiency, if any: NONE. Pursuant to Section 15-1402 and pursuant to the Stipulation on file, Mortgagee PARK RIDGE has waived any right to a personal judgment of deficiency. However, pursuant to that Stipulation for Consent Foreclosure, which is incorporated herein, PARK RIDGE's rights and remedies under other certain agreements with Defendants relating to the entry of this Order, vacation of the Mortgaged Real Estate and other matters are not limited, affected, released or waived.
- n. The capacity in which PARK RIDGE brings this foreclosure is as the legal holder and owner of the Note, the Mortgage and indebtedness thereunder.
- o. The right of redemption has not been waived by all owners of redemption pursuant to statute.

III. DEEMED ALLEGATIONS PROVED

(1) On the date indicated in the Verified Complaint, the obligor of the indebtedness or other obligations secured by Mortgage was justly indebted in the amount of the indicated indebtedness to PARK RIDGE.

(2) The Exhibits attached to the Verified Complaint are true and correct copies of the Note, Mortgage, Quit Claim – 1 and Quit Claim - 2.

(3) The Mortgagors, Ernest N. Neokos and June D. Neokos, were at the date indicated in the Verified Complaint, owner of the Mortgaged Real Estate, and as of that date made, executed and delivered the Mortgage as security for the Note or other obligations.

(4) The Mortgage was recorded in the county in which the Mortgaged Real Estate is located, on the date indicated, in the book and page or as the document number indicated.

(5) The Mortgage constitutes a valid, prior and paramount lien upon the indicated interest in the Mortgaged Real Estate, which lien is prior and superior to the right, title, interest, claim or lien of all parties and non-record claimants, whose interests in the Mortgaged Real Estate are terminated by this foreclosure.

(6) By reason of the defaults alleged and proved, if the Loan indebtedness had not matured by its terms, the same became due by exercise by PARK RIDGE of a right or power to declare immediately due and payable the whole of all indebtedness secured by the Mortgage.

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(7) Any and all notices of default or election to declare the indebtedness due and payable or other notices required to be given have been duly and properly given.

(8) Any and all periods of grace or other period of time allowed for the performance of the covenants or conditions claimed to be breached or for the curing of any breaches have expired.

(9) The amounts indicated to be due are broken down in the statement in the Verified Complaint or in the evidence or affidavits presented to the Court into various items; the same are correctly stated and if such breakdown indicates any advances made or to be made by PARK RIDGE or owner of the indebtedness of the Mortgage, such advances were, in fact, made, and under and by virtue of the Mortgage the same constitute additional indebtedness by the Mortgage.

(10) PARK RIDGE and MEYER, as successor Trustee under the Ernest N. Neokos Trust, dated April 9, 2008 have entered into a Stipulation to Consent Judgment of Foreclosure pursuant to Section 15-1402 of the Illinois Code of Civil Procedure, which is attached hereto and has been filed and incorporated herein.

IV. FEES AND COSTS
(735 ILCS 5/1504(d)(1) through (6))

(1) PARK RIDGE has been compelled to advance or will be compelled to advance, various sums of money in payment of costs, fees, expenses and disbursements incurred in connection with the foreclosure, including, without limiting the generality of the foregoing, filing fees, costs of publication, costs of procuring and preparing documentary evidence and costs of procuring abstracts of title, Torrens certificates, foreclosure minutes and title insurance policy. PARK RIDGE has incurred the following fees and costs in the underlying foreclosure:

(a)	Title Search Examination	\$ 750.00
(b)	Photocopy Service	\$ 292.25
(c)	Filing Fee	\$ 337.00
(d)	Service of Summons	\$ 480.00
(e)	Publication Charge	\$ 553.00
(f)	Attorneys' Fees	\$ 14,075.00
(g)	Recording Fees	\$ 48.00
(h)	Postage	\$ 12.60
(i)	LexisNexis Research	\$ 2.14
(j)	Facsimile Service	\$ 5.00

UNOFFICIAL COPY**TOTAL COSTS AND FEES****\$ 16,554.99**

(2) Under the terms of the Mortgage, all such advances, costs and other fees, expenses and disbursements are made a lien upon the Mortgaged Real Estate and PARK RIDGE is entitled to recover all such advances, costs, expenses and disbursements, together with interest on all advances at the rate provided in the Mortgage, or, if no rate is provided therein, at the statutory judgment rate, from the date on which such advances are made.

V. ULTIMATE FINDINGS

(1) The allegations of the Verified Complaint are substantially true as set forth, the equities in the cause are with PARK RIDGE, and PARK RIDGE is entitled to the relief requested in the Verified Complaint including foreclosure of the Mortgage upon the Mortgaged Real Estate in the amount of the Total Balance Due, as found in paragraph II(3)(h) above, together with interest thereon at the statutory rate after the entry of this Judgment and additional court costs, including but not limited to publication costs and expenses of sale.

(2) The allegations of the Verified Complaint are substantially true as set forth, the equities in the cause are with PARK RIDGE, and PARK RIDGE is entitled to the relief requested in the Verified Complaint including a money judgment of Mortgage upon the Mortgaged Real Estate in the amount of the Total Balance Due, as found in paragraph II(3)(h) above, together with the costs and fees, as stated in paragraph IV(1) above, plus interest thereon at the statutory rate after the entry of this Judgment and additional court costs.

(3) All lien or mortgage claimants, including those identified in V(4) below, are found and declared to have no interest in the Mortgaged Real Estate foreclosed herein, as they have either offered no evidence of said interest superior to the interest of PARK RIDGE or failed to appear in the above-referenced matter, answer or otherwise respond to the Complaint.

(4) Said Mortgaged Real Estate is free and clear of all liens and encumbrances except:

- a. General real estate taxes and special assessments, if any;
- b. Mortgage ordered foreclosed herein;

FURTHERMORE:

- c. CHASE, by virtue of its junior mortgage dated December 31, 2007 in the original principal amount of \$191,500.00 and recorded January 24, 2008 in the Cook County Recorder's Office as Document Number 0802404278 (the "Chase Mortgage"), which Chase Mortgage is deemed subordinate to the Mortgage ordered foreclosed herein;
- d. ERDE, EDWARD, FRANCES, RODES, STRINGER and MEYER, by virtue of the judgment lien on the Property dated July 7, 2010 and

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recorded July 7, 2010 in the Cook County Recorder's Office as Document Number 1018822108 (the "Erde Judgment Lien"), which Erde Judgment Lien is deemed subordinate to the Mortgage ordered foreclosed herein; and

e. The instant foreclosure.

(5) The Mortgage is prior and superior to all other mortgages, claims of interest and liens upon the Mortgaged Real Estate except for real estate taxes and special assessments, if any.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that a JUDGMENT FOR FORECLOSURE is granted to PARK RIDGE and against all Defendants pursuant to Section 15-1402 of the Illinois Code of Civil Procedure satisfying the Mortgage indebtedness and absolute title to the Mortgaged Real Estate is vested in S&M Shareholders, LLC / 1420 Prospect, an Illinois limited liability company, as nominee of PARK RIDGE.

IT IS FURTHER ORDERED:

VI. TRANSFER OF TITLE

(1) The Court hereby finds and orders, pursuant to 735 ILCS 5/15-1402(a) that, by virtue of the entry of this Judgment, title shall immediately vest in S&M Shareholders, LLC / 1420 Prospect, an Illinois limited liability company, as nominee of PARK RIDGE, free and clear of all claims, liens and interests of the defendant mortgagor, including all rights of reinstatement and redemption, and all rights of other persons made parties in this foreclosure, whose interests are subordinate to that of PARK RIDGE, and all other unknown owners and non-record claimants who have been given notice in accordance with the Illinois Mortgage Foreclosure Law.

(2) Plaintiff, PARK RIDGE shall not, pursuant to 735 ILCS 5/15-1402(c) and the Stipulation of Consent Judgment of Foreclosure incorporated herein, be entitled to pursue a personal judgment of deficiency against the Mortgagors or any other person liable for the indebtedness or other obligations secured by the Mortgage, including, without limitation, Ernest N. Neokos and June D. Neokos. However, pursuant to that Stipulation of Consent Judgment of Foreclosure, which is incorporated herein, PARK RIDGE's rights and remedies under certain other agreements relating to the entry of this Order, vacation of the Mortgaged Real Estate and other matters are not limited, affected, released or waived.

(3) This Consent Judgment is entered subject to an additional title search by PARK RIDGE after recording of this Consent Judgment to confirm that no additional liens have been recorded prior to the recording of this consent judgment. If additional liens have been recorded which would not be foreclosed by this Consent Judgment, PARK RIDGE may vacate this Consent Judgment upon motion within 30 days of this consent judgment.

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VII. OTHER MATTERS.

(1) PARK RIDGE shall be entitled to possession of the Mortgaged Real Estate *instanter*, as agreed by the parties hereto.

(2) This is a final order of the Court as it disposes of all issues between the parties and there is no just reason to delay enforcement or appeal from this final appealable judgment order.

DATED: _____ JUDGE DAVID B. ATKINS
ENTER: _____ JUN 05 2012
JUDGE Circuit Court-1879

Return to:

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I hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County Clerk of Cook County, Illinois.

Christy Brown
Cook County Clerk
Date: 11/12/12