



Doc#: 1218531042 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 07/03/2012 12:31 PM Pg: 1 of 4

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

BANCO POPULAR NORTH AMERICA,)
)
Plaintiff,)
)
v.)
)
BAHARY PARTNERSHIP; MICHAEL M.)
BAHARY a/k/a MASSOUD BAHARY; STEVEN)
H. BAHARY a/k/a HAMID BAHARY;)
AUTOMOTIVE FINANCE CORPORATION;)
UNKNOWN OWNERS and NON-RECORD)
CLAIMANTS,)
)
Defendants.)

Case No. 10 CH 37075

Commercial Foreclosure

Property Address:
1601 and 1609 W. Ohio Street
Chicago, Illinois 60622

CONSENT JUDGMENT FOR FORECLOSURE

THIS CAUSE having been duly heard by this Court upon the record herein on the merits of the Complaint to Foreclose Commercial Mortgage (the "Complaint") filed by the Plaintiff, BANCO POPULAR NORTH AMERICA ("BPNA") and on BPNA's Motion for entry of Consent Judgment for Foreclosure (hereinafter referred to as "Judgment"), and Defendants MICHAEL M. BAHARY a/k/a MASSOUD BAHARY and STEVEN H. BAHARY a/k/a HAMID BAHARY (collectively, the "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 are the subject matter of these proceedings are extinguished and merged into Judgment and default no longer exists, but has been replaced by Judgment, and that by virtue of the Mortgage, and the evidences of indebtedness secured thereby alleged in the Complaint, there is due to BPNA, and it has a valid subsisting lien on the property described hereafter for the following amounts:

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Principal Amount	\$	741,392.60
Accrued Interest	\$	93,292.08
Attorney Fees	\$	11,700.58
Litigation Costs	\$	3,120.06
TOTAL	\$	849,505.34
 Per Diem	 \$	 161.36

(3) **ATTORNEY FEES:** By its terms the Mortgage provides that the attorneys for BPNA 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 \$11,700.58.

(4) **COURT COSTS:** Under the provisions of the Mortgage, the costs of foreclosure are an additional indebtedness for which BPNA should be reimbursed, and that such expenses incurred to date totaling \$3,120.06 are hereby allowed to BPNA.

(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 BPNA 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 appear of record in the Office of the Recorder and/or Registrar for Cook County, Illinois, as Document No. 0619418022 and the property herein referred to is described as follows:

LOTS 75 AND 76 IN FORBUS SUBDIVISION OF BLOCK 17 IN CANAL TRUSTEES' SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 03, 1863 IN BOOK 162 OF MAPS, PAGE 4, IN COOK COUNTY, ILLINOIS

PINS: 17-07-224-007-0000 and 17-07-224-008-0000

Common Address: 1601 and 1609 W. Ohio Street, Chicago, Illinois 60622

(7) **MORTGAGES NOTE:** The Mortgage referred to herein secures a Promissory Note dated June 23, 2006 in the original principal sum of \$800,000.00 which has been duly accelerated pursuant to the terms of said Note executed by the Defendant Bahary Partnership.

(8) **EXHIBITS:** That true and correct copies of the original Mortgage and Promissory 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

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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 commercial in nature.
- (b) The Court has jurisdiction over the owners of the right of redemption.
- (c) That the Mortgagors 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, BPNA hereby waives any and all rights to a personal judgment for deficiency against the Mortgagors, and against all other persons liable for the indebtedness or other obligations secured by the mortgages 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), BPNA has standing, capacity and authority to maintain this cause.

(11) The pleadings and proofs presented in the cause are sufficient to support the entry of this judgment.

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 Mortgagors 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 BPNA and this executed, recorded order shall be deemed sufficient evidence to establish title vesting in BPNA. Defendants Michael M. Bahary a/k/a Massoud Bahary and Steven H. Bahary a/k/a Hamid Bahary shall deliver to BPNA 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.

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(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. BPNA 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:** BPNA or its 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.

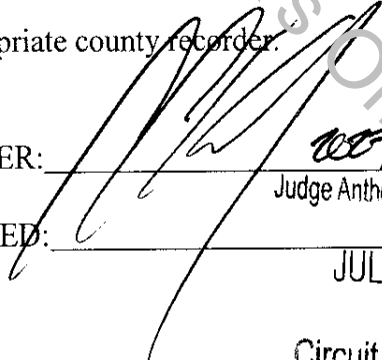
(6) **JURISDICTION:** The Court retains jurisdiction over the parties and subject matter of this cause for the purpose of enforcing this Judgment or vacating said Judgment.

(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 Defendants, Bahary Partnership, Michael M. Bahary a/k/a Massoud Bahary, Steven H. Bahary a/k/a Hamid Bahary, Automotive Finance Corporation, Unknown Owners and Non-Record Claimants from the property located at 1601 and 1609 W. Ohio Street, Chicago, Illinois 60622 without further delay and without further order of the court 30 days after entry of this order.

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

ENTER: _____


Judge Anthony C. Kyriakopoulos

DATED: _____

JUL 02 2012

Circuit Court 2027

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