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Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
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Miles V. Cohen, Esq.  
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Chicago, IL 60606

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

THE LEADERS BANK, in its capacity as )  
Mortgagee, )

Plaintiff, )

v. )

THE LEADERS BANK, in its capacity as )  
Owner, FIFTH THIRD BANK; BANK OF )  
AMERICA, NA, as successor to LASALLE )  
BANK; UNKNOWN OWNERS and )  
NONRECORD CLAIMANTS, )

Defendants. )

Case No. 11 CH 31182

99 Brinker Road  
Barrington, IL 60010

## JUDGMENT OF FORECLOSURE BY CONSENT

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

THE LEADERS BANK, in its capacity as )  
Mortgagee, )

Plaintiff, )

v. )

THE LEADERS BANK, in its capacity as Owner, )  
FIFTH THIRD BANK; BANK OF AMERICA, )  
NA, as successor to LASALLE BANK; )  
UNKNOWN OWNERS and NONRECORD )  
CLAIMANTS, )

Defendants. )

Case No. 11 CH 31182

99 Brinker Road  
Barrington, IL 60010

### JUDGMENT OF FORECLOSURE BY CONSENT

THIS CAUSE HAVING BEEN HEARD by the Court upon the motion of Plaintiff, The Leaders Bank, in its capacity as Mortgagee, for entry of this Judgment of Foreclosure by Consent and upon the Stipulation for Consent Foreclosure, due notice having been given and the Court being fully advised in the premises, the Court finds that:

1. On September 2, 2011, Plaintiff filed its Verified Complaint to Foreclose Mortgage and For Other Relief (“Complaint”) to foreclose its Mortgage on the property commonly known as 99 Brinker Road, Barrington, Illinois (the “Property”) given by Jennifer McMurtry and Robert McMurtry (the “McMurtrys”) to The Leaders Bank. The Property is more fully described in Exhibit A hereto. On March 9, 2012, Plaintiff filed its Amended Verified Complaint for Foreclosure of Mortgage and Other Relief.

2. All of the Defendants in this cause (collectively, the “Defendants”) have been duly and properly brought before this Court, either through voluntary appearance, service of

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Summons and Complaint or Publication, all in the manner provided by law, and this Court now has personal jurisdiction over all the parties to this cause and the subject matter hereof.

3. During the pendency of this proceeding, the McMurtrys conveyed title to the Property to The Leaders Bank as part of a Deed in Lieu of Foreclosure Agreement. The McMurtrys no longer have an interest in the Property. The Leaders Bank, in its capacity as owner, has consented and stipulated to the entry of this Judgment of Foreclosure by Consent.

4. Although no longer Defendants, the McMurtrys were personally served with the Complaint on September 21, 2011. Bank of America was served with the Complaint on September 15, 2011. Fifth Third Bank was served by the Sheriff of Hamilton County, Ohio on February 22, 2012. The Leaders Bank, in its capacity as owner, the only additional party added in the Amended Complaint, was served with the Amended Complaint on March 15, 2012.

5. In accordance with the Affidavit of Publication, Unknown Owners and Nonrecord Claimants were to have filed their appearances and answers to the Verified Complaint on or before October 22, 2011. To date, no appearance or verified answer has been filed by any Unknown Owners or Nonrecord Claimants.

6. Plaintiff The Leaders Bank, in its capacity as mortgagee, and Defendant The Leaders Bank, in its capacity as owner, have executed a Stipulation agreeing to the entry by this Court of this Judgment of Foreclosure by Consent, pursuant to Section 15-1402 of the Illinois Mortgage Foreclosure Law, 735 ILCS 5/15-1402, satisfying the indebtedness evidenced by a certain Balloon Note dated as of September 30, 2003 made by former Defendants Robert McMurtry and Jennifer McMurtry in the original principal amount of \$2,700,000.00; as modified by that certain Modification of Balloon Note and Mortgage dated as of October 1, 2006; and as further modified by that certain Change in Terms Agreement dated as of September 25, 2009

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(collectively, the "Note").

7. The Note is secured by that certain Mortgage dated as of September 30, 2003 granted by Robert McMurtry and Jennifer McMurtry to The Leaders Bank, and recorded in the office of the Cook County Recorder of Deeds on November 18, 2003 as Document No. 0332202142; as modified by that certain Modification of Balloon Note and Mortgage dated October 1, 2006 and recorded in the office of the Cook County Recorder of Deeds on December 12, 2007 as Document No. 0734649100; and as further modified by that certain Modification of Mortgage dated September 25, 2009 and recorded in the office of the Cook County Recorder of Deeds on January 6, 2010 as Document No. 1000640176 (collectively, the "Mortgage"), by vesting absolute title to the Property in The Leaders Bank, in its capacity as Mortgagee, free and clear of all rights, title, interests, claims or liens, if any, of Defendants, including all rights of reinstatement and redemption.

8. In accordance with 735 ILCS 5/15-1402(c), The Leaders Bank waives any right to a personal judgment for deficiency against the McMurtys, The Leaders Bank in its capacity as owner, or any other person or entity who is or may be liable for the indebtedness evidenced by the Note and/or obligations secured by the Mortgage.

9. The Mortgage referenced above in Paragraph 7 appears on file in the office of the Cook County Recorder of Deeds. The Property is legally described in Exhibit A attached hereto and hereby incorporated by reference.

10. The rights, title, interests, claims or liens, if any, in the Property of The Leaders Bank, in its capacity as owner, Bank of America, NA, as successor to LaSalle Bank, Fifth Third Bank; and Unknown Owners and Nonrecord Claimants are inferior to the lien of The Leaders Bank's Mortgage and are terminated by this Judgment.

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WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED and judgment is hereby entered as follows:

(a) Absolute title to the Property as defined above and which is legally described in Exhibit A attached hereto is hereby vested in The Leaders Bank, free and clear of all rights, title, interests, claims or liens, if any, of The Leaders Bank, in its capacity as owner, Bank of America, N.A., as successor to LaSalle Bank, Fifth Third Bank; and Unknown Owners and Nonrecord Claimants;

(b) The indebtedness evidenced by the Note and secured by the Mortgage is deemed satisfied;


(c) The Leaders Bank is barred from obtaining a deficiency judgment against Robert McMurtry, Jennifer McMurtry, The Leaders Bank, in its capacity as owner; or any person or entity who is or may be liable for the indebtedness evidenced by the Note or other obligations secured by the Mortgage;

(d) All rights of reinstatement and redemption are barred;

(e) All named Defendants herein waive all rights to modify, vacate, set aside or appeal this Judgment; and

(f) The rights, title, interests, claims or liens, if any, in the Property of The Leaders Bank, as owner, Bank of America, NA, as successor to LaSalle Bank, Fifth Third Bank; and Unknown Owners and Nonrecord Claimants are inferior to the lien of The Leaders Bank's Mortgage and are terminated by this Judgment of Foreclosure by Consent.

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Judge

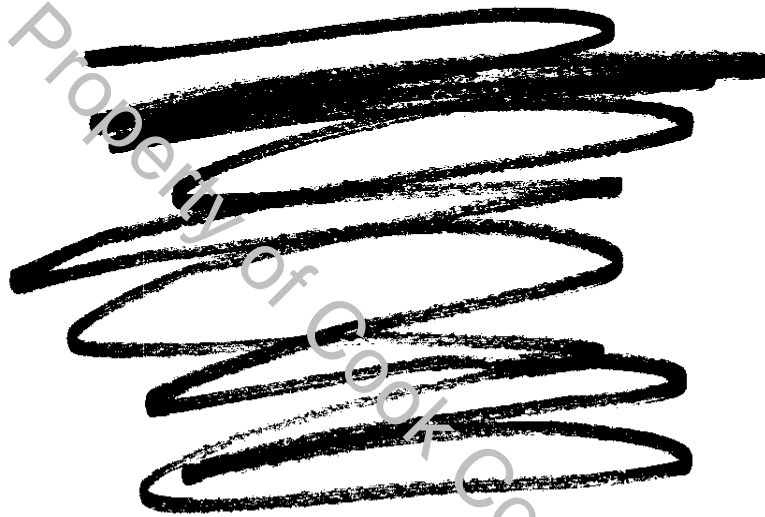
Judge Laura Clark

JUL 10 2012

Circuit Court - 2054

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Firm ID 39876



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## EXHIBIT A

### Legal Description:

#### Parcel 1:

The North ½ (Except West 25 feet which has been platted for a highway as disclosed by plat recorded September 10, 1905 in book 90 of plats page 29 as document 3746842) of Southeast ¼ of the Southwest ¼ of section 10, township 42 North, range 9 East of the third principal meridian lying Northwest of Waukegan and Southwestern Railway Company right of way in Cook County, Illinois also Parcel 2: All that part of the South ½ of the West ½ of the Southeast ¼ of section 10, township 42, North, range 9 East of the third principal meridian, lying North and Westerly of the Northwesterly line of right of way of railroad, in Cook County, Illinois.

#### Commonly known as:

99 Brinker Road  
Barrington, Illinois 60010

#### PIN's:

01-01-303-002  
01-01-402-002