

# UNOFFICIAL COPY

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT – CHANCERY DIVISION

Case No. 12 CH 17008



MICHAEL NASH,

Plaintiff,

v.

JOSEPH GRIECO, BATTERIES NOT INCLUDED,  
INC., FLOERSHEIMER PROPERTIES, LLC, SCOTT  
FLOERSHEIMER, JPMORGAN CHASE BANK, N.A.,  
UNKNOWN OWNERS AND NON-RECORD  
CLAIMANTS,

Defendants.

Doc#: 1234229104 Fee: \$42.00  
Karen A. Yarbrough RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 12/07/2012 02:49 PM Pg: 1 of 3

## ORDER QUIETING TITLE

THIS CAUSE coming on to be heard on Plaintiff Michael Nash's Motion for Default Order and Order Quieting Title, all parties with notice, the Court with jurisdiction and being fully apprised in the premises;

### THE COURT HEREBY FINDS:

1. This Court has jurisdiction over the parties in this case and subject matter of Michael Nash's Complaint to Quiet Title (the "Complaint").
2. All material allegations of the Complaint have been proved and are true.
3. On or about May 21, 2004, Defendant Scott Floersheimer ("Floersheimer") an authorized agent of Floersheimer Properties, LLC ("Floersheimer Properties") recorded an Affidavit of Interest (the "Affidavit") claiming a right and interest to the property located at 2201 N. Clybourn in Chicago, Illinois (the "Premises"). *A copy of the Affidavit is attached as Exhibit "C" to the Complaint.*
4. The Premises is legally described as follows:

Lot 26 in Block 4 of George M. High's Subdivision of the East ½ of Block 15 of Sheffield's Addition to Chicago in Section 32, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

PIN: 14-32-108-026-0000

~~5. On or about May 21, 2004 Defendant Scott Floersheimer ("Floersheimer") an authorized agent of Floersheimer Properties, LLC ("Floersheimer Properties") recorded an Affidavit of Interest (the "Affidavit") claiming a right and interest in the Premises. A copy of the Affidavit is attached as Exhibit "C" to the Complaint.~~

5.6. The purported sale of the Premises to Floersheimer Properties never occurred. The Affidavit was never released.

6. On or about June 22, 2004, Defendant Joseph Grieco ("Grieco") obtained title to the Premises by virtue of a Warranty Deed recorded by the Cook County Recorder of Deeds on June 28, 2004 as Document No. 0418045608.

7. On or about June 28, 2004, Grieco as landlord and Defendant Batteries Not Included, Inc. ("Batteries") as tenant executed a Memorandum of Lease (the "Lease"). Grieco executed the Lease on behalf of Batteries as

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its President and Secretary. The Lease was recorded by the Cook County Recorder of Deeds on June 28, 2004 as Document No. 0418045072.

9. On or about June 28, 2004, Grieco as landlord and Batteries as tenant executed a Subordination of Lease. Grieco executed the Subordination of Lease on behalf of Batteries as its President and Secretary.

10. As alleged in the Complaint, neither the Lease nor the Subordination of Lease have been released of record.

11. On or about January 24, 2005, despite not being vested with title to the Premises, Batteries conveyed title to the Premises to Nash by virtue of a warranty deed (the "Nash Deed"). Grieco, as its President executed the Nash Deed on behalf of Batteries. The Nash Deed was recorded by the Cook County Recorder of Deeds on February 3, 2005 as Document No. 0503402401.

12. Batteries was listed as the grantor on the Nash Deed in error. Inasmuch as Grieco as President of Batteries executed the Nash Deed on behalf of Batteries, Grieco was aware of the transfer of the Premises to Nash.

13. Nash financed his purchase of the Premises with a \$814,336.93 mortgage (the "Chase Mortgage") from JPMorgan Chase Bank, N.A. ("Chase"). The Chase Mortgage was recorded by the Cook County Recorder of Deeds on February 3, 2005 as Document No. 0503402403.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendants Joseph Grieco, Batteries Not Included, Inc., Floersheimer Properties, LLC, Scott Floersheimer, JPMorgan Chase Bank, N.A., Unknown Owners and Non-Record Claimants are hereby found to be in default as a result of its failure to appear in this action.
2. Effective as of February 3, 2005 Michael Nash is hereby deemed to be the owner in fee simple, subject to the lien of the Chase Mortgage, of the real property described as follows:

Lot 26 in Block 4 of George M. High's Subdivision of the East 1/2 of Block 15 of Sheffield's Addition to Chicago in Section 31, Township 40 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

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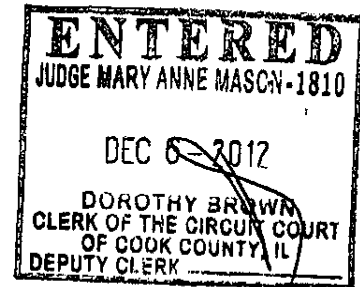
3. The interest of Michael Nash in the Premises is free and clear of any interest or claims of Defendants Joseph Grieco, Batteries Not Included, Inc., Floersheimer Properties, LLC, Scott Floersheimer, JPMorgan Chase Bank, N.A., Unknown Owners and Non-Record Claimants.
4. Defendants Joseph Grieco, Batteries Not Included, Inc., Floersheimer Properties, LLC, Scott Floersheimer, Unknown Owners and Non-Record Claimants are enjoined from asserting any claim in the Premises adverse to Plaintiff Michael Nash.

5. All matters in controversy having been resolved, this is a final and appealable order.

ENTERED:

Dated:

Casey B. Hicks, Esq.  
Larson & Associates, P.C.  
230 W. Monroe - Suite 2220  
Chicago, Illinois 60606  
(312) 422-1900  
Firm ID: 43068



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I hereby certify that the document to which this certification is affixed is a true copy.

12-7-12 *Dorothy Brown*

Dorothy Brown  
Clerk of the Circuit Court  
of Cook County, IL

