

# UNOFFICIAL COPY



Doc#: 1309939054 Fee: \$48.00  
RHSP Fee:\$10.00 Affidavit Fee:  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 04/09/2013 01:12 PM Pg: 1 of 6

---

**AGREED ORDER AND STIPULATION AS TO  
MORTGAGE'S VALIDITY**

Document prepared by and after recording mail to:

Matthew M. Kovalcik, Esq.  
Much Shelist, P.C.  
191 North Wacker Drive, Suite 1800  
Chicago, Illinois 60606

Unit 10 in the 1416 Hinman Avenue Condominium as delineated on a survey of the following described tract of land: Lot 5 in Block 31 in the Village (now City) of Evanston in Section 18, Township 41 North, Range 13 East of the Third Principal Meridian which survey is attached as Exhibit "A" to the Declaration of Condominium recorded October 8, 1965 as document 19612091 together with its undivided percentage interest in the common elements, in Cook County, Illinois.

Commonly known as 1416 Hinman Avenue, Unit 10, Evanston, Illinois

PIN: 11-18-414-016-1010

# UNOFFICIAL COPY

Prepared by and  
return after recording to:  
Matthew M. Kovalcik  
Much Shelist, P.C.  
191 N. Wacker Drive, Suite 1800  
Chicago, Illinois 60606



Property of Cook County Clerk's Office

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

WELLS FARGO BANK, N.A., not in its  
individual capacity, but as Trustee for the  
RMAC REMIC Trust, Series 2009-9,

Plaintiff,

v.

MICHAEL D. POULOS; SUZANNE M.  
POULOS; HARRIS, N.A., f/k/a Harris Trust  
and Savings Bank; 1416 HINMAN AVENUE  
CONDOMINIUM ASSOCIATION;  
UNKNOWN OWNERS and NON-RECORD  
CLAIMANTS,

Defendants.

Case No. 10 CH 23905

Honorable David B. Atkins

MORTGAGE FORECLOSURE:  
1416 Hinman Avenue, Unit #10  
Evanston, Illinois 60201

AGREED ORDER

This cause coming before the Court by agreement of the parties, and the Court being fully  
advised in the premises,

IT IS HEREBY ORDERED:

1. Defendants Michael and Suzanne Poulos ("Defendants") hereby voluntarily dismiss,  
with prejudice, all affirmative defenses and counterclaims filed by them in the above-captioned  
matter;

# UNOFFICIAL COPY

2. Pursuant a settlement agreement, as well as the stipulation to consent judgment attached hereto, Defendants hereby consent to judgment on Counts I and II of the complaint filed by Plaintiff Wells Fargo Bank, N.A., not in its individual capacity, but as Trustee for the RMAC REMIC Trust, Series 2009-9 ("Plaintiff"). Accordingly, the Release recorded in Cook County, on August 15, 2005, as document number 0522706181, is found and declared to be invalid, null and void, and of no force or effect, and it is held that the mortgage recorded in Cook County, Illinois, on September 24, 2002, as document number 0021043588 (the "Mortgage"), is a valid and existing lien on title to the Property, which is prior, paramount and superior to any right, title, and interest of any defendant, any unknown owner or non-record claimant, or any other party recording a lien after the recording of the Mortgage; and

3. Plaintiff agrees to voluntarily dismiss Count III of its Complaint seeking foreclosure, without prejudice and without costs to any party.

ENTERED: Judge Michael Tully Mullen

APR 04 2013

JUDGE Circuit Court 2084

AGREED:

Attorney for  
Plaintiff Wells Fargo Bank, N.A.  
not in its individual capacity, but as  
Trustee for the RMAC REMIC Trust,  
Series 2009-9:



Robert J. Emanuel  
Much Shelist, P.C.  
191 N. Wacker Drive, Suite 1800  
Chicago, Illinois 60606  
T: (312) 521-2000  
Firm No. 48345

Attorney for  
Defendants Michael and Suzanne Poulos:



Catherine A. Ceko  
Edelman, Combs, Lattuner & Goodwin  
120 S. LaSalle Street, Suite 1800  
Chicago, Illinois 60603  
T: (312) 917-4521

# UNOFFICIAL COPY

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

WELLS FARGO BANK, N.A., not in its )  
individual capacity, but as Trustee for the )  
RMAC REMIC Trust, Series 2009-9, )

Plaintiff, )

v. )

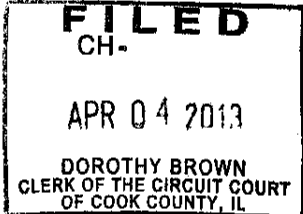
MICHAEL D. POULOS; SUZANNE M. )  
POULOS; HARRIS, N.A., f/k/a Harris Trust )  
and Savings Bank; 1416 HINMAN AVENUE )  
CONDOMINIUM ASSOCIATION; )  
UNKNOWN OWNERS and NON-RECORD )  
CLAIMANTS, )

Defendants. )

Case No. 10 CH 23905

Honorable David B. Atkins

MORTGAGE FORECLOSURE:  
1416 Hinman Avenue, Unit #10  
Evanston, Illinois 60201



**STIPULATION TO CONSENT JUDGMENT ON  
COUNTS I AND II OF PLAINTIFF'S COMPLAINT**

Defendants/Mortgagors, Michael and Suzanne Poulos, hereby stipulate and consent to judgment on Counts I and II of the Complaint of Wells Fargo Bank, N.A., not in its individual capacity, but as Trustee for the RMAC REMIC Trust, Series 2009-9 ("Plaintiff"), and state as follows:

1. On September 10, 2002, we borrowed \$242,400.00 from lender Fidelity Federal Savings Bank ("Fidelity"). To evidence this loan, we executed and delivered to Fidelity a promissory note ("Note") dated September 10, 2002, in the original principal amount of \$242,400.00. Also on September 10, 2002, as security for the Note, we executed and delivered to Fidelity a mortgage ("Mortgage") which granted to Fidelity, its successors and assigns, a mortgage lien on our residential property located at 1416 Hinman Avenue, Unit #10, Evanston,

# UNOFFICIAL COPY

Illinois (the "Property"). The Note and Mortgage are sometimes collectively referred to herein as the "Loan."

2. On information and belief, Fidelity was acquired by Mid America Bank, FSB ("Mid America") on July 22, 2003, which succeeded as owner of the Loan. On August 3, 2005, notwithstanding the fact that the Loan had not yet been paid in full, Mid America executed an erroneous release of mortgage lien ("Release") which was recorded in Cook County, Illinois, on August 18, 2005, as document number 0522705181.

3. On information and belief, Mid America was acquired by National City Bank ("National City") on February 9, 2008, which succeeded as owner of the Loan. On information and belief, and despite the recording of the erroneous Release, National City, as successor in interest to Fidelity, sold and assigned the Loan to Plaintiff on or about September 14, 2009, as evidenced by an assignment of mortgage ("Assignment") recorded in Cook County, Illinois, on February 8, 2010, as document number 100401011.

4. On June 4, 2010, Plaintiff initiated this suit by filing its Complaint. Count I of the Complaint sought a declaratory judgment that the Release was erroneous and its Mortgage lien was valid. Count II of the Complaint sought a finding by the Court that the Release was null, void, and of no force or effect.

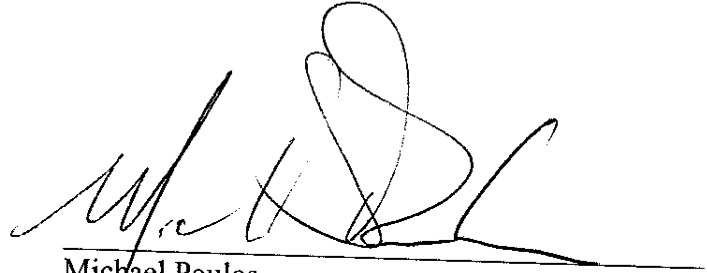
5. We each stipulate and consent to judgment on Counts I and II of Plaintiff's Complaint. The Loan has not been repaid in full, as indicated by the Release. Therefore, we recognize and affirm that Plaintiff's Mortgage lien is a valid and existing lien on the Property, which is prior, paramount and superior to any right, title, and interest of any defendant, any

# UNOFFICIAL COPY

unknown owner or non-record claimant, or any other party recording a lien after the recording of Plaintiff's Mortgage.

Signed:

2/14/2013  
Date

  
Michael Poulos

2-14-13  
Date

  
Suzanne Poulos

Property of Cook County Clerk's Office