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Cook County #46924

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

BAC Home Loans Servicing, L.P. f/k/a Countrywide
Home Loans Servicing, L.P.

PLAINTIFF

Vs.

Joe S. Allen, Cherry M. Allen, Unknown Owners and
Nonrecord Claimants

DEFENDANTS

No. 09 CH 27436



Doc#: 1311245018 Fee: \$64.00
RHSP Fee: \$10.00 Affidavit Fee:
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 04/22/2013 10:19 AM Pg: 1 of 3

DECLARATORY JUDGMENT

THIS CAUSE coming to be heard upon the complaint of BAC Home Loan Servicing, L.P. f/k/a Countrywide Home Loan Servicing, L.P. ("Plaintiff"), by its attorneys, upon Motion of said Plaintiff for a Declaratory Judgment on Count II of its Amended Complaint; upon the evidence; oral and documentary, received in open court; upon the files and records in this cause; and the Court being fully advised in the premises, FINDS:

1. All of the defendants in Count II have been properly joined and have been either served with Summons or by publication or have otherwise appeared in strict accordance with the Illinois Code of Civil Procedure.
2. Due and proper notice has been given to all parties entitled thereto during the progress of this cause, as required by law.
3. This Court now has jurisdiction over all of the parties to this cause and the subject matter hereof.
4. On or about June 18, 2007, Joe S. Allen ("Joe Allen") and Cherry M. Allen ("Cherry Allen") (collectively referred to as "Defendants Allen") owned fee simple title to property commonly known as 23041 East Drive, Richton Park, Illinois 60471 (the "Property").

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5. On or about June 18, 2007, for value received, Joe Allen executed and delivered to Plaintiff a Note dated the same date, wherein said person promised to pay the holder of the Note the principal sum of \$129,000.00 with interest from that date accruing per the terms of the Note; and a Mortgage, which Mortgage was security for the payment of said Note, against the following described real estate situated in Cook County, Illinois, together with all tenements, to wit:

LOT 283 IN FIFTH ADDITION TO BURNSIDE'S LAKEWOOD ESTATES, A SUBDIVISION OF PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS:

23041 EAST DRIVE
RICHTON PARK, IL 60471

TAX ID# 31-33-408-005-0000

6. That \$115,235.82 of the proceeds of the Mortgage loan were used to pay off two prior mortgages that were indebtedness against the interests of both Defendants Allen in the Property, by which Defendant Cherry Allen benefitted therefrom.

7. That an equitable lien encumbers the ownership interest of Cherry Allen in the amount of \$115,235.82, being the mortgage proceeds used by her to pay off prior indebtedness of hers against the Property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. This Court has jurisdiction of the subject matter of this cause and of all parties hereto;

B. Defendant Cherry Allen was served with Summons or by publication or have otherwise appeared in strict accordance with the Illinois Code of Civil Procedure; and has failed

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to answer or respond to the Amended Complaint.

C. An equitable lien in favor of Plaintiff in the principal amount of \$115,235.82 encumbers the entire ownership interest of Cherry Allen;

D. That any foreclosure of the mortgage identified in paragraph 5 herein will extinguish the ownership interest of Cherry Allen in the subject property in accordance with Illinois foreclosure law.

E. ~~There is no just cause for delay in the enforcement of or appeal from this order.~~

Dated: _____

ENTER:

Judge Michael R. Otto

Judge **APR 16 2013**

Christina...

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