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Doc#: 1314822071 Fee: \$48.00
RHSP Fee:\$10.00 Affidavit Fee:
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 05/28/2013 03:06 PM Pg: 1 of 6

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

THE BANK OF NEW YORK MELLON FKA THE BANK
OF NEW YORK, AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWALT, INC.,
ALTERNATIVE LOAN TRUST 2005-85CB, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2005-85CB,

Plaintiff(s),

vs.

JAMES STEVENS A/K/A JAMES A. STEVENS AND
FRANCIS STEVENS A/K/A FRANCES STEVENS,
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., ,

Defendant(s).

Case No. 11 CH 34824

2441 SPRUCE ST
RIVER GROVE, ILLINOIS 60171

JUDGMENT OF FORECLOSURE BY CONSENT

THIS CAUSE COMING on to be heard upon the Complaint heretofore filed by the Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-85CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-85CB, by and through its attorney, LAW OFFICES OF LAW OFFICES OF IRA T. NEVEL, LLC, and it appearing to the Court that the Plaintiff heretofore commenced this action by filing its Complaint against the Defendants, JAMES STEVENS A/K/A JAMES A. STEVENS AND FRANCIS STEVENS A/K/A FRANCES

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STEVENS, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. , NONRECORD CLAIMANTS, UNKNOWN TENANTS and UNKNOWN OWNERS; that the Affidavits required to make such UNKNOWN OWNERS parties defendant to this action were duly filed and UNKNOWN OWNERS have been duly and regularly made parties defendant to this action in the manner provided by law;

THAT THE PERSONS designated as UNKNOWN OWNERS included other persons who are interested in this action and who have, or claim, some right, title, interest or lien in, to or upon the real estate or some part thereof in this Complaint, described as tenants in possession; that the name of each of such other persons interested in this action is unknown to the Plaintiff and upon diligent inquiry cannot be ascertained and all such persons are, therefore, made parties defendant to this action by the name and description of UNKNOWN OWNERS.

THE COURT ADVISED that pursuant to 735 ILCS 5/15-1402, the parties being in agreement that the Plaintiff and Defendant specifically waives all rights to reinstatement, redemption and a deficiency judgment and that the Defendant in title to the subject premises is desirous of issuing a deed of conveyance to the Plaintiff, or it's designee in consideration for the aforementioned waiver. Further, that pursuant to the statutory language in Section 15-1402, that all junior lien claimants, UNKNOWN OWNERS or unknown parties in interest shall be forever foreclosed and barred from any rights in the subject premises.

THE COURT HAVING examined the files and records in this cause, the Court having received an Affidavit of Prove Up and being fully advised in the premises, finds that each of the Defendants in this cause has been duly and properly brought before the Court, either through service of Summons or by publication, all in the manner provided by law; that due and proper notice has been given to each of the Defendants during the progress of this cause as required by law.

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IT FURTHER APPEARING to the Court that all Defendants have failed to appropriately plead to the Plaintiff's Complaint within the time required by law, and the parties to the Stipulation filed simultaneously herewith, being in agreement;

FINDS AS FOLLOWS:

1. That the Court has jurisdiction of the parties to and the subject matter of this cause.
2. That all of the material allegations of the Complaint are true and proven against said Defendants and that the evidence of the indebtedness has been exhibited in open Court and has been marked as Plaintiff's Exhibit "A", and that the security interest foreclosed has been exhibited in open Court and has been marked as Plaintiff's Exhibit "B", was recorded in the office of the Cook County Recorder's Office on December 23, 2005, and is known as Document Number 0535713029,; The court having examined Plaintiff's submission and finds them sufficient to prove Standing and Plaintiff's right to proceed herein. That copies of the aforesaid evidence of indebtedness and security interest foreclosed have been and are attached to the Complaint, leave has been given to withdraw the originals of said Note and Mortgage and substitute therefore said copies.
3. That the material allegations of the Complaint filed herein are true and proven; that the equities of this cause are with the Plaintiff who is entitled to a Decree of Foreclosure by Consent, pursuant to 735 ILCS 5/15-1402, in accordance with the prayer of the Complaint; and that there is, at this time, due to said Plaintiff upon the Note and Mortgage security, each of which has been in said Complaint described, the following amounts:

Principal	\$	222,108.52
Accrued Interest Through December 15, 2012	\$	36,797.46
Interest From December 16, 2012 Through May 2, 2013	\$	5,550.36
Real Estate Taxes	\$	10,982.56
Hazard Insurance	\$	1,415.00
Attorney Fees and Costs	\$	<u>2,312.00</u>

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Total Due \$ 279,165.90

Plaintiff has waived all of its rights to a personal deficiency judgment and is hereby barred from obtaining such a deficiency judgment against the Mortgagors or any other persons liable for the indebtedness or other obligations secured by the Mortgage pursuant to 735 ILCS 5/15-1402 (c).

4. That under the provisions of said Mortgage herein sought to be foreclosed, the costs of foreclosure are an additional indebtedness for which the Plaintiff should be reimbursed and such expenses are hereby allowed to the Plaintiff.

5. That the Plaintiff's Mortgage is a lien upon the real estate hereinafter described and is superior to all other liens, rights or claims upon the real estate. The interest or lien of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR COUNTRYWIDE HOME LOANS, INC., and all other parties hereby extinguished pursuant to 735 ILCS 5/15-1402. Pursuant to 15-1402(b)(3) said subordinate or objecting lienholders shall have 30 days within which to purchase the interest from Plaintiff for the judgment amount herein, plus fees, costs, advances and attorney fees incurred post decree. If paid, Plaintiff shall vest title in said lienholder. The outstanding mortgage indebtedness is hereby deemed satisfied and absolute title is vested in THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-85CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-85CB by this Order, free and clear of all claims, liens (except liens of the United States of America, which cannot be foreclosed without judicial sale) and interests of the Mortgagors and all other persons made parties in this foreclosure whose interests are herein deemed subordinate to that of the Plaintiff and all Non-record Claimants given notice in accordance with 735 ILCS 5/15-1502 (c)(2).

6. That in said Mortgage it is provided that the Attorneys for the Plaintiff are entitled to reasonable attorney's fees; that the sum of \$1,650.00 has been included in the above indebtedness as aforesaid attorney's fees

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as provided in the Mortgage, that said sum is the usual, customary and reasonable charge made by attorneys in like cases; that said sum shall be retained by the Attorney for the Plaintiff and that said sum is hereby allowed.

7. This is a final and appealable Order and that there is no just reason for delaying enforcement of or appeal from this Decree and pursuant to Illinois Supreme Court Rule 304, execution shall issue forthwith.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that upon execution of this Order, absolute title will immediately vest in THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-85CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-85CB by this Order and without further evidence of conveyance. This Order is deemed to be in recordable form and shall so be recorded with the County Recorder of Deeds and shall hereafter serve as absolute proof of conveyance of title to the subject property to the Plaintiff. The Court hereby finds that this transfer is exempt from all State, County and Municipal Transfer Tax Ordinances and that no local exemption stamp shall be required by the County Recorder of Deeds prior to recordation.

IT IS FURTHER ORDERED that an Order of Possession is hereby entered. Upon request by the Plaintiff or its assignee, the County Sheriff is hereby ordered to evict the Defendants, JAMES STEVENS A/K/A JAMES A. STEVENS AND FRANCIS STEVENS A/K/A FRANCES STEVENS, from the premises located at 2441 SPRUCE ST, RIVER GROVE, ILLINOIS 60171, and place in possession the Plaintiff, its assignee or designee. Possession is stayed thirty (30) days from entry of this Order. However, should the premises be vacant, possession is immediately granted.

IT IS FURTHER ORDERED that any and all leases affecting the subject property held by any Defendant or tenant are hereby terminated.

IT IS FURTHER ORDERED that should the real estate be improved with a manufactured or mobile home, it is found that the improvement has been permanently affixed to the real estate and deemed to be real estate, transferable hereunder, without transfer of any title with the Secretary of State.

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THE PREMISES by this Decree to be conveyed are situated in the County of Cook, State of Illinois, and are described as follows:

LOT 22 (EXCEPT THE SOUTH 10 FEET) IN BLOCK 11 IN RHODES AND CLARKES SUBDIVISION OF SECTION 26 AND 27, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

and are improved by a single family residence, commonly known as 2441 SPRUCE ST, RIVER GROVE, ILLINOIS 60171, and the Permanent Tax Number is 12-27-426-034.

THE COURT expressly retains jurisdiction of the property which is the subject of this foreclosure for so long thereafter as may be necessary for the purpose of placing in possession of the premises the grantee or grantees in said Deed, or his or their legal representatives or assigns.

DATED:

ENTERED:

Property of Cook County Clerk's Office

JUDGE
Judge Michael F. Otto
MAY 02 2013
Circuit Court - 2065

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