

# UNOFFICIAL COPY

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

NATIONAL CITY MORTGAGE CO.,

Plaintiff,

v.

RICHARD COHEN, et. al.,

Defendants.

No. 08 CH 11249



Doc#: 1331619140 Fee: \$72.00  
RHSP Fee: \$9.00 RPRF Fee: \$1.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 11/12/2013 03:51 PM Pg: 1 of 5

### CONSENT JUDGMENT OF FORECLOSURE

This day comes the Plaintiff NATIONAL CITY MORTGAGE CO. ("Plaintiff"), by and through its attorneys, Vedder Price P.C., and the Defendant RICHARD COHEN ("Defendant"), by and through his attorney J. Stephen Walker, by stipulation expressly consenting to the entry of this Consent Judgment; and it appearing to the Court that the Plaintiff, National City Mortgage Co., heretofore commenced this action by filing its Complaint for Foreclosure of Mortgage against the defendants, RICHARD COHEN, THE PRIVATE RESIDENCES AT ONTARIO PLACE CONDOMINIUM ASSOCIATION, NATIONAL CITY MORTGAGE, a division of NATIONAL CITY BANK OF INDIANA, UNKNOWN OWNERS and NONRECORD CLAIMANTS:

This cause now coming to be heard upon the express agreement of the mortgagee and mortgagor for the entry of a Consent Judgment, the Court having examined the files and records in this cause and being fully advised in the premises, FINDS THAT:

1. The following defendants were each duly and personally served with summons in this cause in the manner provided by law: RICHARD COHEN, NATIONAL CITY MORTGAGE, a division of NATIONAL CITY BANK OF INDIANA, and THE PRIVATE RESIDENCES AT ONTARIO PLACE CONDOMINIUM ASSOCIATION.

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2. Each of the named defendants has duly and regularly been served a sufficient time to authorize this Court to proceed with the hearing and the entry of this Consent Judgment. It further appears to the Court that all notices required to be given have duly and properly been given and due notice of the presentation of this Consent Judgment has been given to all parties entitled thereto and to each of the defendants, as required by law, and this Court has acquired and now has jurisdiction of all the parties to this cause and the subject matter hereof.

3. And this cause coming on now to be heard upon the Complaint for Foreclosure of Mortgage, and upon all other pleadings, exhibits, affidavits, and matters of record herein, the Court further finds:

(a) That the mortgage being foreclosed herein is a first lien on the fee simple interest on the following described real estate (the "Real Estate") in Cook County:

PARCEL 1: UNIT 4504 AND PARKING UNIT P-S560 IN THE PRIVATE RESIDENCES AT ONTARIO PLACE CONDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: PART OF ASSESSOR'S DIVISION OF BLOCK 36 IN KINZIE'S ADDITION TO CHICAGO, SAID ADDITION BEING A SUBDIVISION OF THE NORTH FRACTION OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS: WHICH SURVEY IS ATTACHED AS AN EXHIBIT TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0530118066 TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST TO THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE NON-EXCLUSIVE RIGHT TO THE USE OF N/A, A LIMITED COMMON ELEMENT AS DELINEATED ON THE SURVEY ATTACHED TO THE DECLARATION AFORESAID RECORDED AS DOCUMENT NUMBER 0530118066.

PARCEL 3: NON-EXCLUSIVE EASEMENTS FOR THE BENEFIT OF PARCEL 1 FOR INGRESS, EGRESS, USE, SUPPORT, AND ENJOYMENT AS SET FORTH IN AND CREATED BY THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS RECORDED AS DOCUMENT NUMBER 0530118065.

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Commonly known as 10 East Ontario, Suite 4504 and P-S560, Chicago, Illinois 60611

Permanent Index No.: 17-10-111-014-1050, 17-10-111-014-1726

(b) Said mortgage and note are valid obligations of the Defendant, Richard Cohen, and the Plaintiff is now the legal holder and owner of the mortgage, note and indebtedness and entitled to foreclose the same pursuant to the provisions thereof.

(c) The Court further finds that by virtue of the mortgage and note, there is due to the Plaintiff, the following sums:

|                     |                     |
|---------------------|---------------------|
| Principal Balance   | \$500,000.00        |
| Interest to 4/01/11 | \$123,085.19        |
| Late Charges        | \$445.32            |
| Escrow Advances     | <u>\$ 36,988.75</u> |

|                     |              |
|---------------------|--------------|
| Total Due Plaintiff | \$660,519.26 |
|---------------------|--------------|

(d) That the mortgage being foreclosed specifically provides that the aforesaid attorneys fees, costs, expenses and advances, incurred in connection with this foreclosure, shall be recovered by Plaintiff.

(e) That the described real estate is residential real estate as defined by the Code of Civil Procedure of Illinois, Section 5/15-1219.

(f) The Court further finds that the Defendant, RICHARD COHEN, is the present owner of record of the mortgaged Real Estate.

(g) All matters in controversy by the parties hereto as reflected by the pleadings on file are adjudged and determined by this Consent Judgment, and the Court having heard the arguments of counsel and being fully advised in the premises, it is hereby ORDERED and ADJUDGED as follows:

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(1) That Plaintiff's mortgage constitutes a valid, prior and paramount lien upon the fee simple interest in the mortgaged Real Estate, and the rights of each Defendant in this cause are subject and subordinate to the lien of the Plaintiff's mortgage foreclosed in this proceeding.

(2) That the Mortgagor, RICHARD COHEN, has expressly consented to the entry of this Consent Judgment by stipulation (the "Stipulation") filed with the Court pursuant to the provisions of 735 ILCS 5/15-1402(a)(3).

(3) That no other party, by Answer or by Response to either the Motion for Entry of Consent Judgment or the Stipulation, within the time allowed for such Answer or response, has objected to the entry of this Consent Judgment.

(4) That Plaintiff hereby waives any and all rights to a personal judgment for deficiency against the Mortgagor, RICHARD COHEN, and against all other persons liable for the indebtedness or other obligations secured by the Mortgage, and pursuant to the provisions of 735 ILCS 5/15-1402(c), Plaintiff shall be barred from obtaining such a deficiency judgment against the Mortgagor or any other person liable for the indebtedness or other obligations secured by the Mortgage.

(5) That pursuant to 735 ILCS 5/15-1402(a), this Consent Judgment vests absolute title to the Real Estate in the Mortgagee, NATIONAL CITY MORTGAGE CO., free and clear of all claims, liens (except liens of the United States of America) and interest including all rights of reinstatement and redemption, of the Mortgagor, RICHARD COHEN, and of all rights of all other Defendants in this cause, whose interests are subordinate to that of the Mortgagee, NATIONAL CITY MORTGAGE CO.

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(6) That for the purposes of future taxes, NATIONAL CITY MORTGAGE CO.'s address is 3232 Newmark Drive, Miamisburg, OH 45342, Attn: Tax Department.

(7) The Court expressly finds that there is no just reason for delaying the enforcement of this judgment, or an appeal therefrom.

Judge Anthony C. Kyriakopoulos

APR 10 2013

DATED: \_\_\_\_\_

ENTER: Circuit Court 2027

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