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Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 12/20/2013 04:14 PM Pg: 1 of 5

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

FIRST NATIONS BANK,

Plaintiff,

v.

JOHN PERNA; MARIA PERNA; ALPHA  
RESIDENTIAL, LLC; MICHAEL PERNA,  
BOARDWALK CONDOMINIUM  
ASSOCIATION, an Illinois corporation;  
CHARLES E. ANDERSON, as TRUSTEE et al.  
MIDLAND FUNDING, LLC, a limited liability  
company; FIA CARD SERVICES, N.A.;  
PORTFOLIO RECOVERY ASSOCIATES, LLC,  
a limited liability company; UNKNOWN  
OWNERS and NON-RECORD CLAIMANTS,

Defendants.

Case No. 2013 CH 16697

Commercial Foreclosure

Property Address:

117 Boardwalk, #2W  
Elk Grove, IL 60007

Associate Judge  
Allen Price Walker

DEC 17 2013

Circuit Court - 2071

**CONSENT JUDGMENT FOR FORECLOSURE**

THIS CAUSE having been duly heard by this Court upon the record herein on the merits of the Complaint to Foreclose Commercial Mortgage (the "Complaint") filed by the Plaintiff, First Nations Bank ("FNB") and on FNB's Motion for Entry of Consent Judgment for Foreclosure (hereinafter referred to as the "Judgment"), and Defendant-Mortgagors, John Perna and Maria Perna (the "Mortgagors") consenting, the Court **FINDS:**

(1) **JURISDICTION:** The Court has jurisdiction over the parties hereto and the subject matter hereof.

(2) **ALLEGATIONS PROVEN:** All the material allegations of the Complaint filed pursuant to 735 ILCS 5/15-1504 and 5/15-1402(a)(2), those allegations being both required and

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those deemed alleged by virtue of subsection (c), are true and proven, that by entry of this Consent Judgment for Foreclosure, the Mortgage and Note which are the subject matter of these proceedings are extinguished and merged into Judgment and default no longer exists, but has been replaced by Judgment, and that by virtue of the Mortgage, and the evidences of indebtedness secured thereby alleged in the Complaint, there is due to FNB, and it has a valid subsisting lien on the property described hereafter for the following amounts:

|                        |                     |
|------------------------|---------------------|
| Principal Amount.....  | \$122,808.10        |
| Accrued Interest ..... | \$1,422.49          |
| Attorney's Fees .....  | \$4,444.00          |
| Litigation Costs ..... | \$1,726.85          |
| <b>TOTAL .....</b>     | <b>\$130,401.44</b> |
| Per Diem .....         | \$15.35             |

(3) **ATTORNEY'S FEES:** By its terms the Mortgage provides that the attorneys for FNB shall be entitled to an award of reasonable attorneys' fees herein, and, that included in the above indebtedness are attorneys' fees in the sum of \$4,444.00.

(4) **COURT COSTS:** Under the provisions of the Mortgage, the costs of foreclosure are an additional indebtedness for which FNB should be reimbursed, and that such expenses incurred to date totaling \$1,726.85 are hereby allowed to FNB.

(5) **ADVANCES:** That advances made in order to protect the lien of the Judgment and preserve the real estate, such as, but not limited to: real estate taxes or assessments, property inspections, property maintenance and insurance premiums incurred by FNB and not included in this judgment, shall become an additional indebtedness secured by the Judgment lien and bear interest from the date of the advance at the mortgage rate of interest pursuant to 735 ILCS 5/15-1503 and 15-1603.

(6) **PROPERTY FORECLOSED UPON:** The Mortgage described in the Complaint and hereby foreclosed appears of record in the Office of the Recorder and/or Registrar for Cook County, Illinois, as Document No. 0608235374 and the property herein referred to is described as follows:

UNIT NUMBER 117-2 IN BOARDWALK CONDOMINIUM, AS  
 DELINEATED ON SURVEY OF LOTS OR PARTS THEREOF IN  
 BOARDWALK SUBDIVISION OF PART OF THE NORTH 15 ACRES OF  
 THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32,  
 TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL  
 MERIDIAN, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO  
 DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT

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22633866, AND AS AMENDED; TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, IN COOK COUNTY, ILLINOIS.

The real property or its address is commonly known as 117 Boardwalk #2W, Elk Grove, IL 60007

The real property tax identification number is: 08-32-200-017-1098

(7) **MORTGAGE NOTES:** The Mortgage referred to herein secures a Promissory Note dated March 3, 2006 in the original principal sum of \$134,000.00 which has been duly accelerated pursuant to the terms of said Note executed by the Mortgagor.

(8) **EXHIBITS:** That true and correct copies of the original Mortgage and Promissory Note are attached to the Complaint filed herein.

(9) **REDEMPTION AND WAIVER OF DEFICIENCY:** The owner(s) of the equity of redemption are the Mortgagor, Property Owners and any other Party Defendant named in the Complaint with the statutory right of redemption, with the exception of the Registrar of Titles, if named, and any party dismissed by order of Court.

- (a) The subject real estate is commercial in nature.
- (b) The Court has jurisdiction over the owners of the right of redemption.
- (c) The Mortgagor has waived any and all rights to redeem the mortgaged premises whether by statute or in equity pursuant to 735 ILCS 5/15-1601(c).
- (d) In consideration of entry of this Judgment by Consent, FNB hereby waives any and all rights to a personal judgment for deficiency against the Mortgagor, and against all other persons liable for the indebtedness or other obligations secured by the mortgage described herein. This is pursuant to 735 ILCS 5/15-1402(c).
- (e) That no party has filed an objection to entry of this Judgment by Consent, nor paid the amount required to redeem in accordance with 735 ILCS 5/15-1603.

(10) Based upon the pleadings, proofs and admission(s), FNB has standing, capacity and authority to maintain this cause.

(11) The pleadings and proofs presented in this cause are sufficient to support the entry of this judgment.

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## IT IS HEREBY ORDERED AND ADJUDGED THAT:

- (1) **JUDGMENT:** A Consent Judgment for Foreclosure be entered pursuant to 735 ILCS 5/15-1506 and 735 ILCS 5/15-1402.
- (2) **VESTING TITLE:** Barring any objection filed by any other party other than the Mortgagor in the above captioned cause within thirty (30) days of the date of this Consent Judgment for Foreclosure, and redemption by any such parties within thirty (30) days of the date of this Consent Judgment for Foreclosure pursuant to 735 ILCS 5/15/1402, title to the real estate described herein is vested absolutely in First Nations Bank Trust #1815 and this executed, recorded order shall be deemed sufficient evidence to establish title vesting in First Nations Bank Trust #1815. Mortgagor shall deliver to FNB all applicable documentation as may be required by the Office of the Recorder of Deeds of Cook County, Illinois.
- (3) **TERMINATION OF SUBORDINATE INTERESTS:** The Court gained jurisdiction over all parties to the foreclosure as required by law; and no objections to this consent judgment having been filed of record, then the defendants and all persons claiming by, through or under them, or any of them since the commencement of this suit are forever barred, and foreclosed of any right, title, interest, claim, lien or right to redeem in and to the mortgaged real estate.
  - (a) This Judgment and all orders entered pursuant to said Judgment are valid as stated above. The inadvertent failure to name a subordinate record claimant will not invalidate this Judgment. First Nations Bank Trust #1815 may take title and file a subsequent action to determine the redemptive rights of such a party. Should such a claimant not exercise its redemptive rights within the stated time, they shall be forever barred and foreclosed of any right, title, interest, claim, lien or right to redeem or otherwise enforce its claim against the subject property.
- (4) **POSSESSION:** FNB or its legal representative or assigns or First Nations Bank Trust #1815 shall be let into possession of said premises thirty (30) days after entry of this order, and that any of the parties to this cause who shall be in possession of said premises or any portion thereof, or any person who may have come into such possession under them or any of them since the commencement of this suit shall surrender possession of said premises.
- (5) **TORRENS REAL ESTATE:** If the subject property is registered with the Registrar of Titles for Cook County, it is also ordered that the Registrar cancel the Certificate of Title and issue a new Certificate without the surrender of the Owner's Duplicate Certificate of Title or Affidavit of Lost Certificate.
- (6) **JURISDICTION:** The Court retains jurisdiction over the parties and subject matter of this cause for the purpose of enforcing this Judgment or vacating said Judgment.

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(7) **APPEALABILITY:** This is a final and appealable order and there is no just cause for delaying the enforcement of this Judgment or appeal therefrom.

(8) The Sheriff of Cook County is hereby directed to evict Defendants, John Perna and Maria Perna, from the premises commonly known as 117 Boardwalk, #2W, Elk Grove, IL 60007 without further delay and without further order of the court thirty (30) days after entry of this order.

(9) This order may be recorded with the appropriate county recorder.

ENTER: \_\_\_\_\_

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

Prepared by and  
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Associate Judge  
Allen Price Walker

DEC 17 2013

Circuit Court – 2071