

# UNOFFICIAL COPY

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

Case No. 13 CH 02192

Green Tree Servicing LLC,

Plaintiff,

v.

Gail Williams-Collins a/k/a Gail Williams; Shelly  
Collins a/k/a Shelly B. Collins; Deutsche Bank  
National Trust Company f/k/a Bankers Trust  
Company of California, N.A., as Trustee for Vendee  
Mortgage Trust 1999-2; Caleb Gunn; Unknown  
Owners and Non-Record Claimants,

Defendants.



Doc#: 1415616060 Fee: \$44.00  
RHSP Fee: \$9.00 RPRF Fee: \$1.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 06/05/2014 04:23 PM Pg: 1 of 4

## AGREED ORDER AND DECLARATORY JUDGMENT

THIS CAUSE coming to be heard on Plaintiff's Motion for Agreed Order and Declaratory Judgment, all parties with notice, the Court with jurisdiction and being fully apprised in the premises;

THE COURT HEREBY FINDS:

1. This Court has jurisdiction over the parties in this case and the subject matter of Plaintiff's Amended Complaint for Declaratory Relief (the "Amended Complaint").
2. All material allegations of the Amended Complaint have been proven and are true.
3. On April 16, 1998, the Secretary of Veteran Affairs (the "VA") acquired title to the real property and residence located at 7225 S. Christiana Avenue, Chicago, Illinois 60629 (the "Premises").
4. The Premises are more particularly described as:  
  
Lot 32 in Block 6 in Frank A. Mulholland's Marlawn Subdivision of the Northeast ¼ of the Northeast ¼ of Section 26, Township 38 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.  
  
Common Address: 7225 S. Christiana Avenue, Chicago, Illinois 60629  
Permanent Index No. 19-26-213-009-0000
5. On March 12, 1999, Defendant Shelly Collins a/k/a Shelly B. Collins ("Shelly") entered into an Installment Land Contract for the Sale of Real Estate (the "Land Contract") with the VA as part of an effort to purchase the Premises.
6. Pursuant to the terms of the Land Contract, Shelly agreed to pay \$8,600.00 upon execution and \$77,000.00, together with interest on the unpaid principal, in 360 installments in exchange for a Special Warranty Deed conveying the Premises to Shelly.
7. In accordance with terms of the Land Contract, the VA assigned its rights under the instrument to Bankers Trust Company of California, N.A., as Trustee for Vendee Mortgage Trust 1999-2 ("Bankers Trust") on June 24, 1999. On this same date, the VA executed and delivered a Special Warranty Deed (the "Warranty Deed") conveying the Premises to Bankers Trust, subject to Shelly's rights under the Land Contract. The Warranty Deed was recorded by the Cook County Recorder of Deeds on September 10, 1999 as Document No. 99861089.
8. Bankers Trust was subsequently acquired by Defendant Deutsche Bank National Trust Company of

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California, N.A. ("Deutsche Bank").

9. Shelly fulfilled his obligations under the Land Contract by obtaining a mortgage loan to satisfy the remaining debt due under the agreement (the "Prior Mortgage"), and Deutsche Bank executed and delivered a deed vesting Shelly with title to the Premises (the "Unrecorded Deed").
10. The Unrecorded Deed was lost and never placed of record.
11. On October 17, 2003, Shelly executed and delivered a Quit Claim Deed (the "Quit Claim Deed") conveying title to the Premises to himself and Defendant Gail Williams-Collins a/k/a Gail Williams ("Gail"). The Quit Claim Deed was recorded by the Cook County Recorder of Deeds on March 9, 2004 as Document No. 0406919124.
12. Prior to August 16, 2007, Gail submitted a Uniform Residential Loan Application (the "Application") to Countrywide Bank, FSB ("Countrywide") in an effort to refinance the Prior Mortgage (the "Refinance").
13. Countrywide agreed to originate the Refinance conditioned upon receipt of a complete first mortgage lien interest in the Premises.
14. On August 16, 2007, Gail and Shelly appeared at the offices of U.S. Worldwide Title Services, LLC ("U.S. Worldwide") for the purpose of consummating the Refinance (the "Closing").
15. At the time of the Closing, Gail and Shelly executed and delivered a Quit Claim Deed conveying the Premises to themselves as tenants by the entirety. The instrument was recorded by the Cook County Recorder of Deeds on September 24, 2007 as Document No. 0726755030.
16. In addition, Gail executed and delivered a \$150,000.00 Interest Only Fixed Rate Note (the "Note") to Countrywide at the Closing. As security for the sums advanced under the Note, Gail and Shelly executed and delivered a Mortgage (the "Mortgage") conveying a mortgage lien interest in the Premises to Mortgage Electronic Registration Systems, Inc., as nominee for Countrywide.
17. The Mortgage was recorded by the Cook County, Illinois Recorder of Deeds on September 24, 2007 as Document No. 0726755031.
18. Green Tree Servicing LLC ("Green Tree") is the current holder of the Note and Mortgage.
19. On December 11, 2013, this Court entered an Order of Default against Gail, Shelly, and Deutsche Bank.
20. On March 24, 2013, an Order of Default was entered against Defendants Caleb Gunn, Unknown Owners and Non-Record Claimants.
21. The equities of this case are with Green Tree, and Deutsche Bank has consented to the entry of a declaratory judgment concerning the status of title to the Premises. As such, an Order should be entered declaring Gail and Shelly to have fee simple title to the Premises, subject to the lien interest conveyed under the Mortgage.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendants Gail Williams-Collins a/k/a Gail Williams and Shelly Collins a/k/a Shelly B. Collins are hereby deemed to be the owners in fee simple of the Premises legally described as follows:

Lot 32 in Block 6 in Frank A. Mulholland's Marlawn Subdivision of the Northeast ¼ of the Northeast ¼ of Section 26, Township 38 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

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Permanent Index No. 19-26-213-009-0000

- In accordance with the August 16, 2007 Mortgage recorded September 24, 2007 as Document No. 0726755031, Plaintiff Green Tree Servicing LLC is hereby deemed to possess a valid and subsisting mortgage lien interest in the Premises with priority effective as of the aforementioned September 24, 2007 date of perfection.

ENTERED:



Dated:

**ENTERED**  
 Judge Rodolfo Garcia  
 MAY 19 2014  
 Circuit Court - 1727

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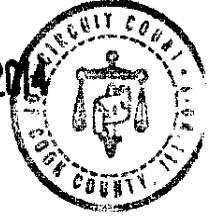
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I hereby certify that the document to which this certification is affixed is a true copy.

Date *Dorothy Brown*  
**DOROTHY BROWN JUN 03 2014**

Dorothy Brown  
Clerk of the Circuit Court  
of Cook County, IL



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