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Doc#: 1419722028 Fee: \$50.00  
RHSP Fee:\$9.00 RPRF Fee: \$1.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 07/16/2014 11:00 AM Pg: 1 of 7

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

Chicago Title Land Trust Company )  
an Illinois corporation as Trustee under Trust Deed )  
dated December 14, 2007, identified by Chicago )  
Title Land Trust Company as number 328331 and )  
recorded in the Office of the Cook County )  
Recorder of Deed on December 21, 2007 under )  
document number 0735533019 and )  
Maribeth Nesbitt )

Case No. 13 CH 26536

Address: 1430-1432 S. Kenneth Ave.  
Chicago, Illinois

Cal. 62

Plaintiffs. )

v. )

Mario A. Lopez, Mario Lopez, City of Chicago, )  
a Municipal Corporation, Menard Inc., )  
Erika Owens, Capital One Bank (USA) N.A., )  
f/k/a Capital One Bank and Unknown Owners. )  
Defendants. )

## JUDGMENT OF CONSENT FORECLOSURE

Plaintiffs Chicago Title Land Trust Company, an Illinois corporation as Trustee under Trust Deed dated December 14, 2007, identified by Chicago Title Land Trust Company as number 328331 and recorded in the Office of the Cook County Recorder of Deed on December 21, 2007 under document number 0735533019 and Maribeth Nesbitt (herein collectively "Plaintiffs ") having filed their Motion for Entry of Judgment of Consent Foreclosure, no party having objected to such Motion and the Court being advised in the premises,

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## THE COURT FINDS:

1. That Defendants Mario A. Lopez, Mario Lopez, City of Chicago, a Municipal Corporation, Menard Inc., Erika Owens, Capital One Bank (USA) N.A., f/k/a Capital One Bank and Unknown Owners having been duly served by summons or by publication or having otherwise submitted to the jurisdiction of this Court, the Court has jurisdiction over all the parties hereto and the subject matter hereof.
2. That the following Defendants are in default for failure to file their respective appearance or pleadings to the complaint and the complaint is taken as confessed against the following Defendants:  
 City of Chicago, a Municipal Corporation, Menard Inc., Erika Owens, Capital One Bank (USA) N.A., f/k/a Capital One Bank and Unknown Owners
3. That on or about December 2, 2013 Mario A Lopez and Mario Lopez filed their respective appearances.
4. That a Stipulation for Consent Foreclosure, pursuant to the authority of 735 ILCS 5/15-1402 has been filed herein, executed by and between Plaintiffs and Defendants Mario A. Lopez and Mario Lopez who are the owners of record of the subject real estate identified as 1430-1432 South Kenneth Avenue, Chicago, Cook County, Illinois 60623 (herein "Property"), which is legally described as:

LOTS 13 AND 14 IN BLOCK 2 IN BRENOCK'S ADDITION TO CHICAGO, BEING THE EAST 10 ACRES OF THE NORTH ½ OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 16-22-109-034-0000

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5. The Property is being foreclosed by this Consent Judgment, and that Mario A. Lopez and Mario Lopez are the makers of the note and indebtedness secured by the Trust Deed being foreclosed.
6. That on or about December 14, 2007, Mario A. Lopez and Mario Lopez executed that certain Promissory Bearer Note in the original principal amount of \$480,000.00 (herein "Note"); that the Note is secured by, among other things, that certain Trust Deed, dated December 14, 2007, on the Property that was recorded with the Cook County Recorder of Deeds on December 21, 2007 as document number 0735533019 (herein "Mortgage").
7. That on or about December 10, 2008, Mario A. Lopez and Mario Lopez executed a certain Loan Modification Agreement, which increased the principal balance of the loan to \$730,000.00 and that the Note, as amended and restated Modification Agreement is secured, in part, by that certain Modification Agreement dated December 10, 2008, recorded with the Cook County Recorder of Deeds on February 11, 2009 as document number 0904233039.
8. That the indebtedness described in the foregoing paragraphs has not been repaid when due, and as of June 1, 2014, there is due Plaintiffs the total indebtedness of \$1,022,504.90, as evidenced and sworn to in the Affidavit by Maribeth Nesbitt, attached to the Motion for Judgment of Foreclosure, filed herein.
9. That all material allegations of Plaintiffs' Verified Complaint for Consent Foreclosure of a Mortgage (herein "Complaint") are deemed true and proven.
10. That upon entry of this Judgment of Consent Foreclosure, Plaintiffs have waived any and all rights to a personal judgment for deficiency against Mario A. Lopez and Mario Lopez, and against all other persons or entities liable for the indebtedness or other obligations secured

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by the Mortgage, to the extent they may exist, and is hereby barred from attempting to recover any such deficiency.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- A. That Plaintiffs possess a valid and subsisting lien on the Property which is legally described as:

LOTS 13 AND 14 IN BLOCK 2 IN BRENOCK'S ADDITION TO CHICAGO, BEING THE EAST 10 ACRES OF THE NORTH ½ OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 16-22-109-034-0000

- B. That the Mortgage, as restated as described above, constitutes a valid and subsisting lien upon the Property which is prior paramount, and superior to the rights and interests of all defendants to this action in and to the Property; that the rights and interests of all defendants to this action, including the rights and interests of all unknown owners are subject, subordinate, and inferior to the rights of Plaintiffs and are hereby terminated.
- C. Default judgment shall enter against the Defendants: City of Chicago, a Municipal Corporation, Menard Inc., Erika Owens, Capital One Bank (USA) N.A., f/k/a Capital One Bank and Unknown Owners for failing to either appear or answer within the time allowed after service of process; and
- D. That absolute title to the Property is hereby vested in Plaintiff Maribeth Nesbitt free and clear of all claims, liens, and interests, including all rights of reinstatement and redemption of Mario A. Lopez and Mario Lopez and free and clear of all rights of all other defendants made

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parties to this action whose interests are hereby adjudged and decreed subordinate to that of Plaintiffs; and

- E. That Maribeth Nesbitt is entitled to immediate possession of the Property, and Maribeth Nesbitt or her representatives or assigns shall be let into possession of the Property and that any of the parties hereto who shall be in possession of the Property, or any portion thereof, or any person who may have come into possession of the Property under them, or any of them, since the commencement of this suit, shall surrender possession of the Property to Plaintiffs, its representatives or assigns; and
- F. Plaintiffs shall mail a copy of this Judgment to each mortgagor at the address set out in their appearances within 7 days after entry of this Judgment.
- G. That the Court hereby retains jurisdiction of the subject matter of this cause and of all the parties hereto for the purpose of enforcing this Judgment.

Richard Indyke  
 Attorney for Plaintiffs  
 221 N. LaSalle Street, Suite 1200  
 Chicago, Illinois 60601  
 (312) 332-2828  
 Attorney No. 20584

ENTERED

JUDGE

JUDGE

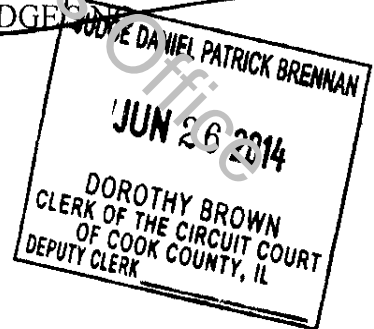
City of Chicago  
 Dept. of Finance  
**670651**



Real Estate  
 Transfer  
 Stamp  
**\$0.00**

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Property of Cook County Clerk's Office

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JUN 26 2014  
DOROTHY BROWN  
CLERK OF COURT  
COOK COUNTY, ILL.

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## STATEMENT BY GRANTOR AND GRANTEE

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated June 26, 2014

Signature: *[Signature]*  
Grantor or Agent

Signed and Sworn to before me this 26<sup>th</sup> day of June 2014

*[Signature]*  
Notary Public



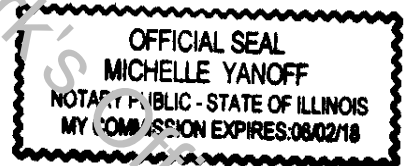
The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, and Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated June 26 2014

Signature: *[Signature]*  
Grantee or Agent

Signed and Sworn to before me this 26<sup>th</sup> day of June 2014

*[Signature]*  
Notary Public



NOTE: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

[Attached to deed or ABI to be recorded in Cook County, Illinois, if exempt under the provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.]