



Doc#: 1500529053 Fee: \$50.00
RHSP Fee:\$9.00 RPRF Fee: \$1.00
Karen A.Yarbrough
Cook County Recorder of Deeds
Date: 01/05/2015 03:56 PM Pg: 1 of 7

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COURT OF COOK COUNTY
COUNTY DEPARTMENT – CHANCERY DIVISION

LIBERTY BANK AND TRUST COMPANY,

Plaintiff

-vs-

ERIC W. SCHARAGA A/K/A ERIC
SCHARAGA, DEVON DEVELOPMENT, LLC,
DEVON DEVELOPMENT, LLC-SERIES 9,
MONTVALE, LLC a Delaware Limited Liability
Company, UNKNOWN OWNERS-TENANTS
AND NON-RECORD CLAIMANTS,

Defendants.

NON-RESIDENTIAL
MORTGAGE FORECLOSURE

Calendar 60

Case No. 14 CH 13621

Property Address:
1251 W. 108th STREET
Chicago, IL 60643

CONSENT JUDGMENT OF FORECLOSURE

This day comes the Plaintiff, LIBERTY BANK AND TRUST COMPANY as Assignee of Covenant Bank, by and through its attorneys, Noonan & Lieberman, Ltd., and it appearing to the Court that the Plaintiff, LIBERTY BANK AND TRUST COMPANY, heretofore commenced this action by filing its Complaint for Foreclosure of Mortgage and For Other Relief against the defendants, ERIC W. SCHARAGA a/k/a ERIC SCHARAGA, DEVON DEVELOPMENT, LLC, DEVON DEVELOPMENT, LLC-SERIES 9; MONTVALE, LLC a Delaware Limited Liability Company, UNKNOWN OWNERS-TENANTS and NON-RECORD CLAIMANTS.

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That the affidavits required to make such unknown parties and non-record claimants defendants to this action were duly filed; and UNKNOWN OWNERS and NON-RECORD CLAIMANTS have been duly and regularly made parties defendant to this action in the manner provided by law;

And it is further appearing to the Court that the parties made defendants to this action by the name and description of UNKNOWN OWNERS as set forth above include those persons who are interested in this action and who have or claim to have some right, title, interest or lien in, to or upon the real estate or some part thereof, hereinafter in the Judgment described; it appearing from the above mentioned affidavit as to unknown parties that the name of each such other persons is unknown and on diligent inquiry cannot be ascertained;

And it further appearing to the Court that the parties made defendants to this action by the name and description of NON-RECORD CLAIMANTS as set forth above include those persons who are interested in this action and who have or claim to have some right, title, interest, claim or lien in, to or upon the real estate or some part thereof, hereinafter in the Judgment described, as may arise pursuant to the Code of Civil Procedure of Illinois, Section 5/15-1210, *et seq.*; it appearing from the above-mentioned affidavit as to NON-RECORD CLAIMANTS that the name of each of such persons is unknown and on diligent inquiry cannot be ascertained.

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: ERIC W. SCHARAGA, (9/5/14) ("mortgagor"). The following defendants were each duly and corporately served with summons in this cause in the manner provided by law: DEVON DEVELOPMENT, LLC (9/2/14), DEVON DEVELOPMENT, LLC-SERIES 9, (9/2/14), and MONTVALE, LLC a Delaware Limited

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Liability Company, (8/28/14). The following defendants were each served by publication in this cause in the manner provided by law: UNKNOWN OWNERS-TENANTS-OCCUPANTS and NON-RECORD CLAIMANTS (9/15/2014).

2. The requisite affidavit for service by publication having been properly filed herein, the defendants designated as UNKNOWN OWNERS and NON-RECORD CLAIMANTS were each duly and regularly served by publication in the manner provided by law.

3. 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 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 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.

4. And this cause coming on now by agreement of the parties, and the Court further finds:

5. That on August 11, 2009, ERIC W. SCHARAGA, being indebted in the sum of \$90,000.00, made, executed and delivered their mortgage and note to Covenant Bank, with interest at the rate of 7.990% per annum on the principal balance remaining from time to time unpaid, payable in monthly installments of \$659.76, commencing on the 1st day of October 2009, and monthly thereafter until fully paid, said mortgage and note being secured by a lien on the fee simple interest on the following described real estate in Cook County:

LOT 21 IN BLOCK 5 IN MILLER'S SUBDIVISION OF BLOCKS 4 AND 5 ALL IN STREETS SUBDIVISION OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1251 W. 108th Street, Chicago, Illinois 60621

PERMANENT INDEX NO.: 25-17-314-004-0000

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Said mortgage was duly filed for record in the Office of the Recorder of Deeds of Cook County, Illinois, August 31, 2009 as Document No. 0924305069.

6. Said mortgage and note are valid obligations of the defendant, ERIC W. SCHARAGA, and the plaintiff, Liberty Bank and Trust Company is now the legal holder and owner of the mortgage, note and indebtedness and entitled to foreclose the same pursuant to the provisions thereof.

7. That default has occurred in the payment of the principal and interest due pursuant to the terms of said mortgage and note, plaintiff has the right and power to declare immediately due and payable all indebtedness secured by the mortgage and that there remains an unpaid principal balance of \$84,273.99, with interest and advances due thereon from January 1, 2014, the date of default. Interest accrues under the mortgage and note at the rate of \$18.45 per day after default.

8. The Court further finds that by virtue of the mortgage and note, there is due to the plaintiff, Liberty Bank and Trust Company, the following sums:

Principal Balance	\$	84,273.99
Interest from January 1, 2014 through October 15, 2014	\$	5,838.05
Escrow Advances (Taxes: \$614.91)	\$	614.91
Late Charges	\$	4,728.85
SUBTOTAL	\$	95,455.80
Per Diem Interest from October 16, 2014 through Judgment date December 15, 2014 (31 days), accruing at \$18.45:	\$	571.95
Costs of Suit:	\$	1,607.96
Attorneys' Fees: Incurred by Plaintiff	\$	4,274.99
SUBTOTAL	\$	6,454.90

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them since the commencement of this suit are forever barred and foreclosed of any right, title, interest, claim, lien or right to reinstate or redeem in and to the mortgaged real estate.

(b) That upon entry of this Consent Judgment of Foreclosure, the mortgage indebtedness described herein is satisfied in full and that Plaintiff, its successors and/or assigns are barred from obtaining a deficiency judgment on the balance against ERIC W. SCHARAGA.

(c) That upon entry of this Consent Judgment of Foreclosure, Plaintiff or its assignee shall be entitled to possession of the premises described herein and that any of the other parties to this cause and any persons claiming possession through them, shall surrender possession of said premises.

(d) That this court shall retain jurisdiction to enforce this Consent Judgment of Foreclosure.

(e) Plaintiff's counsel shall mail a copy of this order to all parties within (7) seven days of entry. mfa

DATED: _____

ENTER Judge Michael T. Mullan

JUDGE

DEC 15 2014

Circuit Court - 2034

Noonan & Lieberman, Ltd.
105 West Adams, Suite 1800
Chicago, IL 60603
(312) 431-1455
Atty. No. 38245

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

Date **DOROTHY BROWN DEC 16 2014**

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

