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PREPARED BY AND  
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KMI No. IL-001718



1535129051

Doc#: 1535129051 Fee: \$48.00  
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Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 12/17/2015 03:59 PM Pg: 1 of 6

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## RECORDED CONSENT JUDGMENT

This Consent Judgment is for the property located at:

14635 Greenwood Road, Unit A311, Dolton, IL 60419

PIN: 29-10-209-022-1035

A handwritten signature in black ink, appearing to be the initials 'JW' or similar, written in a cursive style.

**UNOFFICIAL COPY** KMI No. IL-001718

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

BAYVIEW LOAN SERVICING, LLC,

Plaintiff,

-vs-

TONICA A. BOYD FKA TONICA A. FRANKLIN,  
 EMANNUEL L. BOYD, FOUNTAIN CREST  
 HOMEOWNERS ASSOCIATION, BAYVIEW LOAN  
 SERVICING, LLC, UNKNOWN OWNERS-TENANTS  
 AND NON-RECORD CLAIMANTS,

Defendants.

RESIDENTIAL MORTGAGE  
FORECLOSURE

Case No. 14 CH 14424

Calendar No. 58

Property Address:  
 14635 Greenwood Road, Unit  
 A311, Dolton, IL 60419

**CONSENT JUDGMENT OF FORECLOSURE**

This matter, coming to be heard upon Plaintiff's Motion for Judgment of Foreclosure, the Court, having examined the file and record, including all pleadings, exhibits, affidavits, and matters of record in this cause, and being fully advised in the premises, FINDS THAT:

1. **Jurisdiction.** This Court has subject matter jurisdiction and jurisdiction over the parties to this lawsuit. Each defendant herein has been duly and properly served with process and all copies of applicable legal notices, and all other requirements for personal jurisdiction have been met.

(a) Unknown Owners-Tenants and Non-Record Claimants has/have been duly and properly served by publication.

2. **Promissory Note.** On December 17, 2009, TONICA A. BOYD, made, executed, and delivered a promissory note ("Note") to ~~Mortgage Electronic Registration Systems, Inc., as nominee for Bank of America, N.A.,~~ in the amount of \$61,554.00.

3. **Mortgage.** On December 17, 2009, EMANNUEL L. BOYD, TONICA A. BOYD, made, executed, and delivered a mortgage ("Mortgage") securing the aforementioned Note by a lien on the fee simple interest on the following described real estate in Cook (hereinafter referred to as the "Mortgages Premises"):

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**LEGAL DESCRIPTION:** PARCEL 1: UNIT NUMBER "A"-311, AS DELINEATED ON SURVEY OF THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE (HEREINAFTER REFERRED TO AS PARCEL): PART OF LOTS 25, 26, AND 28 IN THE 1ST ADDITION TO DOLTON INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 11, AND PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; WHICH SURVEY IS ATTACHED AS EXHIBIT "B" TO DECLARATION OF CONDOMINIUM OWNERSHIP MADE BY LA SALLE NATIONAL BANK, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 5, 1972 KNOWN AS TRUST NUMBER 44066, RECORDED AS DOCUMENT NUMBER 22544878, IN COOK COUNTY, ILLINOIS, TOGETHER WITH AN UNDIVIDED PERCENTAGE INTEREST IN SAID PARCEL (EXCEPTING FROM SAID PARCEL ALL THE PROPERTY AND SPACE COMPRISING ALL THE UNITS THEREOF AS DEFINED AND SET FORTH IN SAID DECLARATION AND SURVEY), IN COOK COUNTY, ILLINOIS

PARCEL 2: EASEMENTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 1, AS SET FORTH IN THE DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS MADE BY LA SALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 5, 1972 AND KNOWN AS TRUST NUMBER 44066, RECORDED AS DOCUMENT NUMBER 22544879 FOR INGRESS AND EGRESS, IN COOK COUNTY, ILLINOIS

**COMMONLY KNOWN AS:** 14635 Greenwood Road, Unit A311, Dolton, IL 60419

**PERMANENT INDEX NO.:** 29-10-209-022-1035

4. **Holder and Owner of the Obligations.** The Mortgage being foreclosed in this matter is a valid obligation of EMANNUEL L. BOYD, TONICA A. BOYD, and the Note secured by the Mortgage being foreclosed in this matter is a valid obligation of TONICA A. BOYD. The Plaintiff is, and was at the time of filing of the Plaintiff's Complaint for Foreclosure of Mortgage ("Complaint"), the legal holder and owner of the Note secured by the Mortgage being foreclosed in this matter. Since the time this action commenced, Plaintiff had and continues to have standing to bring this matter and is entitled to foreclose the Mortgage pursuant to the Illinois Mortgage Foreclosure Law and the terms of both the Mortgage and Note.
5. **Existence of Default on Obligation.** TONICA A. BOYD, has defaulted on the Note by failing to pay all sums due thereunder. Plaintiff has properly declared all indebtedness secured by the Mortgage immediately due and payable.
6. **Compliance with Rules and Notice.** Sufficient time having passed since all Defendants were served, Plaintiff is therefore authorized to proceed with the hearing and the entry of this Judgment. Due notice of the presentation of this Judgment has been provided to all parties entitled to same.
7. **Default Judgment.** The defendants, FOUNTAIN CREST HOMEOWNERS ASSOCIATION, BAYVIEW LOAN SERVICING, LLC, UNKNOWN OWNERS-TENANTS AND NON-RECORD

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CLAIMANTS, have failed to appear and/or plead to the allegations contained in Plaintiff's Complaint within the time required by law and this Court finds them to be in default. Evidence of every allegation contained in the Complaint, as well as those allegations deemed and construed to have been pled as set forth in 735 ILCS 1504(c), are deemed true and proven. These allegations have been taken as confessed by and against all of the above mentioned defendants.

8. **Lien Priority.** The Mortgage was duly recorded in the Office of the Recorder of Deeds of Cook, Illinois on December 29, 2009 as Document No. 0936308053 and is a valid, prior, and paramount lien upon the fee simple interest in the Mortgaged Premises, and the rights of each and all defendants in this cause is subject and subordinate to the lien of the Plaintiff's mortgage foreclosed herein.

9. **Amount Due, Costs, and Judgment Amount.** There remains an unpaid principal balance of \$58,322.51, with interest and advances due thereon from December 1, 2012, the date of default.

(a) As a result of TONICA A. BOYD, breach, and pursuant to the terms of the Mortgage and Note, and the Illinois Mortgage Foreclosure Law, Plaintiff has retained Illinois attorneys to file this foreclosure action and Plaintiff is entitled to recover reasonable attorneys' fees, costs, expenses, and advances incurred in connection with same.

(b) Interest accrues under the Mortgage and Note at the rate of \$7.1904 per day and the following sum is due to Plaintiff pursuant to the terms of the Mortgage and Note:

Principal, Accrued Interest, Late Fees, and Advances due to and made by Plaintiff as of 10/23/2015:	\$ 72,945.46
Per Diem Interest from 10/23/2015 through Judgment, accruing at \$7.1904:	\$ 302.00
Costs of Suit:	\$ 1,913.00
Attorneys' Fees: Incurred by Plaintiff	\$ 1,685.00
<b>TOTAL DUE TO PLAINTIFF:</b>	<b>\$ 76,845.46</b>

(c) The attorneys' fees, costs, expenses, and advances incurred in connection with this foreclosure are reasonable in nature and amount.

10. **Reinstatement and Redemption.** The last of the mortgagors was served by summons or publication or has otherwise submitted to the jurisdiction of this Court on September 24, 2014 ("Baseline Service Date").

(a) Reinstatement - The statutory right to reinstate, pursuant to Section 15-1602 of the Illinois Code of Civil Procedure (735 ILCS 5/15-1602), did expire on December 23, 2014.

(b) Nature of Property - The Mortgaged Premises is residential real estate pursuant to section

5/15-1219 of the Illinois Code of Civil Procedure, 735 ILCS 5/15-1219.

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(c) Owners of Redemption – Defendants, TONICA A. BOYD, is/are the present owner(s) of the right of redemption as defined by 735 ILCS 5/15-1212 and have waived their right to redemption pursuant to 735 ILCS 5/15/1402 by stipulation filed with this Court and an order for entry of this consent has been entered by the Court.

AND THE COURT HEREBY ORDERS:

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

(a) That upon entry of this Consent Judgment of Foreclosure, in accordance with 735 ILCS 5/15-1402, absolute title to the real estate described herein (paragraph 5(a)) shall immediately vest in the Plaintiff herein, free and clear of all claims, liens and interest of the Defendants herein, including all rights of reinstatement and redemption. That the Defendants herein 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 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 against TONICA A. BOYD FKA TONICA A. FRANKLIN, EMANNUEL L. BOYD

(c) That upon entry of this Consent Judgment of Foreclosure, Plaintiff shall be entitled to possession of the premises described herein on DECEMBER 04, 2015 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.

DATED:

          11/11/15          

ENTER:

ENTERED  
 JUDGE CARYL B. SHANKO  
 DEC 04 2015  
 JUDGE  
 CIRCUIT COURT-1023

Kozeny & McCubbin Illinois, LLC  
 105 West Adams Street, Suite 1850  
 Chicago, Illinois 60603  
 Phone: (312) 605-3500 ext. 1533  
 Firm ID: 56284

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I hereby certify that the document to which this certification is affixed is a true copy.  
**DOROTHY BROWN DEC 17 2015**  
Date *Dorothy Brown*  
Dorothy Brown  
Clerk of the Circuit Court  
of Cook County, IL

