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ORDER GRANTING SUMMARY JUDGEMENT

2011 CH 17231

9808 S. OAK PARK AVENUE, CHICAGO RIDGE, IL 60415 PIN #24-07-127-009-0000

LOT SEVEN (7) (EXCEPT THE NORTH 120 FEET) IN BLOCK 27 IN ROBERT BARTLETT'S 95TH STREET HOMESITES FIRST ADDITION, BEING A SUBDIVISION IN SECTION 7, TOWNSHIP 37 NORT'I, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 16, 1939 AS DOCUMENT NUMBER 12383314 IN COOK COUNTY, ILLINOIS.

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

ESTATE OF JOHN WATERS) NO. 2011 P 6631 F
DECEASED))
DANILL V. WATERS, and GERALD M. WATERS, Co-Administrators of the Estate Petitioners v. JOSEPH T. FIGARELLI, J., FIG TRUST No. 9850 dated April 15, 2008, STATE BANK OF COUNTRYSIDE, u/t/a date 1 September 21 1995 and known as Trust No. 95-1611, and STATE BANK OF COUNTRYSIDE an Illinois Banking Corporation, UNKNOWN OWNERS and NON-RECORD CLAIMANTS	Supplemental Proceeding Supplemental Proceeding Supplemental Proceeding Supplemental Proceeding
Respondents	
Paul R. Iverson, as Successor Trustee To I. A. Breen, a/t/u/t/a dated May 3, 1981	
PLAINTIFF	
V.) NO. 2014 CH 05686)
Joseph T. Figarelli, J. Fig Trust No. 9850 et al	 9808 S. Oak Park Ave. Chicago Ridge, IL 60415 COMPLAINT TO QUIET TITLE TRANSFERRED TO PROBATE
DEFENDANTS	ON NOVEMBER 5, 2014

1603615035 Page: 3 of 5

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State Bank of Countryside, an Illinois Banking Corporation)))
PLAINTIFF))
V.) NO. 2011 CH 17231
State Penit of Countryside as Trustee u/t/a/ dated 9/21/95 a/k/a Trust No. 95-161 et al) 9808 S. Oak Park Ave.) Chicago Ridge, IL 60415 1) MORTGAGE FORECLOSURE) CONSOLIDATED INTO THE) PROBATE CASE ON OCTOBER) 10, 2014)

ORDER GRANTING SUMMARY JUDGMENT

THIS CAUSE coming to be heard on Motion of the Co-Administrators for Summary Judgment concerning the property commonly known as 9808 S. Oak Park Ave., Chicago Ridge, Illinois, due notice having been given, the Court having reviewed the evidence presented and the Court being otherwise duly advised,

IT IS HEREBY ORDERED:

- 1. The Co-Administrators Motion for Summary Judgmer t is granted in favor of the Estate of John Waters and against Respondents, JOSEPH T. FIGARELLI, J., FIG TRUST No. 9850 dated April 1 2008, STATE BANK OF COUNTRYSIDE, u/t/a dated September 21, 1995 and known as Frust No. 95-1611, STATE BANK OF COUNTRYSIDE an Illinois Banking Corporation, and PAUL IVERSON, as Successor Trustee to I.A. Breen u/t/a/dated May 3, 1981 and known as Trust Number 9850.
- 2. The legal description of the property is described as follows:

Lot seven (7) (Except the North 120 feet) in Block 27 in Robert Bartlett's 95th Street Homesites First Addition, being a Subdivision in Section 7, Township 37 North, Range 13, East of the Third Principal Meridian, according to the plat thereof recorded October 16, 1939 as document number12383314 in Cook County, Illinois.

PAGE 2 OF 4

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Permanent Index Number: 24-07-127-009-0000

Common Address: 9808 S. Oak Park Av., Chicago Ridge, Illinois.

3. The I. A. Breen Trust dated May 3, 1981 and known as Trust Number 9850 has legal and equitable title to, and ownership in the property in question.



4. The Estate of John Waters has the sole interest in and control over, the I. A. Breen Trust dated May 3, 1981 and that title to the property at 9808 S. Oak Park Ave., Chicago Ridge, IL is confirmed in the Heirs to the Estate of John Waters deceased.



- 5. That the Co-Administrators are to be named as the Successor Trustees to the I. A Breen Trust dated May 3, 1981.
- 6. The Court specifically finds that Paul R. Iverson either individually, or as trustee or as successor trustee of the I. A. Breen Trust dated May 3, 1981 has no right, title or interest to the property commonly known as 9808 S. Oak Park Ave., Chicago Ricige, Illinois.
- 7. That the purported sign at re of I. A. Breen as trustee on the deed recorded May 29, 2008 as document number 0815054036 by which Joseph T Figarelli and the J. Fig Trust No. 9850 dated April 15, 2008 ("Figarelli") claims title, is a forgery.
- 8. That the purported conveyance of the real estate to Figarelli is a nullity by reason of the forgery of I. A. Breen's signature.
- 9. The forged deed recorded as document 08150545.45 under which Figarelli, as trustee of the Fig Trust, is the purported grantee, constitutes a cloud on title to the real estate is void and has no legal effect.
- 10. That Figarelli as grantee under a forged deed lacked the capacity to convey any title or interest in the property to State Bank of Countryside ultra/dated September 21, 1995 a/k/a/t/n 95-1611 ("Land Trustee") and the purported conveyance is a nullity, void and has no legal effect.
- 11. That the deed recorded August 12 as document 0822550032 under which the Land Trustee is the purported grantees, constitutes a cloud on title, is void and has no legal effect.
- 12. That the mortgage recorded August 12, 2008 as document 0822550033 in favor of State Bank of Countryside as the Lender constitutes a cloud on title, is void and has no legal effect.

PAGE 3 OF 4

1603615035 Page: 5 of 5

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13. The Court further makes the specific finding that this is a Final Order within the meaning of Supreme Court Rule 304 (a), and the Court makes the finding there is no reason to delay the enforcement or appeal of this Order.

Cort's Orrica

DOORTH OF COUNTY Thomas J. Tartaglia #12623 MAGGIO & TARTAGLIA Counsel for Petitioners 7819 W. Lawrence Ave. Norridge, IL 60706 708-453-7700

David L. Cwik #25437 Co-counsel for Petitioners 6968 W. North Ave. Chicago, IL 60707 773-622-8308

PAGE 4 OF 4

