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



JEFF BV-OTHER, LLC,
Plaintiff,

v.

STATE OF ILLINOIS -
DEPARTMENT OF REVENUE
Defendant.

Case No. 2016 CH 04331

Strict Foreclosure: 5827-5829 W. Madison,
Chicago, Illinois 60644

Doc#: 1615529033 Fee: \$72.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 06/03/2016 12:08 PM Pg: 1 of 5

JUDGMENT OF STRICT FORECLOSURE

This matter coming to be heard on Plaintiff's, JEFF BV-OTHER, LLC, an Illinois limited liability company's Motion for Entry of an Order of Default and for Judgment of Strict Foreclosure, due notice having been given to all parties, and this Court being duly advised that:

FINDINGS

1. On March 28, 2016, Plaintiff filed its Complaint (the "Plaintiff's Complaint") seeking to foreclose on a subordinate lien interest inadvertently or mistakenly omitted from a foreclosure action captioned, *Urban Partnership bank, as assignee of the Federal Deposit Insurance Corporation, as Receiver for ShoreBank ("Bank"), v. Byron Lindsay, United States of America, Unknown Owners and Nonrecord Claimants, Case No. 2014 CH 12761* (the "Foreclosure Complaint"). The Foreclosure Complaint sought to foreclose the Bank's mortgage encumbering the property commonly known as 5827-5829 W. Madison, Chicago, Illinois 60644 (the "Property") (the "Foreclosure Suit").

2. On May 6, 2015, a Judgment of Foreclosure and Sale (the "Judgment") was entered in favor of the Bank and against the named defendants in the Foreclosure Suit.

3. On September 10, 2015, a judicial sale was conducted by the court-appointed selling officer, Judicial Sales Corporation (the "Selling Officer") wherein the Bank was the

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highest bidder at the judicial sale in the amount of One Hundred Forty Thousand and 00/100 Dollars (\$140,000.00).

4. The Bank subsequently assigned its right, title and interest, in and to the Property to Plaintiff.

5. On January 7, 2016, an Order Approving Report of Sale and Distribution, Confirming Sale, Awarding Personal Deficiency and Order of Possession (the "Confirmation Order") was entered directing the Selling Officer to issue a judicial sale deed (the "Deed") to the Plaintiff.

6. On January 12, 2016, the Deed was executed by the Selling Officer. The Deed was recorded with the Cook County Recorder of Deeds (the "Recorder's Office") on February 10, 2016, as Document Number 1604115022.

7. After the Deed was recorded, Plaintiff discovered that a Notice of Tax Lien (the "Lien") had been recorded by the State of Illinois on July 16, 2014, with the Recorder's Office as Document Number 1419701067.

8. The State of Illinois was not made a party-defendant to the Foreclosure Suit, and was not sought to be terminated in the Foreclosure Suit, and therefore, the Lien was *not* terminated by the Judgment and the Confirmation Order. As a result, the Lien continues to encumber the Property.

9. The Plaintiff's Complaint seeks to foreclose, by strict foreclosure, the Lien pursuant to 735 ILCS 5/15-1603.5, due to inadvertence or mistake on the part of the Bank. The Lien is an omitted subordinate lien as the lien attached to the Property prior to the recording of the Lis Pendens. In the Foreclosure Suit, the Lien attached encumbers the Property which was

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the subject of the Foreclosure Suit. The Bank failed to name the State of Illinois and, as a result, failed to extinguish the Lien in the Foreclosure Suit.

9. As the grantee of the Deed, Plaintiff filed Plaintiff's Complaint pursuant to 735 ILCS 5/15-1603.5(b), in order to terminate the Lien from the Property legally described as follows:

LOTS 11 AND 12 IN BLOCK 4 IN AUSTIN HEIGHTS, A
SUBDIVISION OF BLOCKS 1 TO 4 INCLUSIVE IN A.J. KNISLEY'S
ADDITION TO CHICAGO IN THE NORTHEAST ¼ OF SECTION 17,
TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as: 5827-5829 W. Madison Avenue, Chicago, IL 60644
PIN: 16-17-202-002-0000 and 16-17-202-003-0000

10. An order of default against defendant, STATE OF ILLINOIS-DEPARTMENT OF REVENUE is entered by separate order.

IT IS ORDERED:

- A. A judgment to foreclose the Notice of Tax Lien by the STATE OF ILLINOIS – DEPARTMENT OF REVENUE, encumbering the property commonly known as 5827-5829 W. Madison Avenue, Chicago, Illinois 60644, is granted.
- B. The lien of the STATE OF ILLINOIS-DEPARTMENT OF REVENUE encumbering the property commonly known as 5827-5829 W. Madison Avenue, Chicago, Illinois 60644, is terminated and extinguished as to the Property, only.
- C. Redemption. The right to redemption shall expire thirty (30) days after entry of this order or on July 5, 2016. That the amount of the redemption shall be the sum bid at the prior judicial sale plus any costs and fees incurred subsequent to the judicial sale for the payment of taxes, preservation of the Property, or other actions taken by JEFF BV-OTHER, LLC, to protect its interest in the Property. In the event of redemption, the contact person to whom the redemption amount shall be paid is Gyna McElwee, at telephone number (773)420-4943.
- D. Jurisdiction: The Court hereby retains jurisdiction over the subject matter of this cause and all the parties hereto for the purpose of enforcing this Judgment.
- E. A copy of this order shall be sent to the STATE OF ILLINOIS-DEPARTMENT

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OF REVENUE, by the Plaintiff's counsel.

Dated: _____

ENTER:

Judge Anna M. Loftus

JUN 02 2016

Circuit Court - 2102

JUDGE

Order prepared by:

Sandra A. Franco-Aguilera

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

Date **DOROTHY BROWN JUN 03 2016**

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

