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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 03/17/2017 11:10 AM PG: 1 OF 6

RETURN TO:

Lawrence M. Karlin
Karlin Associates, LLC
651 W. Washington, STE 205
Chicago, Illinois 60661

For Use by Recorder of Deeds

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

PATRICK J. SULLIVAN and PATRICIA L.
SULLIVAN

Plaintiffs

vs.

BANK OF AMERICA, N.A. a national
banking association, MORTGAGE
NETWORK, INC. a Massachusetts
corporation, and FIRST MIDWEST BANK as
successor in interest to Covest Banc, N.A.

Defendants

Case No.: 2016 CH 13922

Hon. Celia G. Gamrath
Calendar 06
Room 2508

PD #961878
KA #527.134

Property at:
39 Lancaster Avenue
Elk Grove Village, IL 60007

FINAL ORDER QUIETING TITLE TO REAL ESTATE

This cause comes before the court on the plaintiffs' complaint to quiet title to real estate hereinafter described, and the court having jurisdiction over the parties, and having considered the allegations and exhibits to the complaint, finds as follows:

A. PATRICK J. SULLIVAN and PATRICIA L. SULLIVAN ("Plaintiffs" or "Owners") hold fee simple title to real estate located in Cook County, Illinois commonly known as 39 Lancaster Avenue, Elk Grove Village, IL 60007 ("Property"), which is legally described as follows:

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LOT NO. 3570 IN ELK GROVE VILLAGE SECTION 12, BEING THE SUBDIVISION IN SECTION 32 AND 33, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 08-32-418-002-0000

B. Plaintiffs acquired title by deed dated January 7, 1992 and recorded in Cook County on January 14, 1992 as document 92-027007.

C. Pursuant to Section 2-213 of the Illinois Code of Civil Procedure, BANK OF AMERICA, N.A. (*Bank of America, N.A.*), through its counsel Brian M. Johnston of Puleo Delisle PLLC, waived service of the summons and complaint by executing and returning an acknowledgement of receipt of summons and complaint consenting to the jurisdiction of this court.

D. MORTGAGE NETWORK, INC. (*Mortgage Network*) was served with a summons and complaint on November 1, 2016. Mortgage Network subsequently disclaimed any interest Property.

E. Through a scrivener's error, a summons was issued to First Midway Bank instead of the correctly named entity, FIRST MIDWEST BANK (*First Midwest*). There is no entity named First Midway Bank currently registered with the Illinois Secretary of State. A complaint and the summons to First Midway Bank were served at the address where First Midwest is located. However, because there was no service on file for the correctly named entity, Plaintiffs obtained an alias summons issued to First Midwest. First Midwest was served with an alias summons and complaint on January 11, 2017.

F. Bank of America has consented to the entry of this order.

G. Bank of America was the last servicer of a mortgage on the Property dated June 11, 2003 (*2003 Mortgage*) granted by Owners to Mortgage Electronic Registration Systems,

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Inc. ("MERS"), as nominee for 1st Mortgage of Illinois, Inc. ("*Original Lender*"), now a dissolved Illinois corporation, as lender. The 2003 Mortgage was recorded in Cook County on June 24, 2003 as document 0317547170. The 2003 Mortgage secured a promissory note also dated June 11, 2003 in the amount of \$162,500.00 by Owners, as borrowers, in favor of Original Lender as lender.

H. Mortgage Network was joined as a nominal defendant because it is the last recorded assignee of the 2003 Mortgage.

I. First Midwest was joined as a nominal defendant because of its interest in the Property as successor by merger to Covest Banc, N.A. ("*Covest*"). Covest was the mortgagee under a mortgage dated July 6, 2000 ("*2000 Mortgage*") granted by Owners, as mortgagors, and securing a note of the same date in the principal amount of \$35,000.00. The 2000 Mortgage was recorded in Cook County on August 14, 2000 as document 00619032. According to information made publically available by the Federal Deposit Insurance Corporation, First Midwest acquired Covest on February 14, 2004, thereby succeeding to Covest's interest under the 2000 Mortgage.

J. In addition to being the last servicer of the 2003 Mortgage, Bank of America was also joined as a nominal defendant because of its interest in the Property. Bank of America is the servicer of a mortgage dated December 16, 2013 ("*2013 Mortgage*") granted by Plaintiffs, as mortgagors, to MERS, as nominee for Bank of America (MIN: 1000157-0008879350-6). The 2013 Mortgage was recorded in Cook County on December 31, 2013 as document 1336557226.

K. On or about the date the 2003 Mortgage originated, Original Lender endorsed the note to Mortgage Network. In addition, Original Lender assigned the 2003 Mortgage to Mortgage Network by assignment dated June 11, 2003 and recorded in Cook County on June 24, 2003 as document 0317547171.

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L. The 2003 Mortgage was subsequently deposited into a Federal National Mortgage Association (“*Fannie Mae*”) mortgage pool (“*Mortgage Pool*”). Countrywide Home Loans Servicing, LP (“*CHLS*”) was designated master servicer of the loans in the Mortgage Pool. However, the assignment to the Mortgage Pool was never recorded or spread of record.

M. In 2009, CHLS changed its name to BAC Home Loans Servicing, LP (“*BAC*”). Bank of America then acquired BAC in 2011 and, as a result, Bank of America succeeded to the position of master servicer of the Mortgage Pool, including the 2003 Mortgage.

N. Bank of America continued to service the 2003 Mortgage until Plaintiffs refinanced the Property. The 2013 Mortgage originated on December 16, 2013 and Bank of America acknowledged in writing that it received full payment of the 2003 Mortgage on December 20, 2013.

O. The assignment to the Mortgage Pool was never recorded. Consequently, Bank of America has been outside the chain of title and unable to record a release of the 2003 Mortgage even though it has been paid in full.

P. This order does not challenge, impair, or alter in any way First Midwest’s interest under the 2000 Mortgage. Nor does this order challenge, impair, or alter in any way Bank of America’s interest under the 2013 Mortgage.

IT IS ORDERED, ADJUDGED AND DECREED:

1. The rights and interest of Bank of America and its predecessors in interest to and under the 2003 Mortgage dated June 11, 2003 and recorded in Cook County on June 24, 2003 as document 0317547170, and the lien of said mortgage on and over the Property described in Paragraph A above, are hereby released and forever discharged.

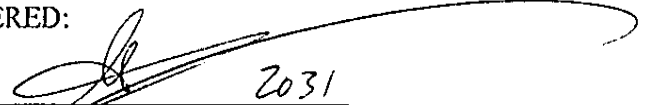
2. Bank of America shall execute and record its release of said mortgage.

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3. First Midwest is found to be in default for failure to appear or plead within thirty days of service.

4. This is a final order effective this 17th day of March, 2017.

ENTERED:


2031
Judge

Judge Celia G. Gamrath

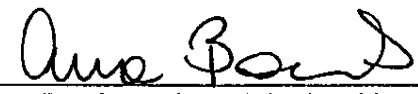
MAR 17 2017

Circuit Court - 2031

Lawrence M. Karlin (ARDC #3125137)
Howard Pashman (ARDC #6321268)
KARLIN ASSOCIATES LLC (Firm # 58770)
651 W. Washington St., Ste. 205
Chicago, IL 60661
312-845-2515
lkarlin@ke-llp.com

AGREED AND CONSENTED TO:

Bank of America, N.A.

By: 
Ana Bonds, Assistant Vice President

DATED: February 22, 2017

Property of Cook County Clerk's Office

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COOK COUNTY RECORDER OF DEEDS

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COOK COUNTY RECORDER OF DEEDS

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

Date **DOROTHY BROWN** MAR 17 2017

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

