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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 03/31/2017 11:29 AM PG: 1 OF 5

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WML No. IL-002060

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

FEDERAL NATIONAL MORTGAGE ASSOCIATION  
("FANNIE MAE"),

Plaintiff,

-vs-

MICHAEL L BORKOWSKI, SARAH E BORKOWSKI,  
LEON BORKOWSKI, LEON BORKOWSKI AS  
TRUSTEE OF THE LEON BORKOWSKI LIVING TRUST  
DATED 6/12/2000, MERCEDES-BENZ FINANCIAL  
SERVICES USA LLC S/I/I TO DCFS USA LLC S/I/I TO  
DCFS TRUST, PILSEN GATEWAY CONDOMINIUM  
ASSOCIATION, PILSEN GATEWAY, L.L.C., UNKNOWN  
OWNERS AND NON RECORD CLAIMANTS,

Defendants.

RESIDENTIAL MORTGAGE  
FORECLOSURE

Case No. 12 CH 13764

Calendar No. 56

Property Address:  
1601 S. Halsted Street,  
Chicago, IL 60608-0000

**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:

CCRD REVIEW 

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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) LEON BORKOWSKI and LEON BORKOWSKI AS TRUSTEE OF THE LEON BORKOWSKI LIVING TRUST DATED 6/12/2000, UNKNOWN OWNERS AND NON RECORD CLAIMANTS have been duly and properly served by publication.

2. **Promissory Note.** On July 16, 2003, MICHAEL L BORKOWSKI and SARAH E BORKOWSKI made, executed, and delivered a promissory note ("Note") to Mortgage Electronic Registration Systems, Inc., as nominee for America's Wholesale Lender, in the amount of \$184,000.00.

3. **Mortgage.** On July 16, 2003, MICHAEL BORKOWSKI and SARAH BORKOWSKI 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")

**LEGAL DESCRIPTION:** PARCEL 1: UNIT 306 AND P3 IN THE PILSEN GATEWAY CONDOMINIUM, AS DELINEATED ON THE SURVEY OF CERTAIN LOTS OR PARTS THEREOF IN BROOKS' SUBDIVISION OF LOT 1 OF BLOCK 46 OF CANAL TRUSTEES' SUBDIVISION, BEING A SUBDIVISION OF THE WEST 1/2 AND SO MUCH OF THE SOUTHEAST 1/4 AS LIES WEST OF THE SOUTH BRANCH OF THE CHICAGO RIVER IN SECTION 21, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH SURVEY IS ATTACHED AS EXHIBIT "B" TO THE DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED JUNE 25, 2002, AS DOCUMENT 0020704520, AS AMENDED FROM TIME TO TIME, IN COOK COUNTY, ILLINOIS, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS APPURTENANT TO SAID UNIT, AS SET FORTH IN SAID DECLARATION. PARCEL 2: STORAGE SPACE S-13 AS A LIMITED COMMON ELEMENT AS DELINEATED AND DEFINED IN THE DECLARATION OF CONDOMINIUM, AFORESAID, IN COOK COUNTY, ILLINOIS.

**COMMONLY KNOWN AS:** 1601 S. Halsted Street, Chicago, IL 60608-0000

**PERMANENT INDEX NO.:** 17-21-300-035-1015 17-21-300-035-1062

4. **Holder and Owner of the Obligations.** The Mortgage being foreclosed in this matter is a valid obligation of MICHAEL BORKOWSKI and SARAH BORKOWSKI and the Note secured by the Mortgage being foreclosed in this matter is a valid obligation of MICHAEL L BORKOWSKI and SARAH E BORKOWSKI. 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.** MICHAEL L BORKOWSKI and SARAH E BORKOWSKI have 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, LEON BORKOWSKI, LEON BORKOWSKI AS TRUSTEE OF THE LEON BORKOWSKI LIVING TRUST DATED 6/12/2000, MERCEDES-BENZ FINANCIAL SERVICES USA LLC S/I/I TO DCFS USA LLC S/I/I TO DCFS TRUST, PILSEN GATEWAY CONDOMINIUM ASSOCIATION, PILSEN GATEWAY, L.L.C. and UNKNOWN OWNERS AND NON RECORD 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 July 21, 2003 as Document No. 0320244077 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 \$157,920.86, with interest and advances due thereon from December 1, 2011, the date of default.

(a) As a result of MICHAEL L BORKOWSKI and SARAH E BORKOWSKI's 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 \$22.7100 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 04/15/2016:	\$	209,869.75
Per Diem Interest from 04/15/2016 through Judgment, accruing at \$22.7100:	\$	5,473.11
Costs of Suit:	\$	0.00
Attorneys' Fees: Incurred by Plaintiff	\$	460.00
<b>TOTAL DUE TO PLAINTIFF:</b>	<b>\$</b>	<b>215,802.86</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 April 22, 2012 ("Baseline Service Date").

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(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 July 21, 2012.

(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.

(c) Owners of Redemption - Defendants, MICHAEL L BORKOWSKI and SARAH E BORKOWSKI 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 MICHAEL L BORKOWSKI and SARAH E BORKOWSKI.

(c) That upon entry of this Consent Judgment of Foreclosure, Plaintiff shall be entitled to possession of the premises described herein on **DECEMBER 12, 2016** 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:

**DEC 21 2016**

**Circuit Court - 2097**

ENTER:



JUDGE

WEISS MCCLELLAND LLC  
105 West Adams Street, Suite 1850  
Chicago, Illinois 60603  
Phone: (312) 605-3500 ext. 1534  
Firm ID: 56284

*Judge Pamela McClelland*

**DEC 12 2016**

**Circuit Court - 2097**

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

**DOROTHY BROWN** CLERK 22 2017

Date *Dorothy Brown*

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

