

# UNOFFICIAL COPY

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

ATHENE ANNUITY AND LIFE  
COMPANY, f/k/a Aviva Life and Annuity  
Company,

Plaintiff,

v.

INTERPARK INVESTORS, LLC, an  
Illinois Limited Liability Company, VVV  
CORPORATION d/b/a SERVICEMASTER  
RESTORATION by DSI, an Illinois  
Corporation, UNKNOWN OWNERS AND  
NON-RECORD CLAIMANTS,

Defendants.

Case No. 15 CH 17245

8601-8623 West Bryn Mawr Avenue,  
Chicago, IL 60631 and 8600-8622 West  
Catalpa Avenue, Chicago IL 60631

Doc# 1718116270 Fee \$96.00  
\*1718116270\*  
HSP FEE: \$9.00 RPRF FEE: \$1.00  
KAREN A. YARREROUGH  
COOK COUNTY RECORDER OF DEEDS  
DATE: 06/30/2017 12:56 PM PG: 1 OF 11

### JUDGMENT OF CONSENT FORECLOSURE

This cause coming to be heard on Plaintiff's Motion for Judgment of Consent Foreclosure pursuant to 735 ILCS 5/15-1402, all parties, being in agreement, due notice having been given, the Court being fully advised in the premises, IT IS HEREBY ORDERED THAT:

#### I. Jurisdiction and Pleadings:

1. Plaintiff, Athene Annuity and Life Company, f/k/a Aviva Life and Annuity Company ("Plaintiff"), filed a Verified Complaint to Foreclosure Mortgage and for Other Relief (the "Complaint") in this case seeking to foreclose its mortgage (the "Mortgage") on a parcel of real estate commonly known as 8604-8623 West Bryn Mawr Avenue and 8600-8622 West Catalpa Avenue, Chicago, Illinois 60631 (the "Property").

2. Defendant, Interpark Investors, LLC ("Interpark"), was served with a summons and a copy of the Complaint on December 2, 2015. On or about January 6, 2016, Interpark filed an appearance in this case through counsel.

# UNOFFICIAL COPY

3. Defendant, VVV Corporation d/b/a ServiceMaster Restoration by DSI (“VVV Corp”), was served with a summons and a copy of the Complaint on December 3, 2015. VVV Corp has failed to file an appearance or answer in this case, and an Order of Default is entered against it contemporaneously and herewith.

4. Unknown Owners and Non-Record Claimants were served by publication on December 2, 9 and 16, 2016. These Defendants have failed to file appearance or answer in this case, and an Order of Default is entered against them contemporaneously and herewith.

5. Plaintiff recorded against the Property, in accordance with 735 ILCS 5/15-1503, a Notice of Foreclosure/Lis Pendens on November 24, 2015, with the Cook County Recorder of Deeds as Document Number 1532845095 (the “Notice of Foreclosure”).

7. Plaintiff has filed, with due notice to all parties, its Motion for Entry of Judgment of Consent Foreclosure.

## II. Information regarding the Mortgage and the Indebtedness.

- a. Nature of Instrument: Mortgage
- b. Date of Mortgage: January 16, 2007;
- c. Name of Mortgagor: Interpark;
- d. Name of Mortgagee: Athene;
- e. Date and place of recording: January 16, 2008, with the Cook County Recorder of Deeds;
- f. Identification of recording: Document Number 0801618075;
- g. Estate conveyed: Mortgage of fee simple interest;
- h. Amount of initial indebtedness: \$15,250,000.00;
- i. Legal description of mortgaged premises: *See Exhibit 1.*

# UNOFFICIAL COPY

Property Index Number: 12-11-105-031-0000 and 12-11-107-031-0000;

Commonly known as: 8601-8623 West Bryn Mawr Avenue, Chicago, IL 60631 and 8600-8622 West Catalpa Avenue, Chicago IL 60631;

j. Statements as to default and amount due:

Default: Failure to make full payments due under the Note upon maturity on February 1, 2015;

(i)	Principal balance:	\$13,654,018.32
(ii)	Interest as of April 30, 2017:	\$3,823,125.13
(iii)	<b>Total due as of April 30, 2017:</b>	<b>\$17,477,143.45</b>

k. Name of present owner of the Property: Interpark;

l. Names of additional defendants whose interest in or lien on the Property is sought to be terminated:

(i) Fitzmaurice, by virtue of any interest he may have in the Property;

(ii) VVV, by virtue of mechanic's liens recorded as documents 1321248018 and 1321248019 with the Cook County Recorder of Deeds;

(iii) Unknown Owners; and

(iv) Non-Record Claimants.

m. Names of persons claimed to be personally liable for deficiency: None;

n. Capacity in which Interpark brings this suit: As the owner and holder of, *inter alia*, the Note and the Mortgage;

### III. Allegations Deemed Proved

1. A true and accurate copy of the Note is attached to the Complaint as Exhibit A; and a true and accurate copy of the Mortgage is attached to the Complaint as Exhibit B.

2. On the date indicated in the Complaint, Interpark was justly indebted to Plaintiff in the amount of the indebtedness (the "Indebtedness") described in this Judgment.

3. Interpark, on the date indicated in the Complaint, was the owner of the Property

# UNOFFICIAL COPY

and, as of that date made, executed and delivered the Mortgage as security for the Note.

4. The Mortgage was recorded in Cook County, where the Property is located, on the dates indicated in the Complaint.

5. The Mortgage constitutes a valid first lien on the Property, and it is prior and superior to all other mortgages, claims of interests and liens thereupon, except for unpaid real estate taxes, if any.

6. Defaults occurred as indicated in the Complaint.

7. By reason of the defaults alleged, the Indebtedness became due by Plaintiff's exercise of its right and power to declare immediately due and payable all of the Indebtedness secured by the Mortgage.

8. Any and all notices of default or election to declare the Indebtedness due and payable, or other notices required to be given, have been duly and properly given.

9. Any and all applicable periods of grace or other period of time allowed for the performance of the covenants or conditions claimed to be breached or for the curing of any breaches have expired.

10. The amounts indicated to be due Plaintiff under the Note and Mortgage, which are broken down in the statement in this Judgment, are hereby correctly stated, and if such breakdown indicates any advances made or to be made by Plaintiff, such advances were, in fact, made, or will be required to be made, and under and by virtue of the terms of the Mortgage, constitute additional Indebtedness secured by the Mortgage.

#### IV. Additional Stipulated Facts

1. Plaintiff waives all rights to a personal deficiency against Interpark, and all other persons liable for the Indebtedness, or any other obligations secured by the Mortgage, including

# UNOFFICIAL COPY

all guarantors.

2. Interpark has received notice of Plaintiff's Motion for Entry of Judgment of Consent Foreclosure.

3. Interpark has expressly consented, *via* written stipulation, to the entry of this Judgment of Consent Foreclosure vesting absolute title to the Property in Plaintiff, free and clear of all claims and interests, including, but not limited to, any and all rights of reinstatement pursuant to 735 ILCS 5/15-1602, and any and all rights of redemption pursuant to 735 ILCS 5/15-1603.

4. Interpark has consented, *via* written stipulation, to the entry of this Judgment of Consent Foreclosure without further notice or hearing.

## V. Ultimate Findings

1. No party or other person has filed an objection to the entry of this Judgment of Consent Foreclosure.

2. No party has paid the amount required to redeem in accordance with 735 ILCS 5/15-1603.

3. Pursuant to stipulation, Interpark has properly and knowingly waived any and all rights of redemption, whether by statute or equity, in accordance with 735 ILCS 5/15-1601(c)(i).

4. Judgment is hereby entered in favor of Plaintiff on Count I of the Complaint.

5. In consideration for the entry of this Judgment of Consent Foreclosure, Plaintiff has properly and knowingly waived any and all rights to a personal deficiency against Interpark, and any other persons liable for the Indebtedness, or any other obligations secured by the Mortgage, including any guarantors.

6. Any and all liens subordinate to the Mortgage are hereby terminated, and the

# UNOFFICIAL COPY

holders of any such subordinate interests shall be barred from attempting to redeem the Property or objecting the entry of this Judgment of Consent Foreclosure.

7. Absolute title to the Property is hereby vested in Plaintiff's assignee, AREI (INTERPARK), LLC, free and clear of all rights, claims and interests, other any unpaid general real estate taxes, if any, including, but not limited to, any and all rights of reinstatement and redemption of Interpark and all other parties to this action whose rights, claims or interests are subordinate to the interest of Plaintiff and are therefore terminated.

8. Plaintiff's assignee, AREI (INTERPARK), LLC, is granted the right of immediate possession of the Property.

9. Count II and Count III of the Complaint are hereby dismissed, with prejudice.

10. Pursuant to Ill. S. Ct. Rule 304(a), this order is final and appealable, there being no just reason for delaying enforcement or appeal.

11. The Municipality or County may contact the following with concerns about the Property:

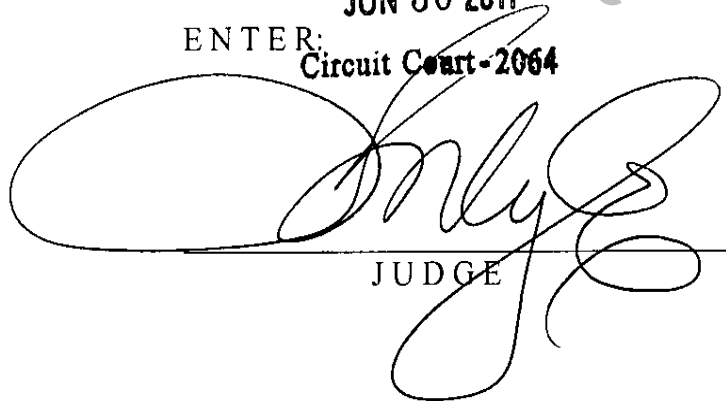
AREI (INTERPARK), LLC  
Amanda Demers  
2121 Rosecrans Avenue, Suite 5300  
El Segundo, CA 90245  
310-321-1519

Dated: \_\_\_\_\_

Judge ~~Fredrena M. Lyle~~

JUN 30 2017

ENTER: Circuit Court-2064



JUDGE

# UNOFFICIAL COPY

Prepared By:  
William Serritella, Jr.  
wserritella@taftlaw.com  
Kristine M. Kolky  
kkolky@taftlaw.com  
TAFT STETTINIUS & HOLLISTER LLP  
111 East Wacker Drive, Suite 2800  
Chicago, Illinois 60601  
(312) 527-4000  
Attorney No. 29143

18358235.1

Property of Cook County Clerk's Office

**UNOFFICIAL COPY**Legal Description

## Parcel A:

Lots 1 to 15, Lots 46 to 60, Lots 61 to 75 and Lots 106 to 120 in Chicago Forest Ridge Estates, being a subdivision of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

## Parcel B:

Easement appurtenant to and for the benefit of Parcel A aforesaid, as created by Grant of Easement dated July 19, 1989 and recorded October 24, 1989 as Document 89504086 made by and between The City of Chicago, a municipal corporation, and Manufacturers Affiliated Trust Company, as Trustee under Trust Agreement dated November 12, 1986 and known as Trust Number 10059, for the purpose of constructing, reconstructing, maintaining and operating parking facilities and for ingress and egress on, over, across and under the following described eleven (11) parcels of land, to wit:

## Parcel B-1:

That part of West Bryn Mawr Avenue, as dedicated in Chicago's Forest Ridge Estates, being a subdivision in the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12, East of the Third Principal Meridian, described as follows:

Beginning at the Northwest corner of Lot 15 in said subdivision; thence Northerly along the Northerly extension of the West line of said lot for a distance of 10.00 feet; thence East parallel with the North line of Lots 11 to 15 in said subdivision for a distance of 197.02 feet; thence South at right angles thereto 10.00 feet; to the North line of said lots; thence West along said North line, 197.02 feet to the point of beginning, in Cook County, Illinois.

## Parcel B-2:

That part of West Bryn Mawr Avenue, as dedicated in Chicago's Forest Ridge Estates, being a subdivision in the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12, East of the Third Principal Meridian, described as follows:

Commencing at the Northeast corner of Lot 1 in said subdivision; thence West along the North line of said lot for a distance of 6.46 feet to the point of beginning; thence West along said North line and the North line of Lots 2 to 10 in said subdivision for a distance of 361.84 feet; thence North at right angles thereto, 10.00 feet; thence East at right angles thereto, 361.84 feet; thence South at right angles thereto, 10.00 feet to the point of beginning, in Cook County, Illinois.



# UNOFFICIAL COPY

Parcel B-3:

That part of North Oakview Avenue, as dedicated in Chicago's Forest Ridge Estates, being a subdivision in the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12, East of the Third Principal Meridian, described as follows:

Commencing at the Northwest corner of Lot 15 in said subdivision; thence South along the West line of said lot for a distance of 20.39 feet; thence West at right angles thereto, 5.00 feet to the point of beginning; thence South at right angles thereto, 90.00 feet; thence West at right angles thereto, 17.68 feet; thence North at right angles thereto 90.00 feet; thence East at right angles thereto, 17.68 feet to the point of beginning, in Cook County, Illinois.

Parcel B-4:

That part of North Oakview Avenue, as dedicated in Chicago's Forest Ridge Estates, being a subdivision in the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12, East of the Third Principal Meridian, described as follows:

Commencing at the South west corner of Lot 46 in said subdivision; thence North along the West line thereof 0.46 of a foot; thence West at right angles thereto, 5.00 feet to the point of beginning; thence North at right angles thereto, 81.42 feet; thence West at right angles thereto, 17.50 feet; thence South at right angles thereto, 81.42 feet; thence East at right angles thereto, 17.50 feet to the point of beginning, in Cook County, Illinois.

Parcel B-5:

That part of West Gregory Street, as dedicated in Chicago's Forest Ridge Estates, being a subdivision in the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12, East of the Third Principal Meridian, described as follows:

Commencing at the Southwest corner of Lot 46 in said subdivision; thence East along the South line thereof 19.10 feet; thence South at right angles thereto, 5.00 feet to the point of beginning; thence East at right angles thereto, 425.02 feet; thence South at right angles thereto, 17.70 feet; thence West at right angles thereto, 425.02 feet; thence North at right angles thereto, 17.70 feet to the point of beginning, in Cook County, Illinois.

Parcel B-6:

That part of West Gregory Street, as dedicated in Chicago's Forest Ridge Estates, being a subdivision in the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12, East of the Third Principal Meridian, described as follows:

Commencing at the Southeast corner of Lot 60 in said subdivision; thence West along the South line thereof, 20.80 feet; thence South at right angles thereto, 4.80 feet to the point of beginning; thence West at right angles thereto, 95.20 feet; thence South at right angles thereto, 17.83 feet; thence East at right angles thereto, 95.20 feet; thence North at right angles thereto 17.83 feet to

**UNOFFICIAL COPY**

the point of beginning, in Cook County, Illinois.

Parcel B-7:

That part of West Gregory Street, as dedicated in Chicago's Forest Ridge Estates, being a subdivision in the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12, East of the Third Principal Meridian, described as follows:

Commencing at the Northeast corner of Lot 61 in said subdivision; thence West along the North line of said lot for a distance of 18.89 feet; thence North at right angles thereto, 5.00 feet of the point of beginning; thence West at right angles thereto, 556.63 feet; thence North at right angles thereto, 17.50 feet; thence East at right angles thereto, 556.63; thence South at right angles thereto, 17.50 feet to the point of beginning, in Cook County, Illinois.

Parcel B-8:

That part of North Oakview Avenue, as dedicated in Chicago's Forest Ridge Estates, being a subdivision in the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12, East of the Third Principal Meridian, described as follows:

Commencing at the Northwest corner of Lot 75 in said subdivision; thence West along the Westerly extension of the North line of Lot 75 aforesaid, 4.70 feet to the point of beginning; thence South parallel with the West line of Lot 75 aforesaid, 82.70 feet; thence West at right angles thereto, 17.80 feet; thence North at right angles thereto, 82.70 feet; thence East at right angles thereto, 17.80 feet to the point of beginning, in Cook County, Illinois.

Parcel B-9:

That part of North Oakview Avenue, as dedicated in Chicago's Forest Ridge Estates, being a subdivision in the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12, East of the Third Principal Meridian, described as follows:

Commencing at the Southwest corner of Lot 106 in said subdivision; thence North along the West line thereof 27.04 feet; thence West at right angles thereto, 5.15 feet to the point of beginning; thence North at right angles thereto, 83.23 feet; thence West at right angles thereto, 17.76 feet; thence South at right angles thereto, 83.23 feet; thence East at right angles thereto, 17.76 feet to the point of beginning, in Cook County, Illinois.

Parcel B-10:

That part of West Catalpa Avenue, as dedicated in Chicago's Forest Ridge Estates, being a subdivision in the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12, East of the Third Principal Meridian, described as follows:

Commencing at the Southwest corner of Lot 106 in said subdivision; thence East along the South line thereof 4.40 feet to the point of beginning; thence East along the South line of Lots 106 to

# UNOFFICIAL COPY

110 in said subdivision for a distance of 187.80 feet; thence South at right angles thereto, 13.79 feet; thence West at right angles thereto, 187.80 feet; thence North at right angles thereto, 13.79 feet to the point of beginning, in Cook County, Illinois.

Parcel B-11:

That part of West Catalpa Avenue, as dedicated in Chicago's Forest Ridge Estates, being a subdivision in the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 40 North, Range 12 East of the Third Principal Meridian, described as follows:

Commencing at the Southeast corner of Lot 120 in said subdivision; thence West along the South line thereof 24.23 feet to the point of beginning; thence South at right angles thereto, 13.73 feet; thence West at right angles thereto, 321.65 feet; thence North at right angles thereto, 13.73 feet to the South line of Lot 112 in said subdivision; thence East along the South line of Lots 112 to 120 for a distance of 321.65 feet to the point of beginning, in Cook County, Illinois.

Common Address: 8601-8623 West Bryn Mawr Avenue, Chicago, Illinois 60631 and  
8600-8622 West Catalpa Avenue, Chicago, Illinois 60631

Permanent Tax ID Numbers: 12-11-105-031-0000  
12-11-107-031-0000