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DWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 01/02/2020 12:47 PM PG: 1 OF 4

CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT—CHANCERY DIVISION

Case No. 18 CH 11981

Pingora Loan Servicing, LLC

Plaintiff,

v.

Unknown Heirs and Devisees of Bobbie D. McKinney, Deceased; Unknown Claimants and Lienholders Against the Estate of Bobbie D. McKinney, Deceased; Unknown Claimants and Lienholders Against the Unknown Heirs and Devisees of Bobbie D. McKinney, Deceased; Shuron Wade; Jeotha W. Johnson, as Trustee of the Revocable Living Trust of Jeotha W. Johnson, Under the Provisions of a Trust Agreement dated the 3rd day of March, 2003; Bobbie McKinney, Jr.; and Thomas Quinn, as Special Representative of Bobbie D. McKinney, Deceased,

Defendants.

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DECLARATORY JUDGMENT

THIS CAUSE coming on to be heard on Plaintiff's Motion for Default Order and Declaratory Judgment as to Count I of Plaintiff's Third Amended Complaint to Foreclose Mortgage and for Other Relief and for Rule 304(a) Finding, all parties with notice, the Court with jurisdiction and being fully apprised in the premises;

THE COURT HEREBY FINDS:

1. This Court has jurisdiction over the parties in this case and subject matter of Plaintiff's Third Amended Complaint to Foreclose Mortgage and for Other Relief (the "Third Amended Complaint").
2. All material allegations of Count I of the Third Amended Complaint have been proven and are true.
3. On or about March 4, 2003, Jeotha W. Johnson ("Jeotha") transferred title to the real property located at 14025 S. Wayman Lane, Robbins, Illinois 60472 (the "Premises") to Jeotha W. Johnson, as Trustee of the Revocable Living Trust of Jeotha W. Johnson, under the provisions of a trust agreement dated the 3rd day of March, 2003 (the "Trust") through a Quit Claim Deed in Trust (the "QCD"). The QCD was recorded by the Cook County Recorder of Deeds on March 7, 2003 as Document No. 0030319054.
4. On or about May 4, 2005, Jeotha executed a Warranty Deed in Trust (the "DIT") transferring title to the Premises to First Midwest Bank under Trust Agreement Number 97-6193 dated 9/15/97 ("First Midwest"). The DIT was recorded by the Cook County Recorder of Deeds on July 20, 2005 as Document No. 0520108154.
5. On or about December 15, 2006, First Midwest executed a Trustee's Deed (the "TD") transferring title to the Premises to Bobbie D. McKinney ("Bobbie"). The TD was recorded by the Cook County Recorder of Deeds on January 2, 2007 as Document No. 0700240025.
6. The Premises are more particularly described as:

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Lot 10 in Block 9 in Golden Acres, being a resubdivision of lots and vacated streets and alleys in all of the subdivisions of Lots 8, 9 and 10 in Luechtenmeyer's Subdivision of the Southeasterly ¼ of Section 2, Township 36 North, Range 13 East of the Third Principal Meridian, according to the plat of said Golden Acres registered in the Office of the Registrar of Titles of Cook County, Illinois on July 29, 1960 as Document 1934610 and Surveyor's Certificate of Correction thereof registered on September 16, 1960 as Document 1942832, in Cook County, Illinois.

Common Address: 14025 S. Wayman Lane, Robbins, Illinois 60472
Permanent Index No. 28-02-433-010-0000

7. Shortly before August 24, 2015, Bobbie submitted a Uniform Residential Loan Application (the "Application") to E Mortgage Management LLC ("EMM") as part of an effort to refinance (the "Refinance") prior mortgage indebtedness secured against the Premises.
8. Following a review of the Application and other related materials, EMM agreed to originate the Refinance conditioned upon receipt of a complete and otherwise unencumbered first mortgage lien interest in the Premises.
9. On August 24, 2015, the closing of the Refinance (the "Closing") was conducted by Surety Lender Services, LLC. At the Closing, Bobbie executed and delivered a promissory note (the "Note") in the amount of \$135,700.00 to EMM. As security for the sums advanced pursuant to the Note, on this same date, Bobbie executed and delivered a corresponding mortgage (the "Mortgage") to Mortgage Electronic Registration Systems, Inc., as nominee for EMM.
10. The Mortgage was subsequently recorded by the Cook County, Illinois Recorder of Deeds on September 1, 2015 as Document No. 172457220.
11. Bobbie relied in good faith on the validity of the TD in purchasing the Premises from First Midwest and was in actual possession of the Premises from the date the TD was executed to the date of delivery of the Mortgage.
12. Subsequent to acquiring title to the Premises, real estate taxes due for the Premises for tax years 2007 through 2015 were paid by or on behalf of Bobbie.
13. The Note and Mortgage were subsequently assigned to Pingora Loan Servicing, LLC ("Pingora"). Pingora is the current holder of the Note and Mortgage.
14. Bobbie subsequently died on July 12, 2018.
15. The record title to the Premises inaccurately reflects that the Trust remains vested with title to the Premises.
16. The equities of this case are with Pingora and an Order should be entered declaring Bobbie the fee simple title holder of the Premises as of the date the Mortgage was recorded.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendants ~~Unknown Heirs and Devisees~~ of Bobbie D. McKinney, Deceased; ~~Unknown Claimants and Lienholders~~ Against the Estate of Bobbie D. McKinney, Deceased; ~~Unknown Claimants and Lienholders~~ Against the Unknown Heirs and Devisees of Bobbie D. McKinney, Deceased; ~~Sharon Wade, Jeotha W. Johnson~~, as Trustee of the Revocable Living Trust of Jeotha W. Johnson, under the Provisions of a Trust Agreement dated the 3rd day of March, 2003 Bobbie McKinney, Jr.; and ~~Thomas Quinn~~, as Special Representative of Bobbie D. McKinney, Deceased are all hereby found to be in default as a result of their failure to file an answer to Count 1 of the Third Amended Complaint to Foreclose Mortgage and for Other Relief;

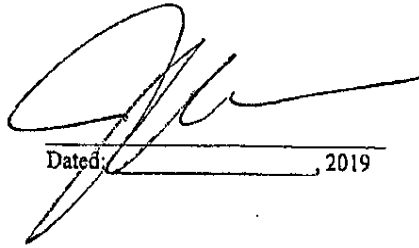
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2. Bobbie D. McKinney held fee simple title holder of the Premises, pursuant to 735 ILCS 5/13-109, as of the date the Mortgage was recorded;
3. The Mortgage was a valid and subsisting lien against the fee simple title interest in the Premises held by Bobbie D. McKinney as of the date the Mortgage was recorded;
4. All other defendants are enjoined from asserting any claims to the Premises adverse to Plaintiff under the Mortgage;
5. This Judgment and the Order are hereby declared to be final and appealable, and there is no just cause for delaying the enforcement or appeal therefrom

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 Firm ID: 61262

Entered:



Dated: _____, 2019

Judge John J. Curry, Jr.

DEC 18 2018

Circuit Court - 2126

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I hereby certify that the document to which this certification is affixed is a true copy.
DOROTHY BROWN DEC 27 2019
Date *Dorothy Brown*
Dorothy Brown
Clerk of the Circuit Court
of Cook County, IL

