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CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT
CHANCERY DIVISION

Case No. 19 CH 7440



2007017058

Doc# 2007017058 Fee \$88.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

EDWARD M. HOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 03/10/2020 03:42 PM PG: 1 OF 3

DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS TRUSTEE, ON BEHALF OF THE HOLDERS OF
THE WAMU MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-AR3,
Plaintiff,

THOMAS R. COFFMAN A/K/A THOMAS C.
COFFMAN, DARIA ZVETINA, JPMORGAN CHASE
BANK, N.A. SUCCESSOR IN INTEREST TO
WASHINGTON MUTUAL BANK, FA, UNKNOWN
OWNERS AND NON-RECORD CLAIMANTS,

Defendants.

DECLARATORY JUDGMENT ORDER

THIS CAUSE coming on to be heard on Plaintiff's Motion for Declaratory Judgment, 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 the subject matter of Plaintiff's Complaint to Foreclose Mortgage and for Declaratory Relief (the "Complaint").

2. Defendant JPMORGAN CHASE BANK, N.A. SUCCESSOR IN INTEREST TO WASHINGTON MUTUAL BANK, FA is hereby found to be in default as a result of its failure to appear in this action.

3. The Premises are more particularly described as:

LOT FIFTEEN (15) IN THE SUBDIVISION OF BLOCK ONE (1) IN HUTCHINSON AND ROTHERMEL'S SUBDIVISION BEING A SUBDIVISION OF THE WEST HALF (1/2) OF LOT THREE (3) OF THE SUBDIVISION OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE WEST HALF (1/2) OF THE SOUTHWEST QUARTER THEREOF) ALSO OF BLOCKS ONE (1), SIX (6), SEVEN (7), TWELVE (12) AND THIRTEEN (13) OF THE SUBDIVISION OF LOTS ONE (1), TWO (2) AND THREE (3) IN THE PARTITION OF THE EAST HALF (1/2) OF LOT TWO (2) IN SAID SUBDIVISION OF SECTION 18 AFORESAID SITUATED IN THE VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS.

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Commonly known as: 523 WESLEY AVENUE, OAK PARK, IL 60304

PIN No: 16-18-201-024-0000

4. On December 15, 2005, Defendants Thomas R. Coffman, a/k/a Thomas C. Coffman ("Coffman") and Daria Zvetina ("Zvetina") refinanced existing mortgage indebtedness purportedly encumbering the Premises. As part of the Refinance Coffman and Zvetina executed and delivered a \$581,250.00 mortgage (the "Deutsche Bank Mortgage") to Washington Mutual Bank, FA ("WaMu"). The Deutsche Bank Mortgage was recorded by the Cook County Recorder of Deeds on January 19, 2006 as Document No. 0601905408.
5. As part of the Refinance, the sums advanced by WaMu were utilized to satisfy a mortgage executed by Coffman to Community Bank of Oak Park River Forest ("Community Mortgage"). The Community Mortgage was recorded by the Cook County Recorder of Deeds on February 18, 2005 as Document No. 0504905094.
6. As part of the Refinance, from the sums advanced by WaMu \$586,704.94 was paid to Community to satisfy Community Mortgage.
7. The Community Mortgage was released by that certain Release of Mortgage recorded January 19, 2006 as Document No. 0601905409.
8. In the interim, on December 26, 2005, Coffman granted WaMu a subordinate lien interest in the Subject Property by way of a Revolving Credit Mortgage in the maximum principal amount of \$116,250.00 ("Chase Mortgage"). The Chase Mortgage was recorded by the Cook County Recorder on January 18, 2006 as Document No. 0601822042.
9. In 2008, WaMu was closed by the Office of Thrift Supervision and the Federal Deposit Insurance Corporation (FDIC) was named receiver for WaMu. Thereafter, both the Deutsche Bank Mortgage and the Chase Mortgage were subsequently assigned to JPMorgan Chase Bank, N.A., and/or one of its predecessors, via the FDIC, as receiver of Washington Mutual Bank, F.A.
10. On or prior to April 7, 2010, Chase assigned the Deutsche Bank Mortgage to DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE WAMU MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-AR3 ("Deutsche Bank") which remains the current holder of the instrument.
11. Inasmuch as the Deutsche Bank Mortgage advanced the funds to satisfy the Community Mortgage, a mortgage recorded prior to the Chase Mortgage, Deutsche Bank is equitably subrogated to the mortgage lien position of the Community Mortgage.
12. The Chase Mortgage recorded in the office of the Cook County Recorder of Deeds on January 18, 2006 as Document No. 0601822042 is subordinate and inferior to the Deutsche Bank Mortgage recorded in the office of the Cook County Recorder of Deeds on January 19, 2006 as Document No. 0601905408.

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WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant JPMORGAN CHASE BANK, N.A. SUCCESSOR IN INTEREST TO WASHINGTON MUTUAL BANK, FA is hereby found to be in default as a result of its failure to appear in this action.

2. The Chase Mortgage recorded in the office of the Cook County Recorder of Deeds on January 18, 2006 as Document No. 0601822042 is subordinate and inferior to the Deutsche Bank Mortgage recorded in the office of the Cook County Recorder of Deeds on January 19, 2006 as Document No. 0601905408.

3. The previously entered Orders of Summary Judgment as to Coffman and Zvetina, and Order of Judgment of Foreclosure and Sale entered on October 24, 2019 stand.

4. This is a final and appealable order and there is no just cause for delaying the enforcement of this Judgment or appeal therefrom.

ENTERED:

Patricia S. Spratt

Dated:

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Judge Patricia S. Spratt
MAR 10 2020
Circuit Court-2146

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