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Karen A. Yarbrough
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CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – CHANCERY DIVISION

Case No. 18 CH 11068

Loancare LLC,

Plaintiff,

vs.

Leamon Texas a/k/a Leamon G Texas; Claudette C Miles a/k/a Claudette Miles; 4510 South Greenwood Avenue Condo Association; 4512 S. Greenwood Avenue Condo Association; Wells Fargo Bank, N.A.; Unknown Owners and Non-Record Claimants,

Defendants.

ORDER OF REFORMATION

THIS CAUSE coming to be heard on Plaintiff's Motion for Default Judgment on Count I of Complaint to Foreclose Mortgage and for Other Relief, Petition for Reformation of Mortgage and for Rule 304(a) Finding, 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 Complaint to Foreclose Mortgage and for Other Relief (the "Complaint").
2. All material allegations of Count I of the Complaint have been proven and are true.
3. On or about October 30, 2002, Defendant Leamon Texas a/k/a Leamon G. Texas ("Leamon") acquired title to the condominium unit located at 4510 S. Greenwood Avenue, Apt. 1, Chicago, Illinois 60653 (the "Premises"), legally described as follows:

PARCEL 1: UNIT 1 IN THE 4510 S. GREENWOOD CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: THE NORTH HALF OF LOT 8 IN OWNERS' SUBDIVISION OF NORTH 132.00 FEET OF WEST 1/2 AND NORTH 198.00 FEET OF EAST 1/2 OF BLOCK 6 (EXCEPT THOSE PARTS HERETOFORE DEDICATED FOR STREETS) IN SUBDIVISION BY EXECUTORS OF E. K. HUBBARD OF EAST 1/2 OF SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1895 AS DOCUMENT 2235074, IN COOK COUNTY, ILLINOIS. WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0020816725, AND AS AMENDED, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2: UNIT PU-1 IN THE 4512 S. GREENWOOD CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: THE SOUTH HALF OF LOT 8 IN OWNERS' SUBDIVISION OF NORTH 132.00 FEET OF WEST 1/2 AND NORTH 198.00 FEET OF EAST 1/2 OF BLOCK 6 (EXCEPT THOSE PARTS HERETOFORE DEDICATED FOR STREETS) IN SUBDIVISION BY EXECUTORS OF E. K. HUBBARD OF EAST 1/2 OF SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1895 AS DOCUMENT 2235074, IN COOK COUNTY, ILLINOIS. WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE

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DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0020866557, AND AS AMENDED, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

Commonly known as: 4510 South Greenwood Avenue, Apt. 1, Chicago, IL 60653
 Permanent Index No.: 20-02-313-069-1001 (Unit 1); 20-02-313-068-1005 (PU-1)

4. On October 27, 2003, Leamon appeared at the offices of Chicago Title Insurance Company in Chicago, Illinois for the purpose of closing (the "Closing") the refinance of existing mortgage indebtedness secured against the Premises. At said time and place, Leamon executed and delivered an \$185,000.00 promissory note (the "Note") to First Magnus Financial Corporation ("First Magnus"). As security for the sums advanced under the Note, Leamon executed and delivered a corresponding mortgage lien interest (the "Mortgage") in the Premises to Mortgage Electronic Registration Systems, Inc., as nominee for First Magnus
5. Due to a scrivener's error, the legal description included on the Mortgage failed to accurately describe the Premises (the "Error"). Specifically, the Mortgage with the Error described the Premises as follows:

Parcel 1: UNIT 1 AND PU-1 IN THE 4510 S. GREENWOOD CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: THE SOUTH HALF OF LOT 8 IN OWNERS' SUBDIVISION OF NORTH 132.00 FEET OF WEST 1/2 AND NORTH 198.00 FEET OF EAST 1/2 OF BLOCK 6 (EXCEPT THOSE PARTS HERETOFORE DEDICATED FOR STREETS) IN SUBDIVISION BY EXECUTORS OF E. K. HUBBARD OF EAST 1/2 OF SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1895 AS DOCUMENT 2235074, IN COOK COUNTY, ILLINOIS. WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0020866557, AND AS AMENDED, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS
6. The Mortgage was recorded by the Cook County Recorder of Deeds on November 24, 2003 as Document No. 0332842196.
7. Unbeknownst to First Magnus and Leamon, the legal description included on the Mortgage failed to accurately describe the Premises. Specifically, the Mortgage included the Error.
8. Plaintiff LoanCare LLC ("LoanCare") is the current holder of the Note and Mortgage.
9. The equities of this case are with LoanCare and an Order should be entered reforming the Mortgage so as to (1) correct the Error in the Mortgage described above; and (2) provide for the unconditional grant of a complete mortgage lien interest in the Premises from Leamon.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- A. Defendants Leamon Texas a/k/a Leamon G Texas, Claudette C Miles a/k/a Claudette Miles, 4510 South Greenwood Avenue Condo Association, 4512 S. Greenwood Avenue Condo Association, and Wells Fargo Bank, N.A. are all hereby found to be in default as a result of their failure to file an answer to Count 1 of the Complaint. The allegations of Count 1 of the Complaint are hereby confessed against said defendants.
- B. The legal description contained in the Mortgage is hereby reformed to reflect that the Mortgage encumbers the Premises described as follows:

PARCEL 1: UNIT 1 IN THE 4510 S. GREENWOOD CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: THE NORTH HALF OF LOT 8 IN OWNERS' SUBDIVISION OF NORTH 132.00 FEET OF WEST 1/2 AND NORTH 198.00 FEET OF EAST 1/2 OF BLOCK 6 (EXCEPT THOSE PARTS HERETOFORE DEDICATED FOR STREETS) IN SUBDIVISION BY EXECUTORS OF E. K. HUBBARD OF EAST 1/2 OF SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1895 AS DOCUMENT 2235074, IN

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COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0020816725, AND AS AMENDED, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2: UNIT PU-1 IN THE 4512 S. GREENWOOD CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: THE SOUTH HALF OF LOT 8 IN OWNERS' SUBDIVISION OF NORTH 132.00 FEET OF WEST 1/2 AND NORTH 198.00 FEET OF EAST 1/2 OF BLOCK 6 (EXCEPT THOSE PARTS HERETOFORE DEDICATED FOR STREETS) IN SUBDIVISION BY EXECUTORS OF E. K. HUBBARD OF EAST 1/2 OF SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1895 AS DOCUMENT 2235074, IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0020866557, AND AS AMENDED, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

Commonly known as: 4510 South Greenwood Avenue, Apt. 1, Chicago, IL 60653
 Permanent Index No.: 20-02-313-069-1001 (Unit 1); 20-02-313-068-1005 (PU-1)

- C. In accordance with the October 27, 2003 Mortgage recorded on November 24, 2003 as Document No. 0332842196, Plaintiff Loancare LLC is deemed to possess a valid and subsisting mortgage lien interest in the Premises with priority effective as of the aforementioned November 24, 2003 date of perfection.
- D. ~~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.~~

ENTERED:

Judge Gerald Cleary

MAR 21 2019

Circuit Court - 2147

Dated: March 21, 2019

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

US Bank Trust National Association, not in its Individual
Capacity but Solely as Owner Trustee for VRMTG Asset
Trust,

Plaintiff,

Vs.

Leamon Texas a/k/a Leamon G Texas; Claudette C Miles
a/k/a Claudette Miles; 4510 South Greenwood Avenue
Condo Association; 4512 S. Greenwood Avenue Condo
Association; Wells Fargo Bank, N.A.; Unknown Owners
and Non-Record Claimants,

Defendants.

No. 18 CH 11068

Property Address:

4510 South Greenwood Avenue, Apt. 1
Chicago, Illinois 60653

ORDER

This matter coming before the Court on plaintiff US Bank Trust National Association, not in its Individual Capacity but Solely as Owner Trustee for VRMTG Asset Trust's (the "Plaintiff") Motion for Rule 304(a) Finding (the "304(a) Motion") and Motion to Voluntarily Dismiss (the "Motion to Dismiss"), all parties with notice, the Court with jurisdiction and being fully apprised in the Premises;

THE COURT HEREBY FINDS:

1. There is no just reason for delaying either enforcement or appeal from the Order of Reformation entered on March 21, 2019 (the "Order").

IT IS HEREBY ORDERED:

- A. Plaintiff's Motion 304(a) Motion is GRANTED. Pursuant to Illinois Supreme Court Rule 304(a), the Order is hereby declared to be final and appealable, and there is no just cause for delaying the enforcement or appeal therefrom.
- B. Plaintiff's Motion to Dismiss is GRANTED. Count II of Plaintiff's Complaint to Foreclose Mortgage and for Other Relief (Mortgage Foreclosure) is hereby DISMISSED, without prejudice and without fees or costs to any party.
- C. No further claims or matters remain pending.

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Firm ID: 61262

ENTERED:

Edward J. King 2124
Dated:

Judge Edward J. King

JAN 21 2021

Circuit Court-2124