

UNOFFICIAL COPY

IN THE CIRCUIT COURT
OF COOK COUNTY, ILLINOIS

Doc#: 2108207380 Fee: \$98.00
Karen A. Yarbrough
Cook County Clerk
Date: 03/23/2021 12:50 PM Pg: 1 of 7

**Buchanan Energy (N), LLC, a
Delaware Limited Liability Company
Plaintiff,**

v.

**Walden Investment Corporation, an
Illinois Corporation; ExxonMobil Oil
Corp., a New York Corp.; Unknown
Owners and Non-Record Claimants,
Defendants.**

Case No. 2019 CH 00514

ORDER

Property Address: 1601 E. Algonquin Road, Schaumburg, Illinois 60173

PIN: 07-01-200-058-0000

LEGAL DESCRIPTION:

THAT PART OF FRACTIONAL SECTION 1, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ALGONQUIN ROAD, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF FRACTIONAL SECTION 1; THENCE NORTHERLY ON THE WEST LINE OF SAID EAST HALF OF FRACTIONAL SECTION 1, A DISTANCE OF 633.52 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ALGONQUIN ROAD; THENCE SOUTHEASTERLY ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ALGONQUIN ROAD, BEING A CURVED LINE CONCAVED TO THE NORTHEAST HAVING A RADIUS OF 8544.72 FEET FOR AN ARC DISTANCE OF 37.84 FEET, WITH A CHORD DISTANCE OF 37.84 FEET AND A CHORD BEARING SOUTH 59 DEGREES 41 MINUTES 39 SECONDS EAST TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ALGONQUIN ROAD, BEING A CURVED LINE CONCAVED TO THE NORTHEAST HAVING A RADIUS OF 8544.72 FEET FOR AN ARC DISTANCE OF 74.97 FEET WITH A CHORD DISTANCE OF 74.97 FEET AND A CHORD BEARING SOUTH 59 DEGREES 18 MINUTES 58 SECONDS EAST; THENCE SOUTHWESTERLY 103.05 FEET ON A CURVED LINE CONCAVED TO THE SOUTHEAST HAVING A RADIUS OF 75.00 FEET, WITH A CHORD DISTANCE OF 95.13 FEET AND A CHORD BEARING OF SOUTH 70 DEGREES 14 MINUTES 37 SECONDS EAST, TO THE EAST LINE OF THOREAU DRIVE; THENCE NORTH 19 DEGREES 36 MINUTES 33 SECONDS EAST ON SAID EAST LINE 74.74 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

Prepared By and Return to:

Marc S. Porter | Figliulo & Silverman, P.C. (Firm #34435)
10 S. LaSalle Street, Suite 3600
Chicago, Illinois 60603
Phone: (312) 251-5272 | E-mail: mporter@fslegal.com

UNOFFICIAL COPY



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

BUCHANAN ENERGY (N), LLC, A)
DELAWARE LIMITED LIABILITY)
COMPANY)

Plaintiff,)

v.)

WALDEN INVESTMENT CORPORATION,)
AN ILLINOIS CORPORATION;)
EXXONMOBIL OIL CORPORATION, A)
NEW YORK CORPORATION;)
UNKNOWN OWNERS AND)
NON-RECORD CLAIMANTS)

Defendants)

No. 2019 CH 10514

Honorable Eve M. Reilly

ORDER

This cause coming on to be heard upon the Plaintiff's combined motion for entry of a default order and judgment order to quiet title ("Motion") based upon the verified complaint ("Verified Complaint") of Plaintiff, Buchanan Energy (N), LLC ("Buchanan Energy"), and the court being advised that counsel for ExxonMobil Oil Corporation ("ExxonMobil") is not objecting to this Motion and Order and the court being further advised that the Defendant Walden Investment Corporation ("Walden"), the former general partner of Schaumburg Development Associates, Limited Partnership ("Schaumburg Development"), has failed to file its appearance or answer after having been served on October 4, 2019. The court further finds that Buchanan Energy published notice of this proceeding to all Unknown Owners and Non-

UNOFFICIAL COPY

Record Claimants and the certificate of publication being filed and the court being fully advised in the premises:

NOW, THEREFORE, the court finds as follows:

1. That it has jurisdiction of the parties hereto and the subject matter hereof;
2. That Schaumburg Development is a cancelled and dissolved limited partnership as of December 31, 1991. Walden is the former general partner of Schaumburg Development and is currently in good standing in the State of Illinois. Walden was served with the Complaint and Summons on October 4, 2019. Walden has failed to file an appearance or answer to the Complaint and an order of default is entered against them.
3. That the plaintiff, Buchanan Energy, is the owner in fee simple under claim or color of title in the certain real estate situated in Cook County, Illinois and described in the Verified Complaint, to wit:

THAT PART OF FRACTIONAL SECTION 1, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ALGONQUIN ROAD, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF FRACTIONAL SECTION 1; THENCE NORTHERLY ON THE WEST LINE OF SAID EAST HALF OF FRACTIONAL SECTION 1, A DISTANCE OF 633.52 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ALGONQUIN ROAD; THENCE SOUTHEASTERLY ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ALGONQUIN ROAD, BEING A CURVED LINE CONCAVED TO THE NORTHEAST HAVING A RADIUS OF 3547.72 FEET FOR AN ARC DISTANCE OF 37.84 FEET, WITH A CHORD DISTANCE OF 37.84 FEET AND A CHORD BEARING SOUTH 59 DEGREES 41 MINUTES 39 SECONDS EAST TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF ALGONQUIN ROAD, BEING A CURVED LINE CONCAVED TO THE NORTHEAST HAVING A RADIUS OF 8544.72 FEET FOR AN ARC DISTANCE OF 74.97 FEET WITH A CHORD DISTANCE OF 74.97 FEET AND A CHORD BEARING SOUTH 59 DEGREES 18 MINUTES 58 SECONDS EAST; THENCE SOUTHWESTERLY 103.05 FEET ON A CURVED LINE CONCAVED TO THE SOUTHEAST HAVING A RADIUS OF 75.00 FEET, WITH A CHORD DISTANCE OF 95.13 FEET AND A CHORD BEARING OF SOUTH 70 DEGREES 14 MINUTES 37 SECONDS EAST, TO THE EAST LINE OF THOREAU DRIVE; THENCE NORTH 19 DEGREES 36 MINUTES 33 SECONDS EAST ON SAID EAST LINE 74.74 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PIN: 07-01-200-058-0000

UNOFFICIAL COPY

4. That neither the Defendant Walden nor Schaumburg Development has a claim or interest to said Real Estate by virtue of a certain Warranty Deed recorded with the Cook County Recorder of Deeds on October 7, 1969 as document number 20 996 591 ("Schaumburg Development Deed").
5. That any claim of title or interest that Defendant Walden may have in the Real Estate as the former general partner of Schaumburg Development Associates, Limited Partnership is void and invalid for the reason that Plaintiff, Buchanan Energy, and its predecessor in title, Defendant ExxonMobil, have continually used, possessed and controlled the Real Estate and have maintained and paid the real estate taxes on the Real Estate for over 40 years. Plaintiff Buchanan Energy's (and its predecessor in title, ExxonMobil's) possession of the Real Estate was adverse, actual, open, notorious and exclusive and under claim and color of title against the ownership and claims of Walden, Schaumburg Development and all others.
6. That Plaintiff, Buchanan Energy, has established adverse possession of the Real Estate for the requisite 20-year period
7. That the Schaumburg Development Deed and any potential claims of Defendant Walden or Schaumburg Development and others, constitutes a cloud on the title of Plaintiff to said Real Estate, which greatly diminishes the value and interferes with Plaintiff's ownership of the Real Estate; and
8. That the equities of this case are with the Plaintiff.

UNOFFICIAL COPY

WHEREFORE, IT IS ORDERED, DECREED AND ADJUDGED by the court as follows:

1. That any and all claims of the Defendant Walden and Schaumburg Development Associates, Limited Partnership to the Real Estate by virtue of the Schaumburg Development Deed or by any other instrument be and it is hereby declared to be invalid and void and that the Recorder of Deeds of Cook County, Illinois be and is hereby authorized and directed to cancel the said Schaumburg Development Deed of record to the extent that the Schaumburg Development Deed contains the legal description to the Real Estate or establishes any other right, title, claim or interest in the Real Estate;
2. An order of default is entered against Walden Development Corporation. 4219
3. That ExxonMobil has no claim of title or other interest in the Real Estate; and
4. That Buchanan Energy is hereby declared the absolute legal owner of fee simple title to the Real Estate hereinbefore described and that the title to the Real Estate be and it is hereby quieted, established, vested and confirmed in the Plaintiff, Buchanan Energy, free and clear of any claims of the Defendants and all others. 8003
5. With the entry of this Order this matter is dismissed with prejudice.

Enter: /s/ Judge Eve Reilly
Judge Eve M. Reilly



Marc S. Porter

Judge Eve M. Reilly
JAN 12 2021
Circuit Court-2122

UNOFFICIAL COPY

Carl A. Gigante
Figliulo & Silverman, P.C.
10 S. LaSalle Street, Suite 3600
Chicago, Illinois 60603
P: (312) 251-4600
Attorney No.: 34435

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Property of Cook County Clerk's Office

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

IRIS Y. MARTINEZ JAN 15 2021

Date _____

IRIS Y. MARTINEZ
Clerk of the Circuit Court
of Cook County, IL

