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

Doc#: 2113001437 Fee: \$98.00
Karen A. Yarbrough
Cook County Clerk
Date: 05/10/2021 04:39 PM Pg: 1 of 2

Case No. 20 CH 6478

U.S. Bank, N.A., as Legal Title Trustee for Truman
2016 SC6 Title Trust,

PLAINTIFF

vs.

Harry Bartosiak; Mary McKernan; Harris, N.A.;
Unknown Owners and Non-Record Claimants;

DEFENDANTS

ORDER OF REFORMATION

THIS CAUSE coming to be heard on the Motion for Default Judgment (the "Motion") filed by plaintiff U.S. Bank, N.A., as Legal Title Trustee for Truman 2016 SC6 Title Trust ("Plaintiff"), 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 for Reformation or, in the Alternative, Imposition of Equitable Lien (the "Complaint").
2. All material allegations of the Complaint have been proven and are true.
3. On March 21, 2008, defendants Harry Bartosiak ("Bartosiak") and Mary McKernan ("McKernan," and collectively with Bartosiak, the "Defendants") appeared at the offices of Burnet Title in Des Plaines, Illinois for the purpose of closing a refinance of existing mortgage debt secured by the property located at 435 S. Lincoln Lane, Arlington Heights, Illinois 60005 (the "Premises"), and legally described as follows:

LOT 383 AND THE SOUTH 10 FEET OF LOT 384 IN "SCARSDALE" BEING
A SUBDIVISION OF PART OF THE WEST ½ OF THE EAST ½ AND PART
OF THE EAST ½ OF THE WEST ½ OF SECTION 32, TOWNSHIP 42 NORTH,
RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK
COUNTY, ILLINOIS

Commonly Known As: 435 S. Lincoln Lane, Arlington Heights, IL 60005
Permanent Index No.: 03-32-223-031-0000

4. At said time and place, Bartosiak executed and delivered a \$417,000.00 Promissory Note (the "Note") to Wells Fargo Bank, NA ("Wells Fargo"). In addition, Defendants executed a corresponding mortgage (the "Mortgage") to Wells Fargo. Pursuant to the agreement of Wells Fargo and Defendants, the

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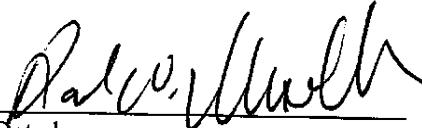
Mortgage was to convey a complete mortgage lien interest in the Premises.

5. Unbeknownst to Wells Fargo, the Mortgage as drafted did not reflect the agreement of the parties. Specifically, through a handwritten notation affixed by an individual unknown to Plaintiff, the instrument purported to limit McKernan's conveyance to a waiver of his homestead interest in the Premises (the "Error").
6. In reliance upon the belief that it had received the agreed complete first mortgage lien interest in the Premises, Wells Fargo funded the Refinance. In this regard, a total of \$421,611.56 was paid in satisfaction of debt due from Defendants and secured by prior mortgage encumbering the Premises.
7. The Mortgage was duly recorded by Cook County Recorder of Deeds on February 5, 2008 as Document No. 0803654019.
8. Plaintiff is the current holder of the Note and Mortgage.
9. Default judgment has been entered in favor of Plaintiff and against Defendants by separate order.
10. The equities of this case are with Plaintiff and an Order should be entered reforming the Mortgage so as to (1) correct the Error described above; and (2) provide for the unconditional grant of a complete mortgage lien interest in the Premises from both Bartosiak and McKernan.

IT IS HEREBY ORDERED:

- A. The Mortgage is hereby reformed so as to delete the Error and provide for the unconditional grant of a complete first mortgage lien interest in the Premises from both Harry Bartosiak and Mary McKernan.
- B. In accordance with the December 21, 2007 Mortgage recorded on February 5, 2008 as Document No. 0803654019, Plaintiff is deemed to possess a valid, complete, perfected and subsisting mortgage lien interest in the entirety of the Premises, with priority effective as of the February 5, 2008 date of recordation.

ENTERED:


Dated: _____

#1992

May 4, 2021

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Judge Raymond W. Mitchell

MAY 04 ENT'D

Circuit Court – 1992