

UNOFFICIAL COPY

Doc#: 2304706248 Fee: \$98.00
Karen A. Yarbrough
Cook County Clerk
Date: 02/16/2023 01:47 PM Pg: 1 of 8

Mail To:

(LAW OFFICES OF BARD S. MICHL)

10526 W. CERMAK ROAD

SUITE 105

WESTCHESTER, ILLINOIS 60154-5240

RECORDING COVER PAGE

Permanent Parcel Number:

17-19-420-045-0000

Property Address:

1708 WEST 21ST STREET

CHICAGO, ILLINOIS 60608

Prepared By:	BARD S. MICHL	10526 W. CERMAK ROAD, SUITE 105, WESTCHESTER, ILLINOIS 60154-5240
	Name	Address City, State & Zip Code

*Please note – This cover page has been attached to the document for recording purpose.
It is a permanent part of the document and has been included in the page count.

UNOFFICIAL COPY

STATE OF ILLINOIS)	Attorney Code No.: 53976
) ss.	
COUNTY OF COOK)	

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

ROSA YANEZ,)	Case No.: 2020 CH-03946
Plaintiff,)	
)	Calendar: 16
vs.)	
)	Judge: David B. Atkins
JAVIER YANEZ AND OFELIA YANEZ,)	
Defendants.)	Room: 2102

DECLARATORY JUDGMENT

THIS MATTER COMING on to be heard before this Honorable Court on the 10:30 a.m. CASE MANAGEMENT CALL scheduled for FEBRUARY 9, 2023 via ZOOM Video Conferencing, Meeting ID No.: 925 5932 0340, and Password No.: 209408, for entry of a DECLARATORY JUDGMENT, as pursuant to section 2-701 of the Illinois Code of Civil Procedure [735 ILCS 5/2-701], the Plaintiff's, ROSA YANEZ', Attorney of Record, BARD S. MICHL, being present before this Honorable Court, and the Defendants', JAVIER YANEZ' and OFELIA YANEZ', Attorney of Record, Steven L. Vanderporten, from FOX SWIBEL LEVIN & CARROLL, LLP., being present before this Honorable Court; and this Court being fully advised in the premises, now therefore:

WHEREAS, on November 17, 1987, EFREN YANEZ ("EFREN") and OFELIA YANEZ ("OFELIA") purchased, via a Trustee's Deed, certain property located at **1708-1710 West 21st Street, Chicago, Illinois 60608**, and assigned PINS: 17-19-420-**044-0000** & 17-19-420-**045-0000**, (hereinafter referred to as the "Property"), which was recorded with the Cook County Recorder of Deeds Office under **Document Number 87658997**.

WHEREAS, the Property contained two (2) separate lots, each assigned their own common address, parcel index number (PIN), and legal descriptions;

WHEREAS, a multi-unit building was constructed on the lot assigned PIN 17-19-420-**044-0000**, and located at **1710 West 21st Street, Chicago, Illinois 60608**, (hereinafter referred to as the "Multi-Unit Lot"); and a garage was constructed on the lot assigned PIN 17-19-420-**045-0000**, and located at **1708 West 21st Street, Chicago, Illinois 60608** (hereinafter referred to as the "Garage Lot");

UNOFFICIAL COPY

WHEREAS, on April 2, 2005, EFREN and OFELIA executed a Quit Claim Deed transferring their legal title interest in the “Property”, inclusive of both the Multi-Unit Lot and Garage Lot, and assigned PINS: 17-19-420-044-0000 & 17-19-420-045-0000, to EFREN, OFELIA, ROSA YANEZ, (hereinafter referred to as “ROSA”), and JAVIER YANEZ (hereinafter referred to as “JAVIER”), which was recorded with the Cook County Recorder of Deeds Office under Document Number 0511935081, (hereinafter referred to as the “2005 Quit Claim Deed”);

WHEREAS, on January 26, 2006, EFREN, OFELIA, ROSA, and JAVIER executed a Quit Claim Deed transferring their legal title interest in the Multi-Unit Lot, located at 1710 West 21st Street Chicago, Illinois 60608, and assigned PIN: 17-19-420-044-0000, to ROSA, which was recorded with the Cook County Recorder of Deeds Office under Document Number 0604140214, (hereinafter referred to as the “2006 Quit Claim Deed”);

WHEREAS, on November 22, 2016, EFREN, OFELIA, ROSA, and JAVIER purportedly transferred their interest in the Garage Lot, located at 1708 West 21st Street, Chicago, Illinois 60608, and assigned PIN: 17-19-420-045-0000, to EFREN and OFELIA and recorded with the Cook County Recorder of Deeds Office under Document Number 1705840001, (hereinafter referred to as the “2016 Quit Claim Deed”); the purported transfer which is the subject of dispute in the present Lawsuit hereafter defined;

WHEREAS, on April 20, 2022, the Plaintiff, ROSA YANEZ, filed a lawsuit against Defendants, OFELIA YANEZ and JAVIER YANEZ, under Case No. 2020 CH 03946 in the Circuit Court of Cook County, Illinois, Chancery Division seeking a Declaratory Judgment, as pursuant to section 2-701 of the Illinois Code of Civil Procedure [735 ILCS 5/2-701], (a) invalidating the 2016 Quit Claim Deed, as being void under Illinois Statutes, and (b) correcting a scrivener’s error committed in the execution of the 2006 Quit Claim Deed, as amongst other relief as sought (hereinafter referred to as the “Lawsuit”);

NOW THEREFORE, it is HEREBY ORDERED:

A. That the “2016 Quit Claim Deed”, as executed on November 22, 2016, by EFREN, OFELIA, ROSA, and JAVIER, purportedly transferring their legal title interest in the Garage Lot, located at 1708 West 21st Street, Chicago, Illinois 60608, and assigned PIN: 17-19-420-045-0000, to EFREN and OFELIA, which was recorded with the Cook County Recorder of Deeds Office under Document Number 1705840001, [a copy of which is marked as **Exhibit “A”**, attached hereto, and made a part thereof], shall be Declared Null and Void; and shall be held Invalidated, and for naught. That the Common Address, PIN and Legal Description associated with Document Number 1705840001 are as follows:

COMMON ADDRESS: 1708 West 21st Street, Chicago, Illinois 60608

PIN: 17-19-420-045-0000

LEGAL DESCRIPTION: LOT 97 IN LOMBARD’S SUBDIVISION OF BLOCK 50 IN THE SUBDIVISION BY THE CITY OF CHICAGO OF SECTION 19, TOWNSHIP 39 NORTH, RANGE 14, EAST OF YTHE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

UNOFFICIAL COPY

B. That the legal title interest in the Garage Lot, located at 1708 West 21st Street, Chicago, Illinois 60608, and assigned PIN: 17-19-420-045-0000, shall henceforth revert to, and reside in, EFREN, OFELIA, ROSA, and JAVIER, as pursuant to the "2005 Quit Claim Deed", previously executed on April 2, 2005, and recorded with the Cook County Recorder of Deeds Office under **Document Number 0511935081**;

C. That the "2006 Quit Claim Deed", as executed on January 26, 2006, by EFREN, OFELIA, ROSA, and JAVIER, transferring their legal title interest in the Multi-Unit Lot, located at 1710 West 21st Street, Chicago, Illinois 60608, and assigned PIN: 17-19-420-044-0000, to ROSA, which was recorded with the Cook County Recorder of Deeds Office under **Document Number 0501140214**, contained a scrivener's error, in that the assigned PIN, which was originally indicated under said Quit Claim Deed as 17-19-424-044-0000, should have been indicated as 17-19-420-044-0000;

D. That this matter shall be dismissed without Prejudice, allowing the Parties an opportunity to comply with all of the provisions as set forth in the previously executed **RELEASE AND CONFIDENTIAL SETTLEMENT AGREEMENT**, which disposed of this matter.

E. That this Honorable Court retains Jurisdiction over this matter, so as to enforce the any and all of the provisions as set forth in the previously executed **RELEASE AND CONFIDENTIAL SETTLEMENT AGREEMENT**, disposing of this matter.

F. That if the Parties are unable to comply with all of the provisions as forth under the previously executed **RELEASE AND CONFIDENTIAL SETTLEMENT AGREEMENT**, either Party may present a Motion, with proper Notice, before this Honorable Court, in order to Rescind, and/or Modify, this Declaratory Judgment.

ENTERED:

Dated: JUDGE DAVID B. ATKINS

FEB 09 2023

Circuit Court - 1879

Judge

THE LAW OFFICES OF BARD S. MICHL
 Attorney for Plaintiff, ROSA YANEZ
 10526 W. Cermak Road, Suite 105
 Westchester, IL 60154-5240
 (630) 568-5535 (TEL)
 (630) 559-7337 (FAX)
bardmichllaw@gmail.com
 Attorney Code No.: 53976

UNOFFICIAL COPY

EXHIBIT "A"

Property of Cook County Clerk's Office

UNOFFICIAL COPY

NOT AN OFFICIAL DOCUMENT

QUIT CLAIM DEED
Statutory (ILLINOIS)

Mail to and Prepared by
JAVIER YANEZ
1711 W CULLERTON
CHICAGO, IL 60608

Name & address of taxpayer
JAVIER YANEZ
1711 W CULLERTON
CHICAGO, IL 60608



Doc# 1705440001 Fee \$47.00

CHSP FEE-09 00 2221 FEE: \$1.00

OFFICIAL FEE: \$0.00

TAXER # 148880009

COOK COUNTY RECORDER OF DEEDS

DATE: 02/22/2017 02:12 PM PG: 1 OF 3

THE GRANTOR (S) **EFREN YANEZ** and **OFELIA YANEZ**, husband and wife and **ROSA YANEZ**, a single woman and **JAVIER YANEZ**, a single man, of the City of CHICAGO, County of COOK, State of Illinois, for and consideration of TEN (X) DOLLARS and other good and valuable considerations in hand paid

CONVEY AND QUIT CLAIM to **EFREN YANEZ** and **OFELIA YANEZ**, husband and wife the following described real estate situated in the county of COOK in the state of Illinois, to wit:

LOT 97 IN LOMBARD'S SUBDIVISION OF BLOCK 50 IN THE SUBDIVISION BY THE CITY OF CHICAGO, OF SECTION 19, TOWNSHIP 39 N, RANGE 14, EAST OF THE THIRD PRINCIPLE MERIDIAN, IN COOK COUNTY, ILLINOIS

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois to have and to hold said premises in FFE SIMPLY forever

Permanent Real Estate Index Number (s) 17-19-420-045-0000
Property address 1708 W 21st STREET, CHICAGO, IL 60608

Dated this 22nd day of November, 2016

EFREN YANEZ

ROSA YANEZ

OFELIA YANEZ

JAVIER YANEZ

REAL ESTATE TRANSFER TAX		17 Feb 2017
	CHICAGO:	0.00
	CTA:	0.00
	TOTAL:	0.00

REAL ESTATE TRANSFER TAX		27 Feb 2017
	COUNTY	0.00
	ILLINOIS	0.00
	TOTAL	0.00

17-19-420-045-0000 | 20170201010553 | 0-004-782-784
Total fees: \$0.00. In any application penalty or state and local

17-19-420-045-0000 | 20170201010553 | 0-004-782-784

UNOFFICIAL COPY

1705840001 Page 2 of 3

NOT AN OFFICIAL DOCUMENT

State of Illinois, County of COOK ss

I, the undersigned, a Notary public, in the State aforesaid, DO HEREBY CERTIFY that EFREN YANEZ and OFELIA YANEZ, husband and wife and ROSA YANEZ, a single woman and JAVIER YANEZ, a single man

Personally know to me to be the same person(s) whose names are subscribed to the foregoing instrument, appeared before me this day in person, and the person(s) acknowledged that the person(s) signed, sealed and delivered the instrument as their free and voluntary act, for the uses and purpose therein set forth.

Given under my hand and official seal, this 22 day of November, 2016.

Emmanuel Guerrero Chavez
NOTARY PUBLIC



COUNTY-ILLINOIS TRANSFER STAMPS
EXEMPT UNDER PROVISIONS OF PARAGRAPH SECTION 4, REAL ESTATE TRANSFER ACT

Dated: November, 22, 2016

Signature of seller or Representative

Efren Yanez
Efren Yanez

Ofelia Yanez
Ofelia Yanez

Rosa Yanez
Rosa Yanez

Javier Yanez
Javier Yanez

Property of Cook County Clerk's Office

UNOFFICIAL COPY

1705846001 Page: 3 of 3

NOT AN OFFICIAL DOCUMENT

STATEMENT BY GRANTOR AND GRANTEE

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated 4/22, 2016

Signature [Signature]
Rosa Yanez
Grantor

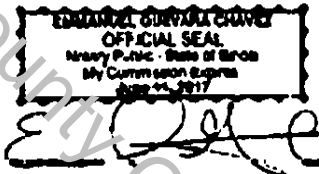
Signature [Signature]
Ehren Yanez
Grantor

Signature [Signature]
Javier Yanez
Grantor

Signature [Signature]
Olivia Yanez
Grantor

Subscribed and sworn before me by
this 22 day of November, 2016

Emmanuel Guzman-Chavez
Notary Public



The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire title to real estate laws of the State of Illinois.

Date: 4/22, 2016

Signature [Signature]
Grantee or Agent

Date: 4/22, 2016

Signature [Signature]
Grantee or Agent

Note: any person who knowingly submits a false statement concerning the identity of a Grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

