



DICKLER, KAHN, SLOWIKOWSKI & ZAVELL, LTD.

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x206

March 6, 2013

Ms. Lisette Ray
1519 E. Central Road
Arlington Heights, IL 60005

Re: THE DANA POINT CONDOMINIUM ASSOCIATION
GMAC Mortgage, LLC v. Tomasz A. Soltys, et al.
Mortgage Foreclosure Action - Case No. 13 CH 6021
Unit 406A, 1505 E. Central Road, Arlington Heights, Illinois
Our File No. 212005.021

Dear Ms. Ray:

As the registered agent of the Association, we were served with the enclosed summons and complaint on March 5, 2013.

This action is a mortgage foreclosure brought by the unit owners' lender, and the association was named and served as a defendant. The association is named because the lender seeks to have the unit sold at sheriff's sale and to have its mortgage loan satisfied out of the proceeds of sale, and it wants to have a court determination that the association's lien for common expenses is second in priority to its lien. We generally recommend that the association participate in the mortgage foreclosure action in order to have its lien rights adjudicated and included in the Judgment of Foreclosure, even though in the vast majority of cases the association's lien is second in priority to the lien of the first mortgage.

It is important for the association's interests to be represented in the case for several reasons: 1) the association must monitor the case to make sure the case moves along properly and that no judgment is entered against the association which might be inappropriate; and 2) in the event that the unit owner either reinstates the mortgage or "redeems" by paying everything that is due, the association should have its lien included in the judgment so the association also can get paid; and 3) in the event there are excess proceeds of sale, after the unit is sold at a sheriff's sale, the association's lien might be satisfied in whole or in part, or if there is sufficient equity in the unit, it may make sense for the association to bid at the sale and purchase the unit; and 4) if there are no proceeds of sale, the association may be entitled to obtain a personal judgment against the unit owner.

Ms. Lisette Ray
March 6, 2013
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If the association would like us to participate in this case, we will prepare and file an appearance, answer and counterclaim. We will monitor the case, and we will seek to have the association's lien set forth in the court's judgment, and to have any proceeds of sale paid to satisfy the association's lien (if there are proceeds over and above the mortgage lien). In the appropriate case, we will also seek to obtain a personal deficiency judgment against the unit owner.

Enclosed is a copy of our fee schedule detailing the charges for the various tasks necessary in these cases.

Please review the complaint to determine whether there may be equity in the unit, or let us know what the approximate market value of the unit is so we could advise the association further in connection with possibly bidding at the sale.

WE WILL CONTINUE TO MONITOR (ONLY) THE STATUS OF THIS CASE UNLESS WE RECEIVE WRITTEN DIRECTION FROM YOUR OFFICE PRIOR TO MARCH 15, 2013.

Please feel free to contact me if you have any further questions.

Very truly yours,

DICKLER, KAHN, SLOWIKOWSKI & ZAVELL, LTD.

Sandra T. Kahn (digitally signed)

Sandra T. Kahn

Enclosure

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FEE SCHEDULE

STANDARD CHARGES FOR ROUTINE MORTGAGE FORECLOSURE CASES*

Service of foreclosure lawsuit	\$ 50	Accept service of summons as Registered Agent; review to confirm correct client association named.
Initial research and opinion services	\$ 90	Standard review of mortgage foreclosure case filed by lender and standard notice to association of service of foreclosure received by our office.
Monitor Status of Case	\$150	Standard bi-monthly monitoring of foreclosure case filed against unit owner and standard communication (spreadsheets and DKSZ portal) includes bi-monthly telephone calls with lender's counsel for the first year. (Other communications not included and billed hourly)
Extended Monitoring of Case	\$120	Continued standard bi-monthly monitoring of case for additional period up to one year.
Prepare lien and release	\$200*	Preparing and filing the lien with Recorder (plus costs). Communications not included and billed hourly.
Prepare Appearance and Answer	\$500*	Review of documents, opening file, prepare Appearance & Answer and filing documents with court (plus costs) and includes standard bi-monthly monitoring of case through judgment and sale. Communications not included and billed hourly.
Prepare counterclaim	\$400*	Review of association documents and delinquency. Prepare Summons & Counterclaim, file with Clerk and place with Sheriff for service.(plus costs).
Prepare affidavits	\$300	Standard communications with association and opposing counsel in connection with entry of judgment and amounts of association lien.
File Affidavits	\$100	File affidavits in support of attorney fees and assessments.
Court Appearance	Hourly Rate	If court attendance is necessary, each continuance and other routine court appearance is charged at our standard hourly rate.
Motions (to Amend Judgment, Intervene, for Turnover of Surplus or for Deficiency)	Hourly Rate	To prepare motion, all related tasks, and court appearances charged at our standard hourly rates.
Supplementary proceedings Contested Cases	Hourly Rate	Contested cases, non-routine matters, and all actions to collect personal deficiency judgment will require separate fee arrangement.

*ALL COURT COSTS AND OTHER EXPENSES ARE ADDITIONAL

2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served By Publication
SUMMONS

2121 - Served
2221 - Not Served
2321 - Served By Mail
2421 - Served By Publication
ALIAS - SUMMONS

(Rev. 4/09/10) CCCH 0100 A

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

GMAC Mortgage, LLC

PLAINTIFF

v.

Tomasz A. Soltys; The Dana Point Condominium Association;
Krzysztof Soltys; United States of America; Unknown Owners
and Nonrecord Claimants

DEFENDANTS

No.

2013CH06021
CALENDAR/ROOM 61
TIME 00:00
Owner Occupied

1505 E. Central Road Unit #406A
Arlington Heights, IL 60005

Case Management Date: 05/02/13

Time: 9:45

Courtroom No.

2804

MORTGAGE FORECLOSURE SUMMONS

To each defendant: See Attached Service List

YOU ARE SUMMONED and required to file an appearance, pay the filing fee (unless the Court determines you cannot afford to pay this fee), and answer or otherwise plead in response to the attached Complaint within 30 days. A copy of the Complaint is attached to this Summons. You can file your appearance and pleadings in the office of the Clerk of this Court in Room 802 of the Richard J. Daley Center, 50 W. Washington St., Chicago, Illinois 60602, Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M.

YOU MAY STILL BE ABLE TO SAVE YOUR HOME.

DO NOT IGNORE THIS DOCUMENT.

GO TO PAGE 2 OF THIS SUMMONS

FOR INFORMATION ON FREE HELP FROM THE COURT.

You must file within 30 days after service of this summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

NOTE: This law firm is deemed to be a debt collector.

Atty No.: 21762
Name: Codilis & Associates, P.C.
Atty. for: Plaintiff
Address: 15W030 North Frontage Road, Suite 100
City/State/Zip: Burr Ridge, IL 60527
Telephone: (630) 794-5300

WITNESS

DEBORAH BROWN, MAR 01 2013

Clerk of Court

Date of Service

3/5, 2013
(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at:

(Area Code) (Facsimile Telephone Number)

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

Cook County #21762

GMAC Mortgage, LLC

PLAINTIFF

Vs.

Tomasz A. Soltys; The Dana Point Condominium
Association; Krzysztof Soltys; United States of America;
Unknown Owners and Nonrecord Claimants

DEFENDANTS

No.

1505 E. Central Road Unit #406A
Arlington Heights, IL 60005

COMPLAINT TO FORECLOSE MORTGAGE

NOW COMES the Plaintiff, GMAC MORTGAGE, LLC, by and through its attorneys, CODILIS & ASSOCIATES, P.C., complaining of the defendants herein and, pursuant to 735 ILCS 5/15-1101, states as follows:

1. Plaintiff files this Complaint to Foreclose the mortgage, trust deed or other conveyance in the nature of a mortgage (hereinafter called "Mortgage") hereinafter described, and names the persons identified in the above caption as "Defendants", as parties hereto.
2. Attached as "EXHIBIT A" is a copy of the Mortgage. Attached as "EXHIBIT B" is a copy of the Note. Attached as "EXHIBIT C" is a copy of the Loan Modification Agreement.
3. Information concerning said Mortgage:
 - (A) Nature of the instrument: Mortgage.
 - (B) Date of the Mortgage: 7/16/07 modified on 12/10/08
 - (C) Name of mortgagor(s):
Tomasz A. Soltys
 - (D) Name of the original mortgagee:
Mortgage Electronic Registration Systems, Inc. as Nominee for Southport Bank
 - (E) Date and Place of Recording or Registering:
7/27/2007
Office of the Recorder of Deeds of Cook County Illinois
 - (F) Identification of Recording: Document No. 0720835276
 - (G) Interest subject to the mortgage: Fee Simple.

(H) Amount of original indebtedness:

(1) Original Indebtedness: \$147,250.00 modified to \$156,048.51

(I) Both the legal description of the mortgaged real estate and the common address or other information sufficient to identify it with reasonable certainty:

UNIT 406A, BUILDING NO. 2 IN THE DANA POINT CONDOMINIUM AS DELINEATED ON A SURVEY, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO A CERTAIN DECLARATION OF CONDOMINIUM OWNERSHIP, RECORDED IN THE OFFICE OF THE COOK COUNTY RECORDER OF DEEDS ON SEPTEMBER 8, 1978, AS DOCUMENT NUMBER 24618528, TOGETHER WITH AN UNDIVIDED .160 PERCENT INTEREST IN SAID PARCEL, ALL IN TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1505 E. Central Road Unit #406A
Arlington Heights, IL 60005

TAX PARCEL NUMBER: 08-10-201-024-1198

(J) Statement as to defaults: Mortgagors have not paid the monthly installments of Principal, taxes, Interest and insurance for 11/01/2012, through the present; the Principal balance due on the Note and the Mortgage is \$149,842.89, plus Interest, costs, advances and fees. Interest accrues pursuant to the Note, and the current per diem is \$19.50.

(K) Name of present owner(s) of said premises:

Tomasz A. Soltys
Krzysztof Soltys

(L) Names of other persons who are joined as defendants and whose interest in or lien on the mortgaged real estate is sought to be terminated and alleged to be subordinate and inferior to the mortgage of the Plaintiff:

The Dana Point Condominium Association, by virtue of the fact that, upon information and belief, it is the Condominium Association for the subject premises and may have some interest in the subject real estate by virtue of unpaid assessments or other charges.

United States of America, by virtue of a Claim for Lien against Tomasz Soltys in the amount of \$50.00 assessment & \$500.00 fine and recorded on 12/26/2006 in the Office of the Recorder/Registrar of Deeds of Cook County, Illinois, as Document No. 0636009119, for fine and/or restitution imposed pursuant to the anti-terrorism and effective death penalty act of 1996. Plaintiff alleges that the interest of this defendant is inferior and subordinate to its mortgage.

(M) Names of defendants claimed to be personally liable for deficiency, if any:

Tomasz A. Soltys.

(N) Capacity in which Plaintiff brings this foreclosure: Plaintiff is the Mortgagee under 735 ILCS 5/15-1208.

(O) Facts in support of a redemption period shorter than the longer of 7 months from the date the mortgagor or, if more than one, all the mortgagors have been served with summons or by publication or have otherwise submitted to the jurisdiction of the court, or 3 months from the entry of the judgment of foreclosure, whichever is later, if sought:

The redemption period shall be determined pursuant to 735 ILCS 5/15-1603.

(P) Statement that the right of redemption has been waived by all owners of redemption: There has been no executed waiver of redemption by all owners of redemption, however Plaintiff alleges that it is not precluded from accepting such a waiver of redemption by the filing of this complaint.

(Q) Facts in support of request for attorneys' fees and of costs and expenses, if applicable: The subject mortgage provides for payment of attorney fees, court costs, and expenses in the event of a default under the mortgage.

(R) Facts in support of a request for appointment of mortgagee in possession or for appointment of a receiver, and identity of such receiver, if sought: Unless otherwise alleged, Plaintiff will pray for said relief after the filing of the instant foreclosure action by separate petition if such relief is sought.

(S) Offer to the mortgagor in accordance with Section 15-1402 to accept title to the real estate in satisfaction of all indebtedness and obligations secured by the mortgage without judicial sale, if sought: No allegation of an offer is made however Plaintiff alleges that it is not precluded from making or accepting such offer by the filing of the instant foreclosure action.

(T) Name or names of defendants whose rights to possess the mortgaged real estate, after the confirmation of a foreclosure sale, are sought to be terminated and, if not elsewhere stated, the facts in support thereof:

Tomasz A. Soltys; Krzysztof Soltys;

4. Plaintiff avers that in addition to persons designated by name herein and the Unknown Defendants herein before referred to, there are other persons, and/or non-record claimants who are interested in this action and who have or claim some right, title, interest or lien in, to or upon the real estate, or some part thereof, in this Complaint described, including but not limited to the following:

Unknown Owners and NonRecord Claimants, if any.

That the name of each of such persons is unknown to Plaintiff and on diligent inquiry cannot be ascertained, and all such persons are therefore made party defendants to this action by the name and description of UNKNOWN OWNERS and NONRECORD CLAIMANTS.

REQUEST FOR RELIEF

WHEREFORE, THE PLAINTIFF REQUESTS:

- (i) A judgment of foreclosure and sale.
- (ii) An order granting a shortened redemption period, if sought.
- (iii) A personal judgment for deficiency, if applicable and sought, and only against parties who have signed the Note or monetary obligation which is the subject matter of this complaint, or persons who have assumed liability of the Note or monetary obligation which is the subject matter of this complaint, and who have not received a Chapter 7 bankruptcy discharge and who are not personally protected by the automatic stay at sale confirmation.
- (iv) An order granting possession, if sought.
- (v) An order placing the mortgagee in possession or appointing a receiver, if sought.
- (vi) A judgment for attorneys' fees, costs and expenses, if sought.
- (vii) For the Appointment of a Selling Officer, if deemed appropriate by this court.
- (viii) Such other and further relief as the Court deems just.

GMAC Mortgage, LLC

Megan E. Murphy

ARDC# 6300395

BY: 

CODILIS & ASSOCIATES, P.C.

One of its Attorneys

Codilis & Associates, P.C.
Attorneys for Plaintiff
15W030 North Frontage Road, Suite 100
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(630) 794-5300
Cook #21762
14-13-03206