ARDC No.: 6296022

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT

LAKE COUNTY, WAUKEGAN, ILLINOIS

|  |  |
| --- | --- |
| QUICKEN LOANS INC., |  |
| Plaintiff, | Case No. 17-CH-1634 |
| vs. |  |
| Property Address:  2101 33rd STREET  ZION, ILLINOIS 60099 |
| JUNAYD LATIF; SURIYYA LATIF; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR AMERICAN HOME MORTGAGE; UNKNOWN OWNER AND NON-RECORD CLAIMANTS, |  |
| Defendant(s). |  |

**PETITION OF BANK OF AMERICA, N.A. FOR LEAVE TO INTERVENE AND FILE ITS APPEARANCE AND ANSWER**

NOW COMES Petitioner, BANK OF AMERICA, N.A., by and through its attorneys, MARINOSCI LAW GROUP, P.C. and petitions the court for leave to intervene and to file its appearance and answer, and in support thereof, states as follows:

1. Plaintiff filed its Complaint to Foreclose Mortgage on or about December 11, 2017.
2. In Plaintiff’s Complaint, it named as a party Defendant Mortgage Electronic Registration Systems, Inc., solely as nominee for American Home Mortgage (hereinafter referred to as “MERS”) pursuant to a mortgage recorded December 21, 2006 as Document 6109928. This mortgage was subordinated to Plaintiff’s mortgage by way of a Subordination Agreement recorded March 1, 2016 as Document 7272320.
3. On September 18, 2017, MERS executed an assignment of the aforementioned mortgage recorded as Document 6109928, assigning its interests to petitioner BANK OF AMERICA, N.A. Said assignment was recorded on September 25, 2017 as Document 7430126. See attached **Exhibit A**.
4. As a result of the aforementioned assignment, BANK OF AMERICA, N.A., and not MERS, is the correct party defendant in interest in the above captioned case.
5. Pursuant to 735 ILCS 5/2-408,
6. Upon timely application anyone shall be permitted as of right to intervene in an action; (1) when a statute confers an unconditional right to intervene; or (2) when the representation of the applicant's interest by existing parties is or may be inadequate and the applicant will or may be bound by an order or judgment in the action; or (3) when the applicant is so situated as to be adversely affected by a distribution or other disposition of property in the custody or subject to the control or disposition of the court or a court officer.
7. Pursuant to 735 ILCS 5/15-1501(d),

(d) Right to Become Party. Any person who has or claims an interest in real estate which is the subject of a foreclosure or an interest in any debt secured by the mortgage shall have an unconditional right to appear and become a party in such foreclosure in accordance with subsection (e) of Section 15-1501….

1. Furthermore, 735 ILCS 5/15-1501(e)(1) states:
2. Of Right. A person not a party, other than a nonrecord claimant given notice in accordance with paragraph (2) of subsection (c) of Section 15-1502, who has or claims an interest in the mortgaged real estate may appear and become a party at any time prior to the entry of judgment of foreclosure.
3. In the instant case, on information and belief, no judgment of foreclosure has entered.
4. BANK OF AMERICA, N.A. has a valid interest in the subject property and thus has a right to become a party to the case.

WHEREFORE, Petitioner BANK OF AMERICA, N.A. prays that this Honorable Court:

1. Grant its Petition to Intervene; and
2. Substitute BANK OF AMERICA, N.A. for party defendant Mortgage Electronic Registration Systems, Inc., solely as nominee for American Home Mortgage; and
3. Grant BANK OF AMERICA, N.A. twenty-eight days to file its Appearance and Answer; and
4. For any other relief this court finds just.

|  |  |
| --- | --- |
| Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Respectfully submitted,  By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Shaun Callahan  Attorney, Marinosci Law Group, P.C.  ARDC No.: 6296022 |

MARINOSCI LAW GROUP, P.C.

134 N. LaSalle Street

Suite 1900

Chicago, IL 60602

Telephone: 312-940-8580

Fax: 401-234-5130

ARDC No.: 6296022

[mlgil@mlg-defaultlaw.com](mailto:mlgil@mlg-defaultlaw.com)