Firm No.: 59049

STATE OF ILLINOIS

COUNTY OF COOK

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS,

- COUNTY DEPARTMENT - CHANCERY DIVISION -

|  |  |
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| BANK OF AMERICA, N.A. |  |
| Plaintiff, | Case No. 2018 CH 00954 |
| v. | Cal No.: 59 |
| Property Address:  2449 W ARTHINGTON  CHICAGO, IL 60612 |
| DARIO ROMERO, DELPHINA ROMERO , CHICAGO TITLE LAND TRUST COMPANY, AS TRUSTEE UNDER THE TRUST AGREEMENT DATED 26TH JUNE 2006 AND KNOWN AS TRUST NUMBER 8002346826, AND UNKNOWN OWNERS AND NON-RECORD CLAIMANTS |  |
| Defendant(s). |  |

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at 10:00a.m., or as soon thereafter as Counsel may be heard, I shall appear before the Honorable Judge Anna M. Loftus sitting in Courtroom 2801 of Daley Center, 50 W. Washington Street, Chicago, Illinois, and then and there move the Court for entry of Motion to Reformation.

|  |  |
| --- | --- |
| Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Kathryn Bodanza  Marinosci Law Group, P.C. |

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, certify that I served a copy of this notice with attached Motions by mailing the same to the members of the attached service list and placed said envelope in the U.S. Mail at a U.S. Post Office located in Chicago, Illinois before the hour of 5:00 p.m., with proper postage fully prepared, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

|  |  |
| --- | --- |
|  | Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

MARINOSCI LAW GROUP, P.C.

134 N. LaSalle St., Suite 1900

Chicago, IL 60602

Tel: 312.940.8580 // Fax: 401.234.5130

Firm No.: 59049

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

**SERVICE LIST**

Chicago Title Land Trust Company, as Trustee Under the Trustee Under the Trust Agreement Dated 26th June 2006 and Known as Trust Number 8002346826

181 W. Madison, Suite 1700

Chicago, IL 60602

Dario Romero

2449 W Arthington St

Chicago, IL 60612

Delphina Romero

2449 W Arthington St

Chicago, IL 60612

Unknown Owners and Non-Record Claimants

2449 W Arthington St

Chicago, IL 60612

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**MOTION FOR LEAVE TO FILE AMENDED COMPLAINT, *INSTANTER***

NOW COMES Plaintiff, BANK OF AMERICA, N.A. (“Plaintiff”), through counsel Marinosci Law Group, PC, with its Motion for Leave to file an Amended Complaint. In support of its motion Plaintiff states as follows:

1. Plaintiff filed the underlying Complaint on January 24, 2018.

2. Plaintiff now seeks leave of the Court to file an Amended Complaint (Exhibit A) to add a count for reformation.

3. The deed dated June 26, 2006 and recorded on October 4, 2007 in the Office of the Cook County Recorder of Deeds as document number 0727739041 was inadvertently recorded with a typographical error.

4. The deed incorrectly lists the legal description of the property with a common address 2449 W ARTHINGTON, CHICAGO, IL, 60612, bearing a permanent index number of 16-13-420-005-0000 as:

LOT 26 IN BLOCK 1 IN RAWSON’S SUBDIVISION OF THE EAST HALF OF THE SOUTH **EASST** QUARTER OF THE SOUTH EAST QUARTER OF SECTION 13 TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE 3RD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. (emphasis added). (Exhibit B)

5. The Subject Mortgage and prior Deeds correctly purport to affect the property with a common address of 2449 W ARTHINGTON, CHICAGO, IL, 60612, bearing a permanent index number of 16-13-420-005-0000. The accurate legal description is:

LOT 26 IN BLOCK 1 IN RAWSON’S SUBDIVISION OF THE EAST HALF OF THE SOUTH **EAST** QUARTER OF THE SOUTH EAST QUARTER OF SECTION 13 TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE 3RD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. (Exhibit C)

6. The error/omission appearing in the mortgage legal description was inadvertent and without the knowledge of either of the parties to the mortgage.

7. Notwithstanding this inadvertent error, the mortgage still contains sufficient information necessary to identify the property commonly known as 2449 W ARTHINGTON, CHICAGO, IL, 60612.

8. Notwithstanding this inadvertent error, the mortgage still encumbers and is a valid lien upon the property commonly known as 2449 W ARTHINGTON, CHICAGO, IL, 60612.

WHEREFORE, Plaintiff asks the Court for leave to file an Amended Complaint, *Instanter*,

Respectfully submitted,

|  |  |
| --- | --- |
| Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ | By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Kathryn Bodanza  Attorney, Marinosci Law Group, P.C.  ARDC No.: 6315218 |

MARINOSCI LAW GROUP, P.C.

134 N. LaSalle Street, Suite 1900

Chicago, IL 60602

Telephone: 312-940-8580

Facsimile: 401-262-2114

ARDC No.: 6315218

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

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| Defendant(s). |  |

1. **ORDER**

THIS CAUSE coming before the Court upon Plaintiff’s Motion for leave to file an amended complaint instanter, due notice having been given and the Court being fully advised in the premise;

IT IS HEREBY ORDERED:

1. Plaintiff is granted leave to file to file First Amended Complaint instanter to include a count for reformation.

Enter: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MARINOSCI LAW GROUP, P.C.

Attorneys for Plaintiff

134 N. LaSalle Street, Suite 1900

Chicago, IL 60602

Telephone: 312-940-8580

Facsimile: 401-262-2114

Firm No.: 59049

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