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. | Case No. 17 CH 16928 |
| Plaintiff,  vs. | Cal No.: 61 |
| THE ESTATE OF PRISCILLA ALEXANDER, UNKNOWN HEIRS AND LEGATEES OF THE ESTATE OF PRISCILLA ALEXANDER, UNKNOWN TRUSTEE OF THE PRISCILLA ALEXANDER LIVING TRUST DATED JUNE 19, 2017; UNKNOWN OWNERS AND NON-RECORD CLAIMANTS | Property Address:  205 E. 141st Place  Dolton, IL 60419 |
| Defendant(s). |  |

# MOTION TO APPOINT A SPECIAL REPRESENTATIVE

NOW COMES the Plaintiff, by and through its attorneys, Marinosci Law Group, P.C., and in support of its Motion to Appoint a Special Representative, states as follows:

1. That PRISCILLIA ALEXANDER is the mortgagor with respect to the mortgage sought to be foreclosed in this foreclosure action.
2. That PRISCILLIA ALEXANDER died on July 10, 2017. A copy of her death certificate is attached as Exhibit A.
3. That PRISCILLIA ALEXANDER owned the mortgaged property commonly known as 205 E. 141ST PLACE, DOLTON, IL 60419 (“Property”). Exhibit B.
4. Plaintiff seeks to appoint a Special Representative to represent the interest of the estate of PRISCILLIA ALEXANDER, as Plaintiff has determined that no probate estate has been opened for PRISCILLIA ALEXANDER.
5. Plaintiff seeks to comply with this Court’s requirements as stated in the final ruling in the case of *Wells Fargo Bank, NA, Trustee v. McQueen, et al*, 05 CH 12846*,* which refers to *Keller v. Walker*, 319 Ill. App. 3d 67, 70*,* for the proposition that suing a dead person is a nullity. The Court in the *McQueen* ruling determined that “Appointing a personal representative under 13-209 of the Code of Civil Procedure, 735 ILCS 5/13-209(2006) offered a simple means to jurisdiction. Mem. and Ord. at 17.” It is pursuant to this Order that the relief sought herein is based.
6. Plaintiff waives any claim for personal deficiency that it may have against the Special Representative.
7. In as much as there is no liability insurance protecting the estate from personal claims as contemplated by 735 ILCS 5/13-209 (b) (2), and Plaintiff is seeking to enforce its rights to recover the real property secured by the mortgage being foreclosed, the provisions of sub paragraph (b) (2) limiting relief to the proceeds of any liability insurance shall not be applicable in this case.
8. Pursuant to the mortgage being foreclosed hereunder, any additional expenses, costs or fees incurred by the Special Representative or Plaintiff should be considered additional debt secured by the Plaintiff’s mortgage and be included in any judgment, reinstatement or payoff that may result from this matter.
9. Plaintiff seeks to appoint an attorney with many years of experience related to the issues pertaining to this motion and this foreclosure action, as Special Representative of the estate of PRISCILLIA ALEXANDER, so as to provide this Court with subject matter jurisdiction over this matter.
10. Plaintiff seeks leave to file, instanter, a First Amended Complaint to add the Special Representative, as a party Defendant.

WHEREFORE; Plaintiff prays:

1. That an attorney with many years of experience be appointed by this Court as Special Representative of the estate of PRISCILLIA ALEXANDER, so as to provide this Court with subject matter jurisdiction over this matter.
2. That any costs, fees or expenses incurred by the Special Representative be considered additional debt secured by the Plaintiff’s mortgage in the event that Plaintiff is required to pay the costs, fees and expenses of the Special Representative.
3. That the provisions of 735 ILCS 5/13/-209 (b) (2) as it limits relief to the proceeds of any liability insurance are not applicable to this proceeding and Plaintiff may recover its security through this mortgage foreclosure.
4. That Plaintiff shall not seek a personal deficiency against the Special Representative.
5. That leave be granted to Plaintiff to file its First Amended Complaint herein, instanter, adding the appointed Special Representative as a party defendant.
6. For such other and further relief as this court deems just.

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|  | By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Shaun Callahan  Attorney, Marinosci Law Group, P.C.  Firm No.: 59049 |

MARINOSCI LAW GROUP, P.C.

134 N. LaSalle Street, Suite 1900

Chicago, IL 60602

Telephone: 312-940-8580

Fax: 401-262-2114

Firm No.: 59049

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