1. ARDC No.: 6296022
2. STATE OF ILLINOIS
3. COUNTY OF WILL
4. IN THE CIRCUIT COURT OF THE 12TH JUDICIAL CIRCUIT,
5. WILL COUNTY, JOLIET, ILLINOIS

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| SELENE FINANCE LP | Case No.: 16 CH 1704 |
| Plaintiff,  vs |  |
| 1. MARC P EDGAR; CHRISTINE A AGANS; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; UNKNOWN OWNERS AND NON RECORD CLAIMANTS | 1. Property Address: 2. 1611 INNER CIR DR 3. CREST HILL, IL 60403 |
| 1. Defendants. |  |

**PLAINTIFF’S MOTION TO VACATE DISMISSAL ORDER OF APRIL 24, 2017**

NOW COMES the Plaintiff, SELENE FINANCE LP, by and through its attorneys, MARINOSCI LAW GROUP, P.C., and moves this Honorable Court to Vacate the Order of Dismissal entered April 24, 2017,Sale and in support thereof states as follows:

1. Plaintiff filed its Complaint for Foreclosure of Mortgage on September 29, 2016.
2. Plaintiff obtained service on all defendants by March 2017.
3. On March 27, 2017, this court entered an order continuing the matter for presentment of judgment motions to April 24, 2017.
4. On April 17, 2017, Defendant Christine Agans filed Chapter 7 bankruptcy in the Northern District of Illinois under petition number 17-12085.
5. As a result of the bankruptcy filing, Plaintiff was unable to proceed with its judgment motions. Furthermore, due to a docketing error, Plaintiff failed to appear on the April 24, 2017 date, at which time the Court entered an order dismissing the proceedings for Plaintiff’s failure to appear.
6. On August 22, 2017, Defendant Christine Agans’ bankruptcy was resolved through a discharge order. Subsequent thereto, Plaintiff instructed its counsel to proceed with its foreclosure.
7. Plaintiff has now obtained the requisite affidavits to proceed on its Complaint and seeks to do so.
8. Although this motion is not brought within 30 days of the entry of the dismissal order, the order of April 24, 2017 is not a final order. See *Vaughan Oil Co. v. Caldwell, Troutt & Alexander*, 181 Ill.2d. 489 (1998).
9. Plaintiff maintains a right to reinstate its action pursuant to 735 ILCS 5/13-217 (West 2012), and seeks to do so.

WHEREFORE, Plaintiff prays this Honorable Court vacate the order of April 24, 2017 dismissing this action and to reinstate the pending action so that Plaintiff may proceed with its case.

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|  | Respectfully submitted,    By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Shaun Callahan  Marinosci Law Group, P.C. |

MARINOSCI LAW GROUP, P.C.

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