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. | Case No. 2017 CH 11599 |
| Plaintiff,  vs. | Cal No.: 62 |
| T.S.M., A MINOR, BY HER GUARDIAN, ASUNCION MARIA TORRES: UNKNOWN HEIRS AND LEGATESS OF ALEXANDER MEDINA, IF ANY; CITIBANK, N.A., A NATIONAL BANKING ASSOCIATION; UNKNOWN OWNERS AND NON-RECORD CLAIMANTS | Property Address:  2715 S. CENTRAL PARK AVE  CHICAGO, IL 60623 |
| Defendant(s). |  |

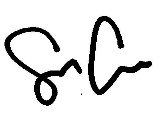
# MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT

NOW COMES the Plaintiff, by and through its attorneys, Marinosci Law Group, P.C., and in support of its Motion for Leave to File an Amended Complaint, states as follows:

1. That ALEXANDER MEDINA is the mortgagor with respect to the mortgage sought to be foreclosed in this foreclosure action.
2. That ALEXANDER MEDINA owned the mortgaged property commonly known as 2715 S Central Park Ave, Chicago, IL 60623 (“Property”).
3. That ALEXANDER MEDINA died on July 18, 2016. A copy of his death certificate is attached as Exhibit A.
4. That a probate estate was opened for ALEXANDER MEDINA in which FIRST MIDWEST BANK was appointed as Independent Administrator to represent the interest of the estate of ALEXANDER MEDINA. A copy of the order appointing FIRST MIDWEST BANK is attached as Exhibit B.
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 Independent Administrator.
7. Plaintiff seeks leave to file an Amended Complaint to add the FIRST MIDWEST BANK, AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF ALEXANDER MEDINA as a party Defendant.

WHEREFORE; Plaintiff prays:

1. That FIRST MIDWEST BANK, AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF ALEXANDER MEDINA be added as a party Defendant, so as to provide this Court with personal jurisdiction over this matter.
2. 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.
3. That Plaintiff shall not seek a personal deficiency against the Independent Administrator.
4. That leave be granted to Plaintiff to file its Amended Complaint herein, adding FIRST MIDWEST BANK, AS INDEPENDENT ADMINISTRATOR OF THE ESTATE OF ALEXANDER MEDINA as a party Defendant.
5. For such other and further relief as this court deems just.



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|  | By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Shaun Callahan/ARDC#6296022  Attorney, Marinosci Law Group, P.C.  Firm No.: 59049 |

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