|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| STATE OF WISCONSIN | | | CIRCUIT COURT | | | [INSERT] COUNTY |
|  | | | CIVIL DIVISION | | |  |
| [INSERT PLAINTIFF NAME] | | | | |  | AFFIDAVIT OF DEFAULT |
|  | | Plaintiff | | |  | Case No. 18 CV 681 |
|  | | | | |  |  |
| Vs. | | | | |  | Case Code No. 30404 |
|  | | | | |  |  |
| [INSERT PARTIES] | | | | |  |  |
|  | | Defendants | | |  |  |
| State of Illinois |  | | |
|  | ss | | |
| Cook County |  | | |

The undersigned Charles A. Walgreen, being first duly sworn on oath deposes and says:

That he is attorney for the Plaintiff in this case and that he has personal knowledge of the facts set forth herein based upon the mortgage documents and collection records in his possession.

This affidavit is submitted in support of Plaintiff’s application for a judgment of foreclosure of a mortgage on residential real estate.

That none of the party defendants in this action filed a Notice of Retainer, Answer or other responsive pleading to Plaintiff’s Complaint.

That no defendant is under any type of disability, incompetent or in any branch of the military service of the United States. Based upon the regularly maintained records of the plaintiff, its agents and attorneys and the affidavits of service filed herein, no defendant is in active service with the National Guard or state defense force.

That the Lis Pendens was recorded in the Office of the Register of Deeds of Milwaukee County more than twenty (20) days prior to this date and a true and correct copy thereof is attached hereto as **Exhibit A**.

That on [INSERT NOTE DATE], [INSERT BORROWER] executed the mortgage note on the date appearing on its face payable to the named payee on the terms stated therein.

That on the same date,[INSERT BORROWER] did execute a real estate mortgage to secure the payment of the mortgage note. The mortgage was duly recorded as evidenced by the stamp of the Register of Deeds appearing thereon.

The mortgage premises involved herein is a lot(s) with a one to four family residential structure thereon being twenty (20) acres or less which cannot be sold in parcels without injury to the parties hereto.

That the mortgaged premises is [OCCUPANCY STATUS], pursuant to the [AFFIDAVIT OF SERVICE].

That the Plaintiff is the current owner and holder of said note, which is endorsed in blank and is the holder of the mortgage by virtue of the recorded assignments of mortgage attached to the Complaint filed herein.

That the defendant mortgagor in this action is the current record owner and has defaulted under the terms of the note and mortgage by failing to make the monthly installment payments due on and after [LOAN DUE DATE].

That by reason of said default, the plaintiff has declared all sums owed under the note and mortgage to be due and payable.

That this judgment pertains to real estate described as follows:

[LEGAL DESCRIPTION]

Tax Key No: [PIN NUMBER]

Property Address: [PROPERTY ADDRESS]

That the following sums are presently due and owing to the plaintiff under the note and mortgage:

|  |  |  |
| --- | --- | --- |
| Current unpaid principal balance |  | $ |
| Accrued interest through [HEARING DATE] |  | $ |
| Escrow Advances: |  | $ |
| **SUBTOTAL** |  | $ |

The Attorney Fees incurred in the prosecution of this matter are [A/F] and represent fair and reasonable value for the work performed.

The plaintiff has incurred disbursements in this action as itemized in the statement of indebtedness at the foot of the judgment in the total sum of $[COSTS].

That in the event junior and inferior liens encumber the mortgaged property, the plaintiff hereby reserves its right to add the holders of any such liens to this action as defendants pursuant to section 846.09, Wis Stats.

That in the event the United States of America is or should become a party to this action due to a lien junior to that of Plaintiff’s lien, pursuant to 28 U.S.C. § 2410, the United States of America shall have one year from the date of sale within which to redeem, except that with respect to a lien arising under the internal revenue laws the period shall be 120 days or the period allowable for redemption under State law, whichever is longer.

That in the event the United States of America is or should become a party to this action due to a lien senior to that of Plaintiff’s lien, the sale of the property which is the subject of this action shall be made subject to and without disturbing the lien of the United States of America, unless the United States consents that the property may be sold free of its lien and the proceeds divided as the parties may be entitled. Said lien may be adjudicated at a later date.

Date: , 2018.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn before me Charles A. Walgreen, Attorney

this \_\_\_\_\_\_ day of \_\_\_\_, 2018.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public, State of Illinois

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

MARINOSCI LAW GROUP, P.C.

Attorneys for Plaintiff

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