

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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)	
)	
)	
Plaintiff)	Case Number
)	
-vs-)	District Judge
)	
)	Magistrate Judge
)	
Defendant)	

COMPLAINT TO FORECLOSE MORTGAGE

Plaintiff, (Mortgagee), by _____, one of its attorneys, as and for its
Complaint to foreclose a mortgage, states as follows:

- 1a. Plaintiff files this Complaint to Foreclose the Mortgage hereinafter described.
- 1b. Jurisdiction of this Court is based on diversity of citizenship. 28 U.S.C. 1332. There is complete diversity and the matters in controversy, exclusive of interest and costs, exceed the sum of \$75,000.00.
- 1c. Plaintiff is a corporation incorporated under the laws of the State of _____ and having its principal place of business in the State of _____. Defendant (Mortgagor) is a citizen of the State of Illinois.
- 1d. Defendant (Mortgagor) is a citizen of the State of Illinois.
- 1e. The citizenship of other persons or entities joined as Defendants is as follows:
- 1f. Venue is proper in this District because the Mortgage at issue is secured by property located in this District and because a substantial part of the events or omissions giving rise to the claim occurred here. 18 U.S.C. § 1391
- 2a. Plaintiff has elected to declare the whole of the principal sum remaining unpaid, together with interest thereon, immediately due and payable. Plaintiff confirms this election by the filing of this Complaint.
- 2b. Any pre-suit notice requirements have been met, and any and all grace periods have expired or have been waived.
- 3. Attached as "EXHIBIT A" is a true copy of the Mortgage. Attached as "EXHIBIT B" is a true copy of the note secured thereby.

4. Information concerning said mortgage:
- (a) Nature of the instrument: Mortgage
 - (b) Date of the Mortgage:
 - (c) Name or Names of the Mortgagors:
 - (d)
 - 1. Name of the original mortgagee, trustee or grantee in the Mortgage:
 - 2. Name of Current Mortgagee:
 - 3. Name of current Loan Servicer:
 - (e) Date and place of recording: _____ (date), _____ County Recorder's Office
 - (f) Identification of recording:
 - (g) Nature of the mortgagor's interest at the time of execution of the mortgage: [For example: Fee simple].
 - (h) Amount of original Indebtedness, including subsequent advances made under the mortgage:
 - (i) Legal description of mortgaged premises and common address:

Commonly Known As:

Permanent Index No.:

- (j) Statement as to defaults:
 - (1). The monthly installments of principal and interest for the month of _____ and all subsequent months have not been paid.
 - (2). The total unpaid principal balance is \$ _____, exclusive of attorneys' fees, costs, late charges, advances, and expenses incurred by the mortgagee as a result of the default, plus interest at the current per diem of \$ _____.
- (k) Name of present owner(s) of the real estate:

(l) Names of other persons who are joined as Defendants and whose interest in or lien on the mortgaged real estate is subordinate to that of Plaintiff and is sought to be terminated:

(m) Names of Defendants claimed to be personally liable for deficiency, if any:

(n) Capacity in which Plaintiff brings this foreclosure:

Plaintiff is:

CHOOSE ONE

the legal holder of the indebtedness and owner of the mortgage

the pledgee of the legal holder of the indebtedness and owner of the mortgage

the agent of the legal holder of the indebtedness and owner of the mortgage

the trustee under a trust deed

given as security therefore.

(o) The redemption period terminates on one of the following dates, whichever is later:

if the property is residential real estate

(i) 7 months from the date the mortgagor [or, if more than one, all the mortgagors]
(I) have been served with summons or by publication or
(II) have otherwise submitted to the jurisdiction of the court; or

(ii) 3 months from the entry of the judgment of foreclosure.

if the property is non-residential real estate

(i) 6 months from the date the mortgagor [or, if more than one, all the mortgagors]
(I) have been served with summons or by publication or
(II) have otherwise submitted to the jurisdiction of the Court, if commercial
real estate; or

(iii) 3 months from the entry of the judgment of foreclosure,

Pursuant to the terms of the 735 ILCS 5/15-1603, the Court will determine the length of the redemption period upon making a finding, based on the facts and circumstances available to the

Court at the time of judgment, that the property is either residential, non-residential, abandoned, or real estate of value less than 90 percent of amount owed.

(p) Statement that the right of redemption has been waived by all owners of redemption, if applicable:

(q) Facts in support of request for reasonable attorneys' fees, costs, and expenses:

Pursuant to the terms of the Note and Mortgage, the mortgagee is entitled to recover reasonable attorneys' fees, court costs, title costs, and other expenses which Plaintiff has been and will be required to expend in the prosecution of this foreclosure.

(r) Facts in support of a request for appointment of mortgagee in possession or for appointment of a receiver, and identity of such receiver, if sought:

None at this time; Plaintiff reserves the right to file a separate petition, if applicable

(s) Plaintiff reserves the right to offer , in accordance with 735 ILCS 5/15-1402, to accept title to the real estate in satisfaction of all indebtedness secured by the mortgage without judicial sale.

(t) Name or names of Defendants whose right to possess the mortgaged real estate, after the confirmation of the foreclosure sale, is sought to be terminated and, if not elsewhere stated, the facts in support thereof:

, by virtue of his/her interests as the owner of record.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

1. A judgment to foreclose such mortgage and sale by the Special Commissioner appointed for that purpose.
2. An order granting a shortened redemption period, as applicable.
3. A deficiency judgment against only those Defendants/Obligors, who have not received an order discharging the subject debt in bankruptcy proceedings, or who are not currently involved in bankruptcy proceedings in which the stay has been modified for the sole purpose of foreclosing the subject lien.
4. An order granting possession, if sought.
5. An order placing the mortgagee in possession or appointing a receiver, if sought.
6. A judgment including an award of attorneys' fees, costs and expenses, including, but not limited to, payments for taxes, insurance, securing, inspections and other expenses of the mortgagee.

7. A finding that the interests of any and all named Defendants are junior and subservient to the mortgage lien being foreclosed herein and the termination of leaseholds, if any.
8. An order enforcing its assignment of rents derived from said real estate, if applicable.
9. For such other and further relief as the Court deems just, including, but not limited to, declaratory and injunctive relief.

ADDITIONAL REQUEST FOR RELIEF

10. A sale by public auction.
11. A cash sale by open bid, in the form of a cashier's check, certified funds, or other good bank funds.
12. A provision that a Special Commissioner shall conduct the sale for a reasonable fee, which fee shall be recoverable by Plaintiff in the event of redemption.
13. An order that title in the real estate may be subject, at the sale, to exceptions including general real estate taxes for the current year and for preceding years which have not become due and payable as of the date of entry of the judgment of foreclosure, any special assessments upon real estate, and easements and restrictions of record.
14. That the plaintiff be entitled to recover in any reinstatement or redemption, additional legal fees as are reasonably incurred, any additional taxes paid, or advances paid for expenses including, but not limited to, insurance, inspection, boarding and securing said premises, or other expenses to preserve and protect said security.

Respectfully submitted,

(Mortgagee)

By: _____ s/_____