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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2016 057316

2016 AUG 24 AM 8:46

MICHAEL J. BROWN
RECORDER

MDK # 14-009798

STATE OF INDIANA) IN THE LAKE SUPERIOR COURT #5
) SS:
COUNTY OF LAKE) CAUSE NO. 45D05-0903-MF-00148

The Bank of New York Mellon, as Trustee for
CIT Home Equity Loan Trust 2002-1

Plaintiff,

vs.

Steven M. Wlazlo, et al.

Defendants.

FILED

AUG 22 2016

JOHN E. PETALAS
LAKE COUNTY AUDITOR



25354

Now comes the undersigned affiant and hereby states as follows:

1. Manley Deas Kochalski LLC ("MDK") is counsel for Plaintiff in these proceedings.
2. I am employed by MDK as an attorney, am over the age of eighteen (18) years, have reviewed the records of MDK related to this matter, and am competent to testify to the matters contained in this affidavit.
3. The information in this affidavit is based on my review and analysis of this Court's records, public record, and MDK's business records. I have personal knowledge of MDK's procedures for creating and maintaining records. They were: (a) made at or near the time of the occurrence of the matters set forth therein by persons with personal knowledge of the information in the business record, or from information transmitted by

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persons with personal knowledge; (b) kept in the course of MDK's regularly conducted business activities; and (c) created by MDK as a regular practice.

4. On March 10, 2009, Plaintiff filed its complaint on note and to foreclose mortgage on real estate commonly known as 1542 West Oak Street, Griffith, IN 46319 ("Real Estate"), with the Real Estate being more particularly described as follows:

Lot 166, Woodland Estates 6th Addition to the Town of Griffith, Lake County, Indiana, as shown in Plat Book 75, page 36.

Parcel/Key Number: 45-07-34-179-007.000-006

5. On April 14, 2011, the Court entered a Default Judgment and Decree of Foreclosure in favor of Plaintiff allowing for the property to be sold at sheriff sale ("Judgment").

6. Plaintiff filed an Assignment of Judgment on or about February 26, 2015, assigning its interest in the Judgment to The Bank of New York Mellon, the successor to JPMorgan Chase Bank, as Trustee for CIT Home Equity Loan Trust 2002-1 (together with The Bank of New York Mellon, as Trustee for CIT Home Equity Loan Trust 2002-1 hereinafter referred to as "Plaintiff").


7. To that end, a sheriff sale was held on July 1, 2016 and the property sold to Plaintiff for the sum of \$226,218.68.

8. However, the sale of the Real Estate was mistakenly held in violation of a bankruptcy stay, as the Defendant had filed for bankruptcy relief under 16-21833-jpk prior to the day of the sale.

9. On July 6, 2016, Plaintiff filed its Verified Motion to Vacate Sheriff Sale of July 1, 2016 and to Reinstate Default Judgment and Decree of Foreclosure Entered on April 14, 2011 and the Court, on July 11, 2016, granted Plaintiff's verified motion. *True and accurate copies of the Verified Motion and July 11, 2016 Order are attached hereto as an Exhibit.*

10. Although Plaintiff's verified motion failed to contain a specific reference to the recorded sheriff's deed, as the Plaintiff has not yet received a recorded copy of the deed, the Court's Order clearly sets aside all results of the sale, including the recorded sheriff's deed.
11. Thus, pursuant to the Court's July 11, 2016 Order vacating the sheriff sale and reinstating the judgment, the sale of the property and any recorded Sheriff's Deed is no longer valid and enforceable.

I affirm under penalties for perjury, that the foregoing representations are true.

Name: 

Manley Deas Kochalski, LLC

Date: 8/15/16

STATE OF Marion

COUNTY OF Indiana

Document is NOT OFFICIAL!

This Document is the property of the Lake County Recorder!

Before me, a Notary Public, in and for said County and State, personally appeared J. Dustin Smith, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.


Signature

Vannette Follen
Printed Name and Title



Sworn to before me and subscribed in my presence this 15th day of August, 2016.


Notary Public

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EXHIBIT

MDK # 14-009798)
 STATE OF INDIANA) IN THE LAKE SUPERIOR COURT #5
) SS:
 COUNTY OF LAKE) CAUSE NO. 45D05-0903-MF-00148

The Bank of New York Mellon, as Trustee for
 CIT Home Equity Loan Trust 2002-1

Plaintiff,
 vs.
 Steven M. Wlazlo, et al.
 Defendants.

**ORDER TO VACATE SHERIFF SALE OF JULY 1, 2016 AND TO REINSTATE
 DEFAULT JUDGMENT AND DECREE OF FORECLOSURE ENTERED ON APRIL 14,
 2011**

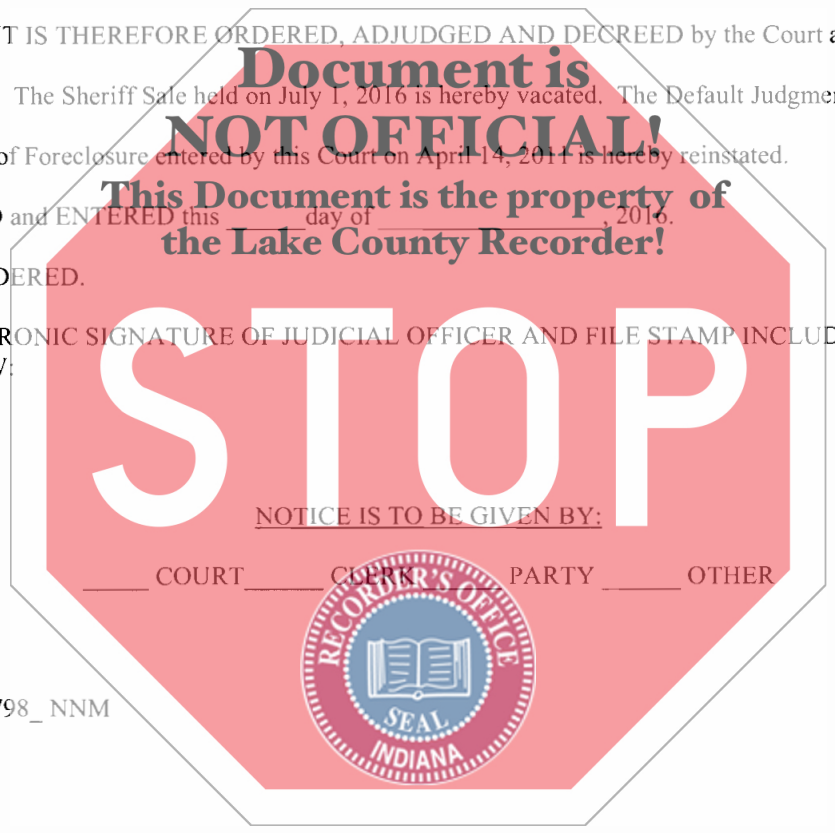
This matter is before the Court on Plaintiff's Order to Vacate Sheriff Sale of July 1, 2016 and to reinstate Default Judgment and Decree of Foreclosure Entered on April 14, 2011. The Court having read and considered the motion hereby GRANTS same.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows: The Sheriff Sale held on July 1, 2016 is hereby vacated. The Default Judgment and Decree of Foreclosure entered by this Court on April 14, 2011 is hereby reinstated.

DATED and ENTERED this _____ day of _____, 2016.

SO ORDERED.

ELECTRONIC SIGNATURE OF JUDICIAL OFFICER AND FILE STAMP INCLUDED BELOW:



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E-FILED	2016 Jul 11 AM 10 44	s/ WILLIAM DAVIS, Judge
		Lake County Superior Court - Civil Division - Room 5

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PROOF OF NOTICE UNDER TRIAL RULE 72 (D)

A copy of this entry was served either by mail to the address of record, deposited in the Court's attorney's distribution box, distributed personally upon the persons and/or filed as listed below:

Distribution:

J. Dustin Smith, Manley Deas Kochalski LLC, P.O. Box 441039, Indianapolis, IN 46244

Lucy A. Steagall, 152 West Oak Street, Griffith, IN 46319

State of Indiana, c/o Attorney General, 402 West Washington Street, Room C553, Indianapolis, IN 46204

CitiFinancial Mortgage Company Inc. f/k/a Associates Home Equity Services, Inc., c/o Legal Department, 300 Saint Paul Place, Baltimore, MD 21202

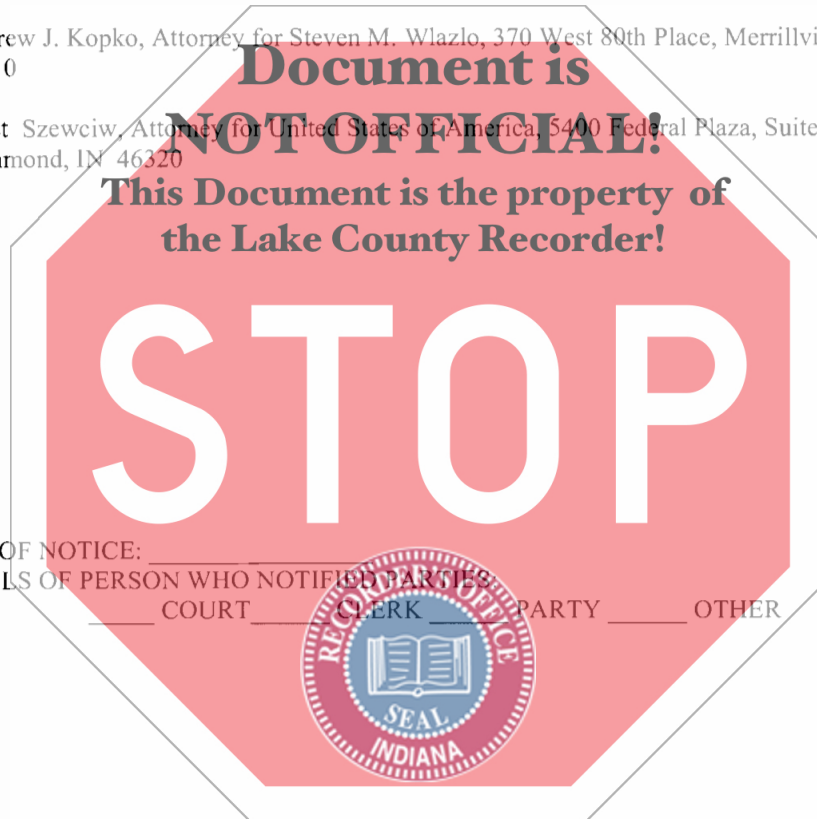
Munster Medical Research Foundation Inc., 901 MacCarthur Boulevard, Munster, IN 46321

The Cit Group/Consumer Finance Inc., c/o CT Corporation System, as Registered Agent, 251 East Ohio Street, Suite 1100, Indianapolis, IN 46204

Associates Home Equity Services, INC., c/o CT Corporation, Registered Agent, 36 South Pennsylvania, Indianapolis, IL 46204

Andrew J. Kopko, Attorney for Steven M. Wlazlo, 370 West 80th Place, Merrillville, IN 46410

Orest Szewciw, Attorney for United States of America, 5400 Federal Plaza, Suite 1500, Hammond, IN 46320



DATE OF NOTICE: _____
 INITIALS OF PERSON WHO NOTIFIED PARTIES:
 _____ COURT _____ CLERK _____ PARTY _____ OTHER

E-FILED	2016 Jul 11 AM 10 44	s/ WILLIAM DAVIS, Judge
		Lake County Superior Court - Civil Division - Room 5