

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

NATIONSTAR MORTGAGE LLC;)	
<i>Plaintiff,</i>)	
)	PROPOSED PLEADING
v.)	
)	Case No.: 2013 CH 23817
RACHEL JONES; MORTGAGE ELECTRONIC)	
REGISTRATION SYSTEMS, INC.; EQUABLE)	<u>Property Address:</u>
ASCENT FINANCIAL, LLC; 21 st MORTGAGE)	7342 South California Ave.,
CORPORATION; UNKNOWN OWNERS and)	Chicago, Illinois 60629
NON-RECORD CLAIMANTS;)	
<i>Defendants,</i>)	
)	
STEVE C. FAULKNER;)	
<i>Proposed Third Party Defendant,</i>)	DEMAND FOR JURY TRIAL
)	

“PROPOSED PLEADING/COMPLAINT AT LAW”

NOW COMES; Steve C. Faulkner, *Proposed Third Party Defendant*, by and through himself with his complaint titled: “Proposed Pleading/COMPLAINT AT LAW”; complaining against: RACHEL JONES (herein, *Defendant*); NATIONSTAR MORTGAGE LLC (herein *Plaintiff*); MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (herein, *Defendant*) as follows:

I. INTRODUCTION

1. Proposed Third Party Defendant, Steve C. Faulkner (Also, Steve C. Faulkner Sr. and/or Steve Faulkner Sr.), request to intervene in this case at bar: 2013-CH-23817 to preserve his rights to protect his interest and rights pursuant and

according to the *Article of Agreement between Rachel Jones and Steve Faulkner Sr.*, dated on January 18, 2007 concerning the property address 7342 South California Avenue, Chicago Illinois 60629 P.I.N.: 19-25-123-084-0000 attached herein as Exhibit “A”.

2. Proposed Third Party Defendant, Steve C. Faulkner, was wrongfully wronged by Rachel Jones; Mortgage Electronic Registration Systems, Inc., as a nominee for Taylor, Bean & Whitaker Mortgage Corp and Nationstar Mortgage LLC as Steve Faulkner, the Husband of Rachel Jones, was degraded from being listed in the Mortgage Agreement between MERS; Lender: Taylor, Bean & Whitaker Mortgage Corp. and Rachel Jones. That Steve C. Faulkner was wronged as listed below:

- a. Mortgage Electronic Registration Systems, Inc., as a nominee for Taylor, Bean & Whitaker Mortgage Corp and Nationstar Mortgage LLC wrongfully listed Mrs. Rachel Jones as an unmarried women on January 24, 2007 when Mrs. Rachel Jones was married to Steve C. Faulkner Sr. on September 14, 2005;
- b. Refusing Rachel Jones objections to listing Rachel Jones as an unmarried women and Mortgage Electronic Registration Systems, Inc., as a nominee for Taylor, Bean & Whitaker Mortgage Corp and Nationstar Mortgage LLC ignored Rachel Jones request;
- c. If Steve Faulkner is not allowed to intervene in this matter at bar. Steve Faulkner Sr., is/will be defrauded by and in the litigation of the matter at bar from protecting his:

(1). 2nd Amended Constitutional Rights; (2). Steve Faulkner's Breach of contract against Rachel Jones; (3). Steve Faulkner's Mechanic Liens against the subject property at 7342 South California Avenue, Chicago Illinois 60629 and

d. Mortgage Electronic Registration Systems, Inc., as a nominee for Taylor, Bean & Whitaker Mortgage Corp and Nationstar Mortgage LLC fraudulent Mortgage and Note

I. PARTIES

3. STEVE FAULKNER (Also, Mr. Faulkner or Third Party Defendant Faulkner), *Third Party Defendant*, is an individual, residing in the Chicago Illinois and a property owner in the County of Cook in the State of Illinois;

4. RACHEL JONES (Also, Mrs. Jones or Defendant Mrs. Jones), *Defendant*, is an individual, residing in the Chicago Illinois and a property owner in the County of Cook in the State of Illinois;

5. NATIONSTAR MORTGAGE LLC (Also, Nationstar or Plaintiff Nationstar), *Plaintiff*, is a corporation existing under and by virtue of the laws of the State of Illinois.

6. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; (Also, MERS or Defendant MERS), *Defendant*, is a corporation existing under and by virtue of the laws of the State of Illinois.

II. VENUE AND JURISDICTION

7. This venue is proper pursuant to 735 ILCS 5/2-101(2) as the above litigant(s)

was/were at all times relevant to this cause of action(s) and remains located or doing business in Cook County and in the State of Illinois. Furthermore, if not all, of the issues stemmed in disputes occurred in Cook County of the State of Illinois.

8. In the City of Chicago and in the State of Illinois the actual controversy has arisen between Steve Faulkner, *Proposed Third Party Defendant(herein)*; RACHEL JONES (herein, *Defendant*); NATIONSTAR MORTGAGE LLC (herein *Plaintiff*) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (herein, *Defendant*).

9. *Proposed Third Party Defendant*, Steve C. Faulkner, have been injured by the party/parties litigants in this matter at bar.

10. This Court currently has personal jurisdiction and subject matter jurisdiction on litigants: STEVE FAULKNER; RACHEL JONES; NATIONSTAR MORTGAGE LLC and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

III. RELEVANT FACTS FOR SOUGHTING RELIEF

11. On September 14, 2005 Steve C. Faulkner and Rachel Jones were marriage by the County of Cook State of Illinois by the Office of County Clerk David License Number: 0526964-0 as Exhibit "C" titled: CERTIFICATION OF MARRIAGE.

12. On January 18, 2007 Rachel Jones and Steve Faulkner Sr. entered into an agreement titled: "ARTICLES OF AGREEMENT" Between Rachel Jones and Steve Faulkner Sr. Date: January 18, 2007 as Exhibit "A"; which, granted/gave Steve Faulkner

Sr. equal control and full rights to the Property/Real Estate known as 7342 South California, Chicago, Illinois 60629. Because Rachel Jones was told by the Lender or the Lender's agent that Steve Faulkner Sr. would not be allowed to be listed on the Mortgage and Note of the schedule closing for January 24, 2007.

13. On January 22, 2007 Rachel Jones and Steve Faulkner Sr. entered into a Contract for repairs and remodeling the property at 7342 South California, Chicago, Illinois 60629 for the amount of \$37,600.00 which is unpaid and 95% completed as of May 18, 2017. See Exhibit "D" titled: "CONTRACT AND DRAW SCHEDULE" and is entitled to payment as set forth therein.

14. On January 24, 2007 by Rachel Jones and Mortgage Electronic Registration Systems, Inc., as a nominee for Taylor, Bean & Whitaker Mortgage Corp and/or Nationstar Mortgage LLC entered into a Mortgage and Note for \$124,800.00 that was recorded with the Cook County Recorder of Deeds Doc#: 0703740139 on the date of February 06, 2007.

15. Pursuant to the "ARTICLES OF AGREEMENT" Between Rachel Jones and Steve Faulkner Sr. Date: January 18, 2007 Rachel Jones is responsible to secure and make all payments of any Note if and as required by any and all Mortgage and Note of 7342 South California, Chicago, Illinois 60629 and did not according to Nationstar Mortgage LLC Complaint To foreclose Mortgage against Rachel Jones pursuant to case at bar.

16. Pursuant to case number 2013-CH-23817 complaint claims in paragraph 3-J states: “*Statement as to mortgage loan default: The mortgagor has failed to pay the monthly installments due under the note and the loan is due for the 06/01/2013 payment. There remains an outstanding principal; balance of \$\$117,602.28 plus interest, attorney’s fees, foreclosure costs, late charges, advances and expenses incurred by the plaintiff due to the mortgagor’s failure to make payments. Interest accrues at \$\$6.44 per day.[sic]*” (See Exhibit “E” titled: “COMPLAINT TO FORECLOSE MORTGAGE/ without exhibits”); therefore, pursuant to Nationstar Rachel Jones breached the “ARTICLES OF AGREEMENT” Between Rachel Jones and Steve Faulkner Sr. date on January 18, 2007 with Steve Faulkner Sr.

17. Rachel Jones; Mortgage Electronic Registration Systems, Inc., as a nominee for Taylor, Bean & Whitaker Mortgage Corp and Nationstar Mortgage LLC and Nationstar in violation of Illinois law and U.S. Constitutional laws and Rights of Steve C. Faulkner Sr. to protect his interest and property rights and wrongfully Rachel Jones; Mortgage Electronic Registration Systems, Inc., as a nominee for Taylor, Bean & Whitaker Mortgage Corp and Nationstar Mortgage LLC and Nationstar is ignoring/defrauding Steve C. Faulkner Sr., by, not allowing Steve C. Faulkner Sr. the right to defend aforementioned interest, herein.

18. On January 07, 2015 Rachel Jones conveys and Warranty Deed to Steve C.

Faulkner Sr., recorded on January 12, 2015 with the Cook County Recorder of Deeds under DOC# 15012622003 as exhibit "F", herein.

19. Capacity in which Steve C. Faulkner, Proposed Third Party Defendant, brings this suit: That Steve C. Faulkner, Proposed Third Party Defendant, is the holder of the Indebtedness based on the attached Contract and Draw Schedule Contract which is incorporated herein by reference.

20. Steve C. Faulkner, Proposed Third Party Defendant, seeks to execute the Contract and Draw Schedule Contract (see exhibit "B").

21. Steve C. Faulkner, *Proposed Third Party Defendant*, has the right to foreclose and sale the property known as 7342 South California Avenue, Chicago Illinois 60629.

PRAYER

WHEREFORE, Steve C. Faulkner, *Proposed Third Party Defendant*, prays as follows:

- A. for Foreclosure of such Contract and Draw Schedule Contract;
- B. An Order granting a shortened redemption period, if authorized by law;
- C. For a personal deficiency judgment against Rachel Jones only, if sought.
- D. A judgment for attorneys' fees, costs and expenses, if applicable;
- E. An Order granting the right to possess the real estate and terminating such rights of all litigants who have or claim to have a right to possess the mortgaged real estate;
- F. Such other relief as equity may require.

ADDITIONAL REQUEST FOR RELIEF

Steve C. Faulkner, *Proposed Third Party Defendant*, also requests that the judgment for foreclosure or other orders entered herein provide for the following 735 ILCS 5/15-1506

(f).

A. A sale by public auction.

B. A sale by open bid.

C. A Judge of this Court or Sheriff of the County, Intercounty Judicial Sales or The Judicial Sales Corporation shall conduct the sale.

D. Title in the real estate may be subject, at the sale, to exceptions including general real estate taxes for the current year and for the preceding year which have not become due and payable as of the date of entry of the Judgment of Foreclosure, any special assessments upon the real estate, and easements and restrictions of record.

E. In the event a party to the foreclosure is a successful bidder at the sale, such party shall be allowed to offset against the purchase price to be paid for such real estate amounts due such party under the Judgment of Foreclosure or order confirming the sale.

Steve C. Faulkner Sr.

Steve C. Faulkner, Proposed Third Party Defendant (99500)
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