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

GMAC, Plaintiff,	)	
vs.	)	No.: 07 CH 29738
JOSEPH YOUNIS, et. al., Defendants.	)	

STATUS REGARDING PENDING CLAIMS

Counter-Plaintiff, RICHARD DANIGGELIS, through his attorney, Andjelko Galic, pursuant to this court's last order submits the following as his report regarding the status of claims currently pending before this court.

Pleadings

1. GMAC filed its foreclosure complaint on October 17, 2007. This foreclosure complaint was primarily directed against Joseph Younes because Younes recorded a mortgage against this property. Richard Daniggelis was also named as defendant in this foreclosure case based on, among other things, him having possession of the property at the time the foreclosure action was filed.

2. Richard Daniggelis was represented by several attorneys including CVLS. With its Answer to Plaintiff's complaint CVLS also filed Affirmative Defenses and Counterclaims on behalf of Richard Daniggelis. The file on this case covering the time period between October of 2007 and October of 2009 is incomplete and in spite of my effort to recreate a complete copy of the file, in the past, the file was not recreated. For reasons that are not apparent on the record, Justice Delort, while he was handling this file in the Chancery Division, has kept this court file in

his chambers and in order to review this file special arrangement had to be made with his clerk and one could not have reviewed this file through regular procedure in the Clerk's office. The Clerk of the Circuit Court did not start scanning court files until sometimes in September or October of 2009 and thus this time period between October of 2007 and October of 2009 cannot be recovered through the data maintained on the computer system in the Clerk's office. This is relevant for purposes of determining what exact affirmative defenses and counterclaims may have been filed during that time period. On July 30, 2008 Richard Daniggelis filed Answer to Plaintiffs Complaint, Affirmative Defenses, Counterclaims and Cross-Claims and this filing is not in the court file. On April 13, 2009 Richard Daniggelis also filed Second Amended Answer, Affirmative Defenses ad Counterclaims and this document was also missing in the court file during my recent review of the portion of the file that was made available by the Appellate Division in the Clerk's office where they are currently preparing this record for appeal.

3. On August 07, 2014 Judge Otto entered an order dismissing the foreclosure case and transferred all other pending claims to the Law Division. The August 7, 2014 order did not specifically indicate what counts were to be transferred to the Law Division. Judge Otto was working with the latest version of the Plaintiff's Complaint and with the latest version of Richard Daniggelis' counterclaims.

4. In 2007, LaSalle Bank, the original plaintiff, filed the foreclosure action. Plaintiff's Third Amended Complaint was filed on October 7, 2011 and it was in three Counts. Count I of the Complaint was a mortgage foreclosure action, asserting that mortgagor Younes has defaulted on the July 2006 loan. Count II of the Bank's Complaint was seeking equitable subrogation to the Deutsche Bank loan which was paid off at the July 2006 closing. Count III of the Complaint

sought to recover principal and interest on the July 2006 loan based on the theory of unjust enrichment.

5. Daniggelis answered the Complaint and brought an 11- count Counterclaim. The several counts of the Counterclaim seek relief against many counter -defendants, including the Plaintiff, Joesph Younes, Erica Rhones, Paul Shelton, Stewart Tile, MERS, Trust One Mortgage, Invest One LLC, D&B Group, and others. Multiple legal theories were raised in these counterclaims.

6. Count I of Richard's Counterclaim was a Quiet Title action based on invalidity of the deed utilized to transfer Daniggelis' property to Joseph Younes. In this Count Daniggelis sought to quiet title in himself because the defendants knew or should have known that the deed had been altered on its face and no longer valid when the closing occurred. This Count I was directed against: LaSalle Bank, Joseph Younes, MERS, and against Unknown Owners and Non-Record Claimants.

7. Count II of Richard's Counterclaim was a Quiet Title action based on Invalid Power of Attorney. Here Daniggelis is to quiet title in himself, because defendants knew or should have known that Daniggelis did not consent to the closing because the power of attorney specified that it was only to be used to pay the arrearages on his house and not for any other purpose. Count II was directed against the Plaintiff, LaSalle Bank, against MERS, Joseph Younes and against Unknown Owners and Non-Record Claimants.

8. In Count III Daniggelis sought to rescind the transaction against LaSalle Bank, Paul Shelton, Erica Rhone, John LaRugue, MERS, Trust One Mortgage, Invest One LLC, D&B Group and also against Unknown Owners and Non-Record Claimants.

9. Count IV of Richard Daniggelis' Counterclaim was based on Common Law Fraud and it was directed against Paul Shelton and Erica Rhone.

10. Count V of Richard Daniggelis' counterclaim was a Quiet Title action directed against LaSalle Bank, Joseph Younes, MERS and Unknown Owners and Non-Record Claimants. This count was based on Erika Rhone and Paul Shelton's fraud.

11. Count VI of Richard's Counterclaim was an action based on Breach of Fiduciary Duty and it was directed against Erica Rhone and against Paul Shelton.

12. Count VII of Richard's Counterclaim was based on Civil Conspiracy theory and it was directed against Paul Shelton, Erica Rhone and Joseph Younes.

13. Count VIII of Richard's Counterclaim was based on theory of conversion and it was directed against Paul Shelton, Erica Rhone, John LaRogue, Trust One Mortgage, Invest One, LLC, and against D&B Group.

14. Count IX of Richard Daniggelis' Counterclaim was based on Consumer Fraud and Deceptive Practice Act and it was directed against Paul Shelton, Erica Rohne, Trust One Mortgage and against Invest One, LLC.

15. Count X of this Counterclaim was a Consumer Fraud claim directed only against Stewart Title.

16. Count XI was based on Negligence and it was also directed only against Stewart Title.

Disposition

17. Judge Otto granted Plaintiff's Motion for Summary Judgment on Counts I, II, III and V of the Counterclaim. Counts I, II, III and V have not been resolved insofar as they relate to other defendants.

18. Count IV of Richard's Counterclaim remains unresolved in its entirety.

19. Count VI remains unresolved in its entirety.

20. Count VII was resolved insofar as it relates to Joseph Younes and it remains unresolved as it relates to Paul Shelton and Erica Rhone.

21. Count VIII was resolved as against Defendant John LaRogue. This count remains unresolved as it relates to all other defendants.

22. Count IX remains unresolved in its entirety.

23. Count X was resolved in its entirety by settlement with Stewart Title.

24. Count XI was resolved in its entirety by settlement with Stewart Title.

Respectflly submitted

/s/Andjelko Galic
Attorney for Richard Daniggelis

Law Firm of Andjelko Galic, Inc.
34 N. LaSalle Street
Suite 1040
Chicago, Illinois 60602
Tel. 312 986 1510
Attorney No.: 33013