

sought.

7. Such other and further relief as the Court deems just.

BANK OF AMERICA, N.A.

By: 

PIERCE & ASSOCIATES  
Its Attorneys

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IN THE CIRCUIT COURT FOR THE 8TH JUDICIAL CIRCUIT  
PIKE COUNTY-PITTSFIELD, ILLINOIS

BANK OF AMERICA, N.A.

PLAINTIFF

) NO. 12-CT-1  
) 409 WEST JEFFERSON STREET  
) PITTSFIELD, IL 62363

VS

) JUDGE

LORI A BERGMAN A/K/A LORI BERGMAN; LORI  
A BERGMAN, HEIR; LORI A BERGMAN,  
ADMINISTRATOR; AARON BERGMAN, HEIR &  
MINOR; BLESSING HOSPITAL; UNKNOWN  
OWNERS AND NON RECORD CLAIMANTS ;

DEFENDANTS

**FILED**

JAN 03 2012

*Diana D. Higgins*  
Clerk of the Circuit Court  
Pike County, Illinois

COMPLAINT TO FORECLOSE MORTGAGE

For its Complaint Plaintiff says:

1. Plaintiff files this Complaint to Foreclose the mortgage, trust deed or other conveyance in the nature of a mortgage (hereinafter called "Mortgage") hereinafter described, pursuant to 735 ILCS 5/15-1101 et. seq. of the Illinois Code of Civil Procedure, and joins persons named in the caption as "Defendants", as parties hereto.

2. Attached as "EXHIBIT A" is a true copy of the Mortgage. Attached as "EXHIBIT B" is a true copy of the Note secured thereby.

3. Information concerning said Mortgage:

(a) Nature of the instrument: Mortgage.

(b) Date of the Mortgage: November 18, 2009

(c) Name of the mortgagors or grantors:

JAMES D BERGMAN A/K/A JAMES BERGMAN;  
BERGMAN A/K/A LORI BERGMAN;

LORI A

(d) Name of the mortgagee, trustee or grantee in the Mortgage:

BANK OF AMERICA, N.A.

(e) Date of Recording or Registering: December 3, 2009

(f) Place of Recording or Registering:

Office of the Recorder of Deeds, Pike County, Illinois

(g) Identification of Recording: Document No. B792 P260

- (h) Interest Subject to the mortgage: Fee Simple.
- (i) Amount of Original Indebtedness: \$56,678.00
- (j) Capacity in which Plaintiff brings this suit: Plaintiff is the mortgagee and holder of note.
- (k) Legal description of mortgaged premises:

A TRACT OF LAND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF BLOCK 19 IN DOYLE AND PALMER'S ADDITION TO THE TOWN, NOW CITY OF PITTSFIELD, ILLINOIS, RUNNING THENCE SOUTH ON THE WEST LINE OF BLOCK 19, 160 FEET, THENCE EAST 80 FEET, THENCE NORTH 160 FEET, AND THENCE WEST 80 FEET TO THE PLACE OF BEGINNING, SITUATED IN THE COUNTY OF PIKE AND STATE OF ILLINOIS. ALSO, THE NORTH 20 FEET OF A TRACT OF LAND DESCRIBED AS COMMENCING AT A POINT ON THE NORTH LINE OF ADAMS STREET IN THE CITY OF PITTSFIELD, 260 FEET WEST OF THE SOUTHEAST CORNER OF LOT NUMBER 6 IN PETERS' ADDITION TO SAID CITY, RUNNING THENCE NORTH 180 FEET, THENCE WEST 80 FEET, THENCE SOUTH 180 FEET, THENCE EAST 80 FEET TO THE PLACE OF BEGINNING, SITUATED IN THE COUNTY OF PIKE AND IN THE STATE OF ILLINOIS.

COMMONLY KNOWN AS:

409 WEST JEFFERSON STREET  
PITTSFIELD, IL 62363

TAX ID# 54-111-05  
54-111-06

(l) Statement as to amount now due: After all payments received have been applied, mortgagors are now in default for the monthly payments for March 2011 through the present; the balance due on the Note and the Mortgage is the total of the principal balance of \$55,319.22, plus interest, costs and fees, and advances if any, made by the plaintiff. The current per diem interest rate is \$8.26.

- (m) Name of present owners of said premises:

LORI A BERGMAN, HEIR; AARON BERGMAN, HEIR & MINOR C/O LORI A BERGMAN;

(n) Names of persons in addition to said owners, but excluding any non-record claimants as defined in the Illinois Mortgage and Foreclosure Act who are joined as Defendants and whose interest in, or lien on, the mortgaged real estate is sought to be terminated:

LORI A BERGMAN , ADMINISTRATOR OF THE ESTATE OF JAMES BERGMAN , DECEASED.

BLESSING HOSPITAL AS DISCLOSED BY CLAIM DATED 3/07/2011, AND RECORDED N/A IN THE OFFICE OF THE RECORDER OF DEEDS, PIKE COUNTY, ILLINOIS AS DOCUMENT NUMBER N/A. THE INTEREST OF THIS PARTY IS INFERIOR TO

THE PLAINTIFF.

(o) Names of persons claimed to be personally liable for deficiency unless personal liability is discharged in a Bankruptcy proceeding, or otherwise released:

NONE

(p) Plaintiff seeks to include in the Judgment the Plaintiff's attorneys' fees, costs and expenses.

4. Plaintiff alleges that in addition to persons designated by name herein and the Unknown Defendants referred to above, there are other persons, and/or non-record claimants who are interested in this action and who have or claim some right, title, interest or lien in, to or upon the real estate, or some part thereof, in this Complaint described, including but not limited to the following:

UNKNOWN OWNERS AND NON RECORD CLAIMANTS, IF ANY.

That the name of each of such persons is unknown to the Plaintiff and on diligent inquiry cannot be ascertained, and all such persons are therefore made party defendants to this action by the name and description of UNKNOWN OWNERS and NON-RECORD CLAIMANTS.

5. That should a deficiency result from the foreclosure sale of the subject property, Plaintiff may seek an In Personam or an In Rem deficiency judgment, unless the defendant(s) which are liable on the subject mortgage note have had personal liability on said note discharged in a Bankruptcy proceeding or if said liability has been otherwise discharged or released.

6. That should the subject property be vacant, the Plaintiff may seek to have the Court find that the property is abandoned pursuant to 735 ILCS 5/15-1603, Illinois Code of Civil Procedure.

7. That the Plaintiff may seek appointment of Mortgagee in Possession or appointment of receiver.

WHEREFORE, PLAINTIFF REQUESTS:

1. A Judgment of Foreclosure and Sale.
2. A Judgment for attorneys' fees, costs and expenses.
3. An Order Approving the Foreclosure Sale and an Order granting possession.
4. An In Personam or an In Rem Deficiency Judgment, if sought, unless defendant(s) have had personal liability on the subject mortgage note discharged in a Bankruptcy proceeding, or otherwise released.
5. An order granting a shortened redemption period, if sought.
6. Appointment of Mortgagee in Possession or Receiver, if