

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

HSBC BANK USA, N.A., AS INDENTURE  
TRUSTEE FOR THE REGISTERED  
NOTEHOLDERS OF RENAISSANCE HOME  
EQUITY LOAN TRUST 2007-2

PLAINTIFF

CASE NUMBER:1:12-cv-3321

VS.

DISTRICT JUDGE: Charles R. Norgle, Sr.

PAUL D. HOWEY, CHICAGO TITLE AND TRUST COMPANY, AN ILLINOIS CORPORATION,  
JPMORGAN CHASE BANK, NA, SUCCESSOR IN  
INTEREST TO GREAT WESTERN BANK,  
KAREN HOWEY,

DEFENDANT(S).

**PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT WITH DAMAGES**

Plaintiff, by counsel, for its Motion for Entry of Judgment with Damages, states as follows:

***1. Judgment Affidavit Establishes the Facts Stated Therein and that Defendant is Indebted to Plaintiff in the amount of \$280,638.48.***

Plaintiff's Affidavit of Debt itemizes that amounts that Plaintiff claims are due and owing under the Note and Mortgage, including the unpaid principal balance, escrow charges for taxes and insurance disbursed by Plaintiff on behalf of Defendant<sup>1</sup>, late charges<sup>2</sup>, interest on the unpaid principal balance at the rate of 10.34%<sup>3</sup>, and other reimbursable advances made by Plaintiff including property inspections, property valuations, costs of title searches and costs of certified mailings to the Defendants<sup>4</sup>.

Plaintiff's Affidavit of Debt includes proof that the records that the affiant reviewed were made at or near the time of the transactions and kept in the ordinary course of the business activity regularly conducted by the loan servicer and that it is its regular practice to make and keep those records.<sup>5</sup> This meets the requirements to admit the records as a hearsay exception under Rule 803(6). There is no requirement that the affiant be the "maker" of the records.<sup>6</sup> He has attached a "print-out

<sup>1</sup> Doc. #1-3, ¶ 1, 3.

<sup>2</sup> Doc. #1-4, ¶ 6(A)

<sup>3</sup> Doc. #1-4, ¶ 2

<sup>4</sup> Doc. #1-4, ¶ 6(E) and Doc. #1-3, ¶ 9.

<sup>5</sup> Doc. #17-3, P. 1.

<sup>6</sup> See *United States v. Rose*, 562 F.2d 409, 410 (7th Cir. 1977) ("We reaffirmed an earlier decision of this court in *Peter Ekrich and Sons, Inc. v. Selected Meat Co.*, 7 Cir., 512 F.2d 1158 (1975) when we held that "... the person who makes the records need not testify." *Id.* at 1159. Further, Rule 803(6) of the Federal Rules of Evidence refers only to "the custodian or other qualified witness" without any suggestion that the foundation for introduction of a record must be laid by its maker.").

generated from Ocwen Loan Servicing, LLC (the servicer and attorney-in-fact for Plaintiff)'s regularly maintained Servicing Records pertaining to Defendant's account," along with the actual attachment that designates P. Howey by name and includes his loan number and a summary of amounts due. This shows sufficient familiarity with Defendants' loan and a connection between the facts of the affidavit and the supporting Servicing Records.

**2. Plaintiff is Also Entitled to Recover Attorney's Fees and the Costs Required to Prosecute this Action and Preserve its Interests in the Amount of \$2,255.50.**

The Note and Mortgage provide that, in the event of default, the Plaintiff is entitled to recover the attorney's fees and costs necessary to protect its interests in the property.<sup>7</sup> Plaintiff incurred costs in protecting and prosecuting this action, including a \$285.00 cost for hiring a special process server to serve the Defendant's in this action with the Summons and Complaint, a \$350.00 filing fee, \$70.50 recording fees for the recording of an Assignment of the Mortgage and a Lis Pendens, and \$1,550.00 attorney's fees as broken down in the Amended Affidavit of Attorney Fees.

WHEREFORE, Plaintiff, by counsel, respectfully requests that the Court enter a Judgment of Foreclosure including damages in the amount of \$282,893.98.

Respectfully submitted,

By:       /s/ Julia M. Bochnowski

JULIA M. BOCHNOWSKI #6301499  
Burke Costanza & Carberry LLP  
150 N. Michigan, 8<sup>th</sup> Floor, Chicago, IL 60601  
(219) 769-1313

**CERTIFICATE OF SERVICE**

I certify that on the 11<sup>th</sup> day of October, 2013, service of a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein by depositing the same in the United States Mail in envelopes properly addressed to each of them and with sufficient first class postage affixed.

**Service List**

Christopher S. Fowler  
Crowley & Lamb, PC  
221 N. LaSalle St., Ste. 1550  
Chicago, IL 60601

Chicago Title and Trust Company, an Illinois Corporation  
c/o C T Corporation System  
208 S. LaSalle St., Suite 814  
Chicago, IL 60604

JPMorgan Chase Bank, NA  
1111 Polaris Parkway  
Columbus, OH 43240

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<sup>7</sup> Doc. #1-4, ¶ 6(E) and Doc. #1-3, ¶ 9