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**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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BENEFICIAL FINANCIAL I, INC., Successor by merger )	Appeal from the
to Beneficial Illinois Inc. d/b/a Beneficial Mortgage )	Circuit Court of
Company of Illinois, )	Cook County.
Plaintiff-Appellee, )	
)	
(Wilmington Savings Fund Society, FSB, as Trustee of )	
Stanwich Mortgage Loan Trust A, Intervenor-Appellee), )	No. 18 M1 707362
)	
v. )	
)	
NATHANIEL SATTERFIELD, JR., )	Honorable
Defendant-Appellant )	Jim Ryan,
)	Judge Presiding.
(Willie Gilbert; Unknown Occupants, Defendants). )	
)	
)	
WILMINGTON SAVINGS FUND SOCIETY, FSB, )	Appeal from the
as Trustee of Stanwich Mortgage Loan Trust A, )	Circuit Court of
Plaintiff-Appellee, )	Cook County.
)	
v. )	No. 18 M1 717451
)	
)	
NATHANIEL SATTERFIELD, JR., )	Honorable
Defendant-Appellant. )	David A. Skryd,
)	Judge Presiding.
(Willie Gilbert; Unknown Occupants, Defendants). )	

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JUSTICE CUNNINGHAM delivered the judgment of the court.  
Justices Connors and Harris concurred in the judgment.

### ORDER

¶ 1 *Held:* The trial court's eviction order in favor of Beneficial Financial I, Inc. is vacated; the trial court's eviction order in favor of Wilmington Savings Fund Society, FSB is affirmed.

¶ 2 This appeal involves two eviction cases which have been consolidated in this court. The intervenor-appellee, Wilmington Savings Fund Society, FSB (Wilmington), filed an eviction complaint against the defendant-appellant, Nathaniel Satterfield, Jr., in the circuit court of Cook County. However, Wilmington's complaint mistakenly listed the plaintiff-appellee, Beneficial Financial I, Inc. (Beneficial), as the plaintiff in the case. Following an eviction order entered against Satterfield and in favor of Beneficial, Satterfield filed a notice of appeal. This court allowed Wilmington to intervene as a party-plaintiff in the case on appeal. Subsequently, Wilmington filed a new eviction complaint against Satterfield in the circuit court. A separate eviction order was entered against Satterfield and in favor of Wilmington. Satterfield also appealed from that order, and this court consolidated his two appeals. For the following reasons, we vacate the first eviction order in favor of Beneficial and affirm the second eviction order in favor of Wilmington.

¶ 3 BACKGROUND

¶ 4 Beneficial held a mortgage from Satterfield's mother and sister<sup>1</sup> for a property located at 1411 S. 20th Avenue, Maywood, Illinois (the property). Satterfield lived at the property with his mother and sister, although he was not on the mortgage. In 2012, Beneficial obtained a judgment of foreclosure and sale on the property (the foreclosure case). Beneficial then sold the property to Wilmington via a quit claim deed.

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<sup>1</sup>Satterfield's mother and sister are not parties to this appeal.

### **The First Eviction Case**

¶ 5 Satterfield voluntarily vacated the property following the judgment of foreclosure and sale. However, four years later, he moved back into the property. In 2018, Wilmington filed an eviction complaint against Satterfield, seeking possession of the property (the first eviction case).

¶ 6 Wilmington hired Codilis & Associates, P.C. (the law firm) to litigate the eviction action against Satterfield. However, the law firm mistakenly filed the eviction case in Beneficial's name, even though Beneficial no longer had an interest in the property. Beneficial was not even aware that the first eviction case existed.

¶ 7 The law firm moved for the entry of an order of eviction. The trial court then entered an eviction order against Satterfield and in favor of Beneficial. Beneficial and Wilmington both learned that the first eviction case had been mistakenly filed in Beneficial's name after the eviction order was entered in favor of Beneficial. Satterfield subsequently filed a notice of appeal.

¶ 8 Wilmington filed a motion in this court to, *inter alia*, intervene in the case and dismiss Beneficial as the plaintiff. This court allowed Wilmington to intervene as a party-plaintiff, but denied its request to dismiss Beneficial from the case. Beneficial then filed its own motion to dismiss itself from the case, which this court has undertaken to resolve in the context of resolving this appeal.

### **The Second Eviction Case**

¶ 9 While the first eviction case was pending on appeal, Wilmington filed a new, separate eviction complaint against Satterfield, with the correct name on the pleadings (the second eviction case). In its complaint, Wilmington attached the deed it had acquired from Beneficial.

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¶ 10 Wilmington was unable to personally serve Satterfield with the new eviction complaint, and instead filed an affidavit of service by posting a notice pursuant to 735 ILCS 5/9-107 (West 2018).

¶ 11 Satterfield filed an appearance and a motion to dismiss pursuant to section 2-619 of the Code of Civil Procedure (735 ILCS 5/2-619 (West 2018)). His motion argued that the second eviction case should be dismissed because (1) there was another action pending between the same parties for the same cause of action, and (2) service was ineffective.

¶ 12 Following arguments on Satterfield's motion to dismiss, the trial court found that the first eviction case pending on appeal had "no bearing on" the second eviction case. The trial court denied Satterfield's motion.<sup>2</sup>

¶ 13 The record reflects that the trial court also heard arguments on Wilmington's eviction claim, but there are no transcripts or bystander's report in the record. The trial court entered an eviction order against Satterfield and in favor of Wilmington. Satterfield then filed a notice of appeal.

¶ 14 ANALYSIS

¶ 15 We note that we have jurisdiction to consider the merits of this appeal. Satterfield filed a timely notice of appeal following each eviction order. This court subsequently consolidated both matters on appeal. Ill. S. Ct. R. 301 (eff. Feb. 1, 1994); R. 303 (eff. July 1, 2017).

¶ 16 Our analysis begins with the first eviction case, where an eviction order was entered in favor of Beneficial. All parties agree that the eviction order in the first eviction case should be vacated because it was entered in error in favor of Beneficial. Once Beneficial sold the property to Wilmington, Beneficial no longer had any interest in the property. Therefore, Beneficial

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<sup>2</sup>The trial court's order did not explain why it rejected Satterfield's service argument. There are also no transcripts in the record on appeal.

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lacked any connection to the first eviction case. It is clear that the law firm erroneously litigated the case in Beneficial's name. Accordingly, we vacate the trial court's eviction order against Satterfield and in favor of Beneficial. Because we are vacating the trial court's order, the appeal from the first eviction case is resolved. Thus, we need not address Beneficial's motion to dismiss itself from the appeal or any of Wilmington's motions to dismiss the appeal.

¶ 17 Turning to the second eviction case, where an eviction order was entered in favor of Wilmington, Satterfield argues that the trial court erred in entering an eviction order against him because Wilmington failed to prove that it has a superior right of possession for the property. The thrust of Satterfield's argument is that he has a superior right of possession because he "is the one paying taxes on" the property and he has an unrecorded quit claim deed to the property, executed between him and his sister in 2011.

¶ 18 The Forcible Entry and Detainer Act governs eviction proceedings and sets forth a mechanism for the peaceful adjudication of possession rights. *Circle Management, LLC v. Olivier*, 378 Ill. App. 3d 601, 608 (2007); 735 ILCS 5/9–101 *et seq.* (West 2018). The purpose of an eviction proceeding is to determine only who has a superior right of possession of the property. *U.S. Residential Management & Development, LLC v. Head*, 397 Ill. App. 3d 156, 160 (2009). The relevant issues in such a proceeding concern which party is entitled to immediate possession of the property and whether there is a defense which defeats the plaintiff's asserted right to possession. *Id.* There are four germane defenses to an eviction action: (1) claims asserting a paramount right of possession; (2) claims denying the breach of the agreement vesting possession in the plaintiff; (3) claims challenging the validity or enforceability of the agreement on which the plaintiff bases the right to possession; or (4) claims questioning the plaintiff's motivation for bringing the action. *Milton v. Therra*, 2018 IL App (1st) 171392, ¶ 23.

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¶ 19 In determining whether the trial court erred in entering an eviction order under the Forcible Entry and Detainer Act, the standard of review is whether the ruling was against the manifest weight of the evidence. *Wendy & William Spatz Charitable Found. v. 2263 N. Lincoln Corp.*, 2013 IL App (1st) 122076, ¶ 27. For a finding to be against the manifest weight of the evidence, it must appear from the record that the opposite conclusion is clearly evident or that the findings of fact are unreasonable, arbitrary, and not based upon any of the evidence. *Id.*

¶ 20 We note that Satterfield failed to include in the record on appeal, any transcripts or bystander's reports. Our supreme court has long held that in order to support a claim of error on appeal, the appellant has the burden to present a sufficiently complete record. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391–92 (1984)). "Any doubts arising from an incomplete record must be resolved against the appellant." *In re Marriage of Sharp*, 369 Ill. App. 3d 271, 278 (2006). In the absence of transcripts or bystander's reports, it is presumed that the trial court acted in conformity with the law and that the findings were based on the evidence presented. *Watkins v. Office of State Appellate Defender*, 2012 IL App (1st) 111756, ¶ 19. Thus, because the record does not reveal the basis for the trial court's order, we must presume that the court followed the law and had a sufficient factual basis for its ruling. In any case, our review leads us to find that the trial court's eviction order was not against the manifest weight of the evidence.

¶ 21 Satterfield devotes most of his brief to arguing that the foreclosure case was unlawful and unethical. The foreclosure case, however, was a separate case which was already litigated. And the judgment of foreclosure was affirmed by this court. *Beneficial Illinois, Inc., d/b/a/ Beneficial Mortgage Company of Illinois v. Satterfield*, 2013 IL App (1st) 122470–U (unpublished order under Illinois Supreme Court Rule 23). Most importantly, the foreclosure case has no bearing on the eviction matter before us now. As discussed, the sole issue in eviction proceedings is

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determining who has a superior right of possession.

¶ 22 Nothing in the record indicates that Satterfield has a superior right over Wilmington to possess the property. Beneficial acquired the deed after it foreclosed on the property. Beneficial then transferred title to Wilmington via the quit claim deed, which was recorded with the Cook County Recorder of Deeds in March 2018. And Wilmington attached the deed to its eviction complaint against Satterfield. See *Teton, Tack & Feed, LLC v. Jimenez*, 2016 IL App (1st) 150584, ¶ 16 (evidence of title is admissible to establish one's right to immediate possession).

¶ 23 Nonetheless, Satterfield claims that he has a superior right of possession because he holds a quit claim deed to the property, which was executed between himself and his sister in 2011. However, that deed was never recorded. And a deed takes effect and becomes enforceable *only once it is filed and recorded*. 765 ILCS 5/30 (West 2018).

¶ 24 We also reject Satterfield's argument that he has a superior right of possession because he has been paying the taxes on the property. He fails to cite to any authority which holds that the one who pays the property taxes has a superior right of possession over the one who holds title to the property.

¶ 25 In sum, Satterfield has failed to raise any germane defenses to Wilmington's claim for possession of the property. Thus, the trial court's eviction order against Satterfield and in favor of Wilmington was not against the manifest weight of the evidence.

¶ 26 CONCLUSION

¶ 27 For the foregoing reasons, we vacate the circuit court of Cook County's eviction order in favor of Beneficial and affirm the circuit court's eviction order in favor of Wilmington.

¶ 28 Affirmed in part; vacated in part.