

**NOTICE**

The text of this order may  
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a Petition for Rehearing or  
the disposition of the same.

2014 IL App (1st) 133229-U

SECOND DIVISION  
October 14, 2014

No. 1-13-3229

VANTAGE POINT CAPITAL, LLC as	)	Appeal from the
Assignee of NEWBURY PLACE REO III, LLC,	)	Circuit Court of
	)	Cook County
Plaintiff-Appellee,	)	
	)	
v.	)	
	)	
CORAZON HERAS,	)	No. 09 CH 38153
	)	
Defendant-Appellant	)	
	)	
(200 NORTH DEARBORN CONDOMINIUM	)	
ASSOCIATION, UNKNOWN HEIRS AND	)	Honorable
LEGATEES OF CORAZON HERAS	)	Allen Price Walker
	)	John H. Ehrlich
Defendants).	)	Judges Presiding.

JUSTICE PIERCE delivered the judgment of the court.  
Presiding Justice Simon and Justice Liu concurred in the judgment.

### SUMMARY ORDER

¶ 1 Wells Fargo Bank N.A. brought this mortgage foreclosure action against defendant-appellant, Corazon Heras, alleging defendant was in default on her mortgage for property located at 200 North Dearborn Street, Unit 2508, in Chicago, Illinois. Two years later, Wells Fargo filed a motion to substitute party plaintiff to Newbury Place REO III, LLC with an attached copy of a recorded assignment of mortgage. The circuit court granted that motion on February 6, 2012.

¶ 2 On March 26, 2012, the circuit court entered an order of default against defendant Heras. On that same date, the circuit court entered summary judgment and a judgment for foreclosure of sale in favor of plaintiff. The property was sold at a judicial sale on January 18, 2013. Shortly thereafter, plaintiff filed a motion for an order approving the report of sale, distribution and possession. Later, Newbury Place filed a motion to substitute party plaintiff to Vantage Point Capital, LLC with an attached copy of a recorded assignment of mortgage. Eight months later, defendant filed an emergency motion objecting to the confirmation of sale arguing: (1) the property identification number (PIN) appearing on certain documents in the record is inconsistent from a PIN associated with the property that defendant found through her own research; (2) the document numbers referenced in certain documents in the record are not "consistent to what they purport to represent;" and (3) plaintiff was not a holder in due course of the mortgage at the time the judgment of foreclosure and sale.

¶ 3 On August 8, 2013, the circuit court entered a briefing schedule order and struck defendant's third reason for objecting to the confirmation of sale. Plaintiff did not file a response to defendant's objections. On September 9, 2013, the circuit court denied defendant's remaining reasons for objecting to the confirmation of sale and approved the judicial sale. Defendant appeals the circuit court's August 8, 2013 and September 9, 2013 orders. Plaintiff did not file an appellee's brief.

¶ 4 We review a circuit court's approval of a judicial sale under the abuse of discretion standard. *CitiMortgage, Inc. v. Johnson*, 2013 IL App (2d) 120719, ¶ 19. A circuit court abuses its discretion when no reasonable person would take the view adopted by the circuit court. *Lakefront Plumbing & Heating, Inc. v. Pappas*, 356 Ill. App. 3d 343, 350 (2005).

¶ 5 Although defendant argues over the circumstances of the circuit court's rulings and what occurred at the August 8, 2013 and September 9, 2013 hearings, we have no record of those proceedings and are not informed by the record of the reasons for the circuit court's rulings. The record discloses the circuit court entered handwritten orders, after the August 8, 2013 and September 9, 2013 hearings on defendant's motion, without referencing its reasoning. The record does not include, and defendant has not requested to file, a transcript of the hearing or bystander's report to inform us of the circuit court's reasoning. Thus, we do not know the basis of the circuit court's rulings and what transpired at the hearings on defendant's motion.

¶ 6 The appellant has the burden to provide us with a sufficiently complete record. See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Given the incomplete record on appeal, any doubts arising from the completeness of the record will be resolved against the appellant. *Id.* In the absence of an adequate record, we will presume the court's findings were proper. *Id.* "From the very nature of an appeal it is evident that the court of review must have before it the record to review in order to determine whether there was the error claimed by the appellant." *Id.* at 391. Accordingly, we must presume that the trial court acted in conformity with the law and ruled appropriately. *Id.* at 391-92. With this presumption in mind, and with the absence of information in the record for us to review defendant's claims of error, we cannot say that the circuit court abused its discretion when it struck defendant's third reason and denied defendant's remaining reasons for objecting to the confirmation of the judicial sale. *Id.* at 393. Therefore, we affirm the August 8, 2013 and the September 9, 2013 orders. This order is entered in accordance with Supreme Court Rule 23(c)(2) (eff. July 1, 2011).

¶ 7 Affirmed.