

FILED
6/23/2025 7:53 AM
Mariyana T. Spyropoulos
CIRCUIT CLERK
COOK COUNTY, IL
2025CH05527
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

KYLE HADLEY,)
)
Plaintiff,)
)
v.)
BRANDON MCGIVERN,)
)
Defendant.)
)

Case No. **2025CH05527**

AFFIDAVIT OF BRANDON MCGIVERN
(Regarding No Intention to Sell Property)

**STATE OF ILLINOIS,
COUNTY OF COOK**

I, **BRANDON MCGIVERN**, being first duly sworn, depose and state as follows:

PERSONAL INFORMATION AND CAPACITY

1. I am over the age of eighteen (18) years and am competent to make this affidavit. I have personal knowledge of the facts stated herein, and if called upon to testify, I could and would competently testify to the same.

2. I am the record titleholder of the real estate located at 6122 N. Winthrop Avenue, Unit C, Chicago, Illinois 60660 (the "Property").

3. I make this affidavit in support of my response and counterclaim in the case of Kyle Hadley v. Brandon McGivern, Case No. 2025CH05527, pending in the Circuit Court of Cook County, Illinois, Chancery Division.

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PROPERTY OWNERSHIP AND CURRENT STATUS

4. I purchased the Property as a long-term real estate investment and continue to hold title to the Property for investment purposes.

5. The Property is currently encumbered by a mortgage, and I am current on all mortgage payments and property taxes.

6. I have never listed the Property for sale with any real estate agent or broker, nor have I entered into any listing agreement or purchase contract for the sale of the Property to any third party.

NO INTENTION TO SELL PROPERTY

7. I currently have no intention, plan, or desire to sell the Property and intend to hold it as a rental investment for the foreseeable future.

8. My current business plan for the Property is to operate it as a profitable rental investment property, not to sell it.

9. Based on my research and analysis, comparable townhomes in the area with similar specifications are currently renting for \$2,800 to \$3,200 per month, which exceeds all carrying costs including mortgage payments, taxes, insurance, and maintenance, thereby providing substantial positive cash flow.

10. The rental income strategy is significantly more financially advantageous to me than selling the Property, particularly given current market conditions and the costs associated with preparing the Property for sale, and aligns with my long-term investment strategy of building wealth through rental property ownership.

MARKET RESEARCH ACTIVITIES

11. I acknowledge that I have conducted online research regarding recently sold comparable properties and current rental rates in my neighborhood using publicly available resources such as Redfin and other free online platforms.

12. This market research was conducted purely for informational purposes to understand the Property's current value as an investment asset and potential rental income, and was not undertaken in preparation for any sale.

13. I have not contacted, consulted with, or reached out to any real estate professionals, agents, brokers, or related service providers regarding the Property.

14. I have not discussed selling the Property with anyone, except for previous communications with Plaintiff regarding how I might need to sell the Property to return his deposit - communications that occurred before I completed my market analysis and determined that rental income makes holding the Property more financially advantageous.

15. At no time have I taken any concrete steps toward selling the Property, including but not limited to:

- Listing the Property for sale
- Hiring a real estate agent for sale purposes
- Obtaining a professional comparative market analysis for sale purposes
- Staging or preparing the Property for showing to prospective buyers
- Advertising the Property for sale in any medium
- Negotiating with any prospective purchasers
- Entering into any purchase agreements or contracts of sale

LONG-TERM INVESTMENT STRATEGY

16. My long-term strategy for the Property is to hold it as a rental investment for several years, allowing me to:

- Generate consistent positive monthly cash flow of \$2,800-3,200 based on current market rates
- Build equity through mortgage principal reduction
- Benefit from potential property appreciation over time
- Realize tax benefits associated with rental property ownership

17. This investment strategy is based on my online market research using publicly available resources such as Redfin and other platforms, which demonstrated that rental income significantly exceeds carrying costs.

18. I have no current plans or intention to sell the Property and intend to operate it as a rental investment for the foreseeable future. Any potential sale would only be considered in the distant future under extraordinary circumstances such as significant changes in my financial situation, major adverse changes in the local rental market, or other unforeseen circumstances that would make continued ownership as a rental investment impractical.

19. My decision to pursue this long-term rental investment strategy represents a change from any previous discussions with Plaintiff about potentially selling the Property to return his deposit, as my market research clearly showed that holding the Property for rental income is far more financially advantageous than selling.

CERTIFICATION

20. I certify that the statements made in this affidavit are true and correct to the best of my knowledge, information, and belief.

21. I understand that making false statements in this affidavit constitutes perjury under Illinois law, specifically 735 ILCS 5/1-109, which is a Class 3 felony punishable under the laws of the State of Illinois.

22. I make this affidavit voluntarily and without coercion, duress, or promise of benefit other than the truthful resolution of the pending litigation.

FURTHER AFFIANT SAYETH NAUGHT.

Brandon McGivern

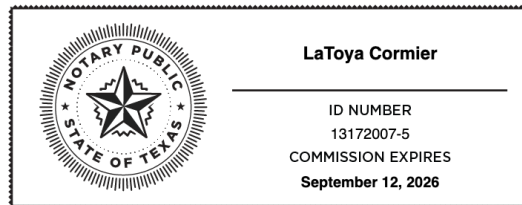
06/15/2025

BRANDON MCGIVERN

Subscribed and sworn to before me
this 15th day of June, 2025.

[Signature] Notary Public, State of Texas
Notary Public

My commission expires: 09/12/2026



Electronically signed and notarized online using the Proof platform.

NOTARY ACKNOWLEDGMENT SECTION

(To be completed by Notary Public)


Texas
State of ~~Illinois~~ **IL**
County of ~~Cook~~ Harris

On this 15th day of June, 2025, before me personally appeared BRANDON MCGIVERN, who proved to me on the basis of satisfactory evidence to be the person

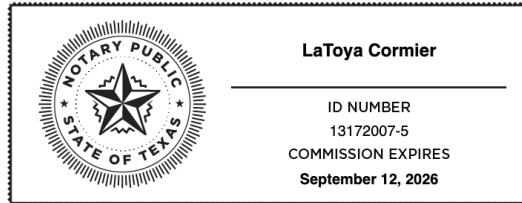
whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Illinois that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

 Notary Public, State of Texas

Notary Public



Electronically signed and notarized online using the Proof platform.