

SECOND DIVISION
June 29, 2001

No. 1-99-2776

NOTICE
The text of this order may be changed or corrected prior to the time for filing of a Motion for Rehearing or the disposition of the same.

IN THE APPELLATE COURT
OF ILLINOIS
FIRST JUDICIAL DISTRICT

SUZANNE and CRAIG SAVIN,)	Appeal from the
)	Circuit Court of
Plaintiffs-Appellants,)	Cook County
)	
v.)	
)	
NISEN & ELLIOT, WILLIAM DALUGA and HELEN)	
JENSEN,)	No. 97 L 4323
)	
Defendants-Appellees,)	
)	
and)	
)	Honorable
LANDMARK REAL ESTATE, INC., JODY BROTT,)	Richard E. Neville,
COLDWELL BANKER, LINDA ROSENBERG,)	Judge Presiding.
)	
Defendants.)	

ORDER

Plaintiffs Craig and Suzanne Savin brought an action against various persons and entities involved in a real estate transaction they had entered into. As part of that action, plaintiffs filed legal malpractice claims against the law firm of Nisen & Elliot, and Nisen & Elliot attorneys William Daluga and Helen Jensen (collectively, defendants), all of whom had represented plaintiffs in the transaction. The trial court granted summary judgment in

Although plaintiffs' complaint named a number of defendants, this appeal concerns only the legal malpractice claims brought against defendants Nisen & Elliot, Daluga, and Jensen.

favor of defendants Nisen & Elliot, Daluga, and Jensen on the claims made against them in plaintiffs' second amended complaint. Plaintiffs now appeal.

In September, 1996, Wendy and Terry Reid were the owners of a single family home located at 458 Naida Terrace, in Highland Park, Illinois (the property). The property, upon which was a newly built house in not quite finished condition, was placed for sale with a listing price of \$349,000. According to plaintiffs' second amended complaint, the house needed an additional \$25,000 in work to be completed, but the Reids were having financial difficulties and were unable to complete construction. Because the house was unfinished, it did not have an occupancy permit from the City of Highland Park at the time it was placed for sale. According to the parties, the lack of an occupancy permit made it unlikely that a buyer could obtain a traditional first mortgage on the house.

On September 27, 1996, Jerome Sirt and his real estate agent Donald Marcus, met with Linda Rosenberg, a licensed real estate broker employed by Coldwell Banker, who was attempting to sell the property on behalf of the Reids. At the meeting, Sirt offered to purchase the property for \$334,000. Sirt's offer was submitted on a Northwest Association of Realtors real estate contract and contained a mortgage contingency. The contract also contained an attorney review provision. That provision stated:

"ATTORNEY REVIEW. The parties agree that their respective attorneys may review and make

