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Cook County Recorder 35.50

**RECORDING COVER SHEET**

MAIL TO:

Terry Diamond  
Earl L. Neal & Associates, L.L.C.  
111 West Washington Street, Suite 1700  
Chicago, Illinois 60602

PREPARER:

Terry Diamond  
Earl L. Neal & Associates  
111 West Washington Street, Suite 1700  
Chicago, Illinois



00765673

FOR RECORDER'S OFFICE USE ONLY

**DESCRIPTION OF ATTACHED INSTRUMENT:**

**AGREED FINAL JUDGMENT ORDER**

CASE NAME: The City of Chicago in Trust for the Use of Schools and the Board of Education of the City of Chicago vs. International Bank of Chicago, as Trustee U/T/A dated February 10, 1998 and known as Trust Number 98-1001, International Bank of Chicago as Mortgagee, Khan Tran, AAA Realty, Inc., Victor S. Lopez, Miguel Chavez, Carlos Medina, Gentry and Pamela Burks, Debbie Gutshall, Larry Dobbins, Alberto Mendoza, Enrique Lopez, Crecenciano Zamora, Carmelo Osorio, Humberto Melcor and Unknown Owners

CASE NO.: 99 L 51347

JURISDICTION: IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

PIN NO.: 14-08-400-017-0000

ADDRESS: 5100 North Winthrop and  
1106-08 W. Winona, Chicago

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

THE CITY OF CHICAGO IN TRUST FOR THE )  
USE OF SCHOOLS AND THE BOARD OF )  
EDUCATION OF THE CITY OF CHICAGO, )

PLAINTIFFS, )

vs. )

INTERNATIONAL BANK OF CHICAGO, AS )  
TRUSTEE U/T/A DATED FEBRUARY 10, 1998 )  
AND KNOWN AS TRUST NUMBER 98-1001, )  
INTERNATIONAL BANK OF CHICAGO AS )  
MORTGAGEE, KHANH TRAN, AAA REALTY )  
INC., VICTOR S. LOPEZ, MIGUEL CHAVEZ, )  
CARLOS MEDINA, GENTRY AND PAMELA )  
BURKS, DEBBIE GUTSHALL, LARRY DOBBINS, )  
ALBERTO MENDOZA, ENRIQUE LOPEZ, )  
CRECENCIANO ZAMORA, CARMELO OSORIO, )  
HUMBERTO MELCOR AND UNKNOWN )  
OWNERS, )

DEFENDANTS. )

CASE NO.: 99 L 51347

CONDEMNATION-FULL TAKE

5100 NORTH. WINTHROP AND  
1106-08 W. WINONA, CHICAGO

PIN: 14-08-400-017-0000

JUDGE THOMAS P. QUINN

### AGREED FINAL JUDGMENT ORDER

This matter comes on to be heard on the Amended Complaint for Condemnation by the City of Chicago in Trust for the Use of Schools and the Board of Education of the City of Chicago (hereinafter "Plaintiffs"), for the ascertainment of the just compensation to be paid for the taking of the fee simple title to the Property commonly known as 5100 N. Winthrop and 1106-08 W. Winona Avenue, Chicago, Illinois, PIN: 14-08-400-017-0000 ("Property"), and described in Exhibit A attached hereto.

Plaintiffs have appeared by Earl L. Neal & Associates, L.L.C. Defendant Owners, International Bank of Chicago, as Trustee U/T/A Dated February 10, 1998 and Known as Trust Number 98-1001 and Khanh Tran have appeared by their attorney Brian W. Carey.

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An Order of Default has been entered against Defendant Tenants: Carlos Medina, Miguel Chavez, Gentry Burks and Pamela Burks and Unknown Owners. Defendants Pedro Castaneda and Barbara Gutshall have vacated the Property and have been dismissed as defendants in this proceeding. Defendant Owners represent that all written leases for the Subject Property have been given to Plaintiffs and all of the remaining tenants are month-to-month and have been given written notice to vacate the Property on or before October 1, 2000.

The Court has jurisdiction of all of the parties to this suit and the subject matter hereof. The Court has been informed by these parties that all matters in controversy have been compromised and settled by agreement of the parties. The parties have waived trial by jury, and have entered into a Stipulation for Final Judgment Order (the "Stipulation") which is attached hereto, made a part hereof, and incorporated into the Agreed Final Judgment Order as if fully stated herein. The parties have requested the Court to set just compensation in this matter based upon the attached Stipulation and representations of counsel.

**THE COURT HEREBY FINDS THAT:** Plaintiffs have the authority to exercise the right of eminent domain; that the Subject Property sought to be taken herein is subject to the exercise of such right; and that such right is not being improperly exercised in this proceeding.

**IT IS HEREBY ORDERED THAT:** Pursuant to the Stipulation of the parties, judgment shall be and is hereby entered setting the amount to be paid by Plaintiffs as full and final just compensation to the owner, or owners, and party or parties interested in the

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Subject Property legally described on Exhibit A attached hereto, as full and final just compensation for the taking of fee simple title to said Subject Property, together with all the improvements thereon and any and all claims for damages, free and clear of all leases liens and encumbrances, to be the sum of **THREE HUNDRED AND NINETY FIVE THOUSAND DOLLARS (\$395,000)**.

**IT IS FURTHER ORDERED THAT:** pursuant to the Stipulation of the parties, Plaintiffs shall deposit the sum of **THREE HUNDRED AND NINETY FIVE THOUSAND DOLLARS (\$395,000)** with the County Treasurer of Cook County, Illinois for the benefit of the owner or owners of and party or parties interested in said real property and any other unknown owners, or parties interested in said real property, as full compensation for the taking of fee simple title to said real property, including any and all claims for damages arising out of this condemnation. Plaintiffs shall deposit the \$395,000 award with the Cook County Treasurer on or before November 1, 2000. No interest shall accrue on the condemnation award prior to October 1, 2000. The award shall accrue interest at 6% per annum if deposited between October 2, 2000 and November 1, 2000. Real estate taxes on the Subject Property shall be prorated as of the date of filing of the Complaint to Condemn, *i.e.* December 30, 1999.

**IT IS FURTHER ORDERED THAT** pursuant to the agreement of the parties, the aforesaid sum shall constitute the final and total compensation for the fee simple title to the Subject Property, free and clear of all liens, leases and encumbrances, together with all the improvements thereon, including any and all claims for damages.

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Defendant Owners agree to vacate and surrender the Property to Plaintiffs on or before November 1, 2000. Defendant Owners may remove appliances and fixtures from the Property before November 1, 2000 provided they:

- A. Maintain third party liability coverage for the Property naming the Plaintiffs as additional insured parties; and
- B. Defendants allow Plaintiffs' contractors and agents to walk through, inspect, and test the property on seven (7) days notice.

**IT IS FURTHER ORDERED** upon Plaintiffs' deposit of **THREE HUNDRED AND NINETY FIVE THOUSAND DOLLARS (\$395,000)** with the Cook County Treasurer, Plaintiffs shall be vested with fee simple title to the Property, free and clear of all liens and encumbrances, together with all the improvements thereon. Plaintiffs shall be vested with and have the right to possession of the Subject Property on November 1, 2000.

**IT IS FURTHER ORDERED** that this Court accepts the waivers of a jury trial from all parties. This Court retains jurisdiction of this matter for the purpose of awarding writs of assistance to place Plaintiffs in possession of the Subject Property on November 1, 2000 and for enforcing the terms and conditions of this Judgment Order and Stipulation.

The Court finds that there is no just reason for delaying the enforcement of said judgment. This matter is to be removed from the trial call.

JUDGE THOMAS P. QUINN  
 SEP - 1 2000  
 ENTER:  
 Circuit Court-238

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 JUDGE

Earl L. Neal & Associates, L.L.C.  
 Terry L. Diamond  
 111 West Washington Street, Suite 1700  
 Chicago, Illinois 60602  
 (312) 641-7144  
 Attorney No. 36515

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AGREED:

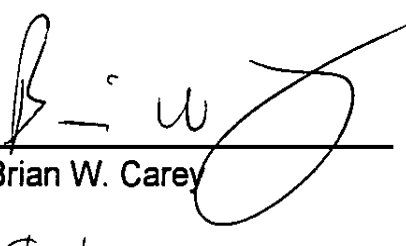
**Plaintiffs**

City of Chicago In Trust for Use of  
Schools and Board of Education of  
City of Chicago

**Defendants**

International Bank of Chicago, as Trustee  
U/T/A Dated February 10, 1998 Trust No.  
98-1001 and Khanh Tran

By:   
Earl L. Neal & Associates, L.L.C.

By:   
Brian W. Carey

Date: 9/1/2000

Date: 9-1-00

Earl L. Neal & Associates, L.L.C.  
111 West Washington, Suite 1700  
Chicago, IL 60602  
(312) 641-7144  
Attorney No. 35615

Brian W. Carey  
6914 W. North Avenue  
Chicago, IL 60707  
(773) 622-0101  
Attorney No. 26718

Property of Cook County Clerk's Office

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## EXHIBIT A

### LEGAL DESCRIPTION:

Lot 8 (except the north 1 foot lying west of the west line of the east 97 feet thereof and except the north 13 feet to east 97 feet thereof) in Block 1 in Argyle, being a Subdivision of Lots 1 & 2 of Fussey & Fennimore's Subdivision of the southeast fractional quarter of Section 8, Township 40 North, Range 14 East of the Third Principal Meridian and of Lots 1 & 2 of Colehour & Conarroe's subdivision of Lot 3 of said Fussey & Fennimore's subdivision in Cook County, Illinois; and

Easement for ingress and egress over the south 4 feet of the west 40 feet of Lot 9 and the north 1 foot of the west 40 feet of Lot 8 in Block 1 in Argyle, being a Subdivision of Lots 1 & 2 of Fussey & Fennimore's Subdivision of the southeast fractional quarter of Section 8, Township 40 North, Range 14 East of the Third Principal Meridian, and of Lots 1 & 2 of Colehour & Conarroe's Subdivision of Lot 3 of said Fussey & Fennimore's Subdivision in Cook County, Illinois.

### PERMANENT INDEX NUMBER

14-08-101-017-0000

### ADDRESS:

5100 North Winthrop and 1106-1108 West Winona, Chicago, Illinois

### OWNER OF RECORD:

International Bank of Chicago, as Trustee, under Trust Agreement Dated February 10, 1998 and Known as Trust Number 98-1001

### OTHER PARTIES HAVING OR CLAIMING AN INTEREST IN THE PROPERTY:

Khahn Tran, AAA Realty, Inc.,  
International Bank of Chicago as Mortgagee under Mortgage Dated February 26, 1998 and Recorded March 5, 1998 as Document No. 98176958 and under the Assignment of Rents Recorded March 5, 1998 and Recorded as Document No. 98176959  
Enrique Lopez, Victor S. Lopez,  
Miguel Chavez,  
Carlos Medina,  
Gentry Burks and Pamela Burks,  
Debbie Gutshall (a/k/a Debbie Dobbins) and Larry Dobbins,  
Crecenciano Zamora,  
Carmelo Osorio,  
Humberto Melchor,  
Alberto Mendoza, and  
Unknown Owners.

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COOK COUNTY, ILLINOIS

## OFFICE OF COUNTY TREASURER

MARIA PAPPAS, Treasurer

CHICAGO 60602

9-25 2000

Rec'd of CITY OF CHICAGO IN TRUST  
FOR THE USE OF SCHOOLS AND THE  
BOARD OF EDUCATION OF THE CITY OF CHICAGO

HOW PAID	CASH	CHECK	MONEY ORDER	DRAFT
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Credit Account CONDEMNATION DEPOSIT No. 413321

DESCRIPTION	AMOUNT
CASE # <u>29LS1347</u>	
PARCEL # <u>NONE</u>	<u>395,000 00</u>
PERM IND <u>19-08-400-017-0000</u>	
JUDGEMENT AWARDED <u>\$ 395,000.00</u>	
DATE <u>9-1-2000</u>	

Not Valid Unless Officially Received By Cashier

**PAID**  
 SEP 25 2000  
 MARIA PAPPAS

*WBS*

GENERAL RECORDS DIVISION

By *WBS*

Fund

No. D 02786

ORIGINAL

Property of Cook County Clerk's Office