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PLACITA - APPEALS/TRANSFER

(Rev. 12/17/96) CCG-76

UNITED STATES OF AMERICA

STATE OF ILLINOIS
COUNTY OF COOK

ss:

RONALD C. RILEY

PLEAS, before the Honorable

one of the Judges of the Circuit Court of Cook County, in the State of Illinois, holding a branch Court of

said Circuit Court, at the Court House in said County and State, on ... NOV. 5TH

in the year of our Lord, one thousand nine hundred and ... NINETY-NINE

of the United States of America, the two hundredth and ... TWENTY-FOUR

RONALD C. RILEY
PRESENT: The Honorable
Judge of the Circuit Court of Cook County



Attest: AURELIA PUCINSKI, Clerk.

Schwarz, Vawek & Weiler
303 W. Main St.
W Dundee, IL 60118
ATTN Kristine Heykoop

AURELIA PUCINSKI, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT CHANCERY DIVISION

AMCORE BANK N.A. ROCKFORD, a national banking association,)
)
 Plaintiff)
)
 v.)
)
 JAMES P. MULHOLLAND, II, AGUSTIN)
 MANCILLA, LETICIA MANCILLA, his wife,)
 STEVEN J. WISKERCHEN, PATRICIA)
 WISKERCHEN, his wife, WARREN A. FURST,)
 AS TRUSTEE UNDER TRUST DEED DATED)
 NOVEMBER 6, 1995, UNKNOWN OWNERS and)
 NON-RECORD CLAIMANTS)
 Defendants)

Chancery No. 99 CH 2642

JUDGMENT OF FORECLOSURE AND SALE

This day comes the Plaintiff, AMCORE BANK N.A. ROCKFORD, a national banking association, by its attorneys, SCHWARZ, VANEK & WEILER P.C.;

And it appearing to the Court that the Plaintiff heretofore commenced this action by filing its Complaint for Foreclosure and Other Relief against Defendants, JAMES P. MULHOLLAND, II, AGUSTIN MANCILLA, LETICIA MANCILLA, his wife, STEVEN J. WISKERCHEN, PATRICIA WISKERCHEN, his wife, WARREN A. FURST, as Trustee Under Trust Deed Dated November 6, 1995, UNKNOWN OWNERS and NON-RECORD CLAIMANTS, in which complaint in Count I thereof, Plaintiff seeks to foreclose a certain mortgage dated November 6, 1995 and recorded on December 20, 1995 with the Recorder of Deeds of Cook County, Illinois as Document Number 95885186;

And it appearing that the Affidavits required to make such unknown parties as defendants to this action were duly filed and UNKNOWN OWNERS and NON-RECORD

CLAIMANTS have been duly and regularly made parties defendant to this action in a manner provided by law;

And it appearing that the persons designated as UNKNOWN OWNERS and NON-RECORD CLAIMANTS include other persons who are interested in this action and who have or claim some right, title, interest, or lien in, to, or upon the real estate, or some part thereof in the complaint, described as tenants in possession; and in addition other persons who are interested in this action who have or claim some right, title, interest, or lien in, to or upon the real estate, or some part thereof, and it appearing that the name of each other persons interested in this action is unknown to Plaintiff, and upon diligent inquiry, cannot be ascertained, and all such persons are, therefore, made parties defendant to this action by the name and description of UNKNOWN OWNERS and NON-RECORD CLAIMANTS;

And it further appearing to the Court that Defendants, UNKNOWN OWNERS and NON-RECORD CLAIMANTS, have failed to file their appearance in this cause and have failed to file any answer or other responsive pleading to Plaintiff's complaint and have been found to be in default herein, and that an order of default has been entered in this cause against said Defendants;

And it further appearing to the Court that Defendants, JAMES P. MULHOLLAND, II, AGUSTIN MANCILLA, LETICIA MANCILLA, STEVEN J. WISKERCHEN and PATRICIA WISKERCHEN, were duly served with summons and complaint in this cause and failed to file their appearance, answer, or other responsive pleading to Plaintiff's complaint and that an order of default has previously been entered herein taking Plaintiff's complaint as confessed against said Defendants and finding them to be in default herein;

And it further appearing to the Court that Defendant, WARREN A. FURST, as Trustee

Under Trust Deed Dated November 6, 1995 filed his appearance and answer to Plaintiff's complaint and that this cause came on to be heard upon motion of Plaintiff for entry of summary judgment and judgment of foreclosure and sale pursuant to 735 ILCS 5/2-1005(a) and 735 ILCS 5/15-1506(a), which motions are duly and properly supported by affidavit;

And the Court having examined the files and records in this cause and having taken evidence and being fully advised in the premises, finds that each of the Defendants in this cause has been duly and properly before the Court, either through service of summons or publication or appearance or otherwise, all in manner provided by law;

That due and proper notice has been given to each of the Defendants during the progress of this cause, as required by law, and that this Court now has jurisdiction over all of the parties to this cause and the subject matter hereof;

And it further appearing to the Court that this cause has come on to heard upon Plaintiff's motion for entry of summary judgment and judgment of foreclosure and sale, with notice, with said motion supported by affidavit, with said motion and affidavit being in due and proper form and due and proper notice of the presentation of said motion and affidavit have been given to all defendants in this cause and with the Court finding that there exists no genuine issues of material fact and that Plaintiff is entitled to summary judgment and judgment of foreclosure and sale as a matter of law on Count I of its Complaint for Foreclosure of Mortgage and Other Relief against all Defendants herein;

And this cause further coming on to be heard upon all of the pleadings and other matters of record herein, and the Court being fully advised in the premises, does find from the files, records and competent evidence presented herein as follows:

1. That all of the material allegations contained in Count I of Plaintiff's Complaint

for Foreclosure of Mortgage and Other Relief are true and proven.

2. By virtue of the note and mortgage alleged in Count I of Plaintiff's Complaint for Foreclosure of Mortgage and Other Relief, there is due Plaintiff, AMCORE BANK N.A. ROCKFORD, and said Plaintiff has a valid and subsisting first lien on the property foreclosed herein superior to all rights and interests of any other parties and any other persons interested in said property in the following amounts:

Principal balance due:	\$349,124.43
Interest due through 11/5/99:	32,862.29
Real estate taxes advanced:	77,405.12
Interest accrued on real estate taxes advanced through 11/5/99:	5,980.75
Title charges:	500.00
Court costs, publication, service and other fees:	1,296.56
Attorney fees due:	102,897.45 467,169.45
Sub-total Due Plaintiff	\$478,019.45
Less: Credit for net sums recovered by Plaintiff as Mortgage in Possession from May 1, 1999 through September 30, 1999:	(14,420.60)
Total Amount due Plaintiff, Amcore Bank N.A. Rockford	\$463,598.85 452,748.85

Plaintiff's said mortgage is prior and superior to all other mortgages, claims of interests and liens upon said real estate except for real estate taxes and special assessments, if any.

3. Plaintiff has been compelled to advance various sums of money to preserve and protect the real estate including, but limited to, property inspections, real estate taxes and

assessments, property maintenance and insurance premiums, and all other reasonable and incidental costs in maintaining and preserving and protecting the property as mortgage in possession pursuant to prior order of Court entered herein. Under the terms of the note and mortgage foreclosed herein, such advances, expenses and disbursements made by Plaintiff to preserve and protect the real estate and premises foreclosed herein, together with interest thereon as allowed under the terms of the mortgage are properly allowable to Plaintiff, are fair and reasonable and are hereby allowed and approved.

4. Plaintiff has been compelled to advance various sums of money and payment of costs, fees, expenses and disbursements incurred in connection with this foreclosure proceeding including, but not limited to, filing fees, service fees, publication fees, recording fees, title charges, including minutes of foreclosure, and title insurance policy. Under the terms of the note and mortgage foreclosed herein, such costs and expenses, together with interest thereon, at the lawful rate are properly allowable to Plaintiff are fair and reasonable and are hereby allowed and approved.

5. Plaintiff has been compelled to employ and retain attorneys to advise Plaintiff regarding this action, and to pursue this foreclosure proceeding, and to represent and advise Plaintiff in connection with said proceedings and in the collection of the indebtedness described herein and the foreclosure of said mortgage. Plaintiff has, and will thereby, become liable for the usual, reasonable and customary fees of its attorneys in this matter. Plaintiff has incurred and paid attorneys fees in the sum of \$10,850.00 in connection with this foreclosure action through October 22, 1999. ~~The Court has reviewed said fees together with the petition for attorneys fees duly file with this Court and finds that said fees were necessarily incurred in connection with the prosecution of this suit, they are properly allowable under the note and~~

~~mortgage and they are fair, reasonable and customary under the circumstances and they are hereby approved and allowed.~~

6. That advances in order to protect the lien of the judgment and to preserve the real estate such as, but not limited to, property inspections, real estate taxes or assessments, continued possession of the premises, property maintenance and insurance premiums incurred by Plaintiff prior to or after the date this judgment is entered and any additional reasonable attorneys fees incurred by Plaintiff after September 14, 1999 prior or subsequent to the sale of the premises up to the date of entry of any order of confirmation of sale, shall become an additional indebtedness secured by the judgment lien pursuant to Illinois Compiled Statutes, Chapter 735, Act 5, Section 15-1505 and Section 15-1603.

7. That the mortgage described in Count I of Plaintiff's Complaint for Foreclosure of Mortgage and Other Relief and hereby foreclosed appears of record in the office of the Recorder of Deeds of Cook County, Illinois as Document Number 95885186.

8. The property herein foreclosed and directed to be sold is legally described as follows:

Lot 4 in Lord's Park Terrace, a part of Lot 16 of the County Clerk's Subdivision in the Southwest 1/4 Section of 18, Township 41 North, Range 9 East of the Third Principal Meridian, in Cook County, Illinois.

The property sought to be foreclosed is commonly known as 831 Bode Road, Elgin, Illinois 60120 and is improved with a sixteen (16) unit apartment building.

Permanent Index Number: 016-18-300-032-0000

9. That Defendants, JAMES P. MULHOLLAND, II, AGUSTIN MANCILLA, LETICIA MANCILLA, STEVEN J. WISKERCHEN, and PATRICIA WISKERCHEN, are

the owners of the right of redemption pursuant to Illinois Compiled Statutes, Chapter 735, Act 5, Section 15-1212.

10. The date when the last of said owners of right of redemption were served by summons, or by publication or otherwise submitted to the jurisdiction of this Court was March 25, 1992.

11. The property foreclosed herein is improved with a multiple unit apartment building containing sixteen (16) single family dwelling units for rental purposes and is not occupied as a principal residence by any of the mortgagors. The mortgaged premises is, therefore, not residential real estate as defined under Illinois Compiled Statutes, Chapter 735, Act 5, Section 15-1219. Pursuant to the provisions of Illinois Compiled Statutes, Chapter 735, Act 5, Section 15-1601(b), all mortgagors have expressly waived their right of redemption under paragraph 10 contained in the mortgage instrument foreclosed herein. The mortgagors have, therefore, lawfully waived any and all rights of redemption in and to the real estate and premises foreclosed herein.

12. There exists no just reason to delay enforcement or appeal of this final judgment order.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that a Judgment of Foreclosure of Sale is granted to Plaintiff and against all Defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

A. That unless, within seven (7) days after the date hereof, the owners of the right of redemption pay all amounts found due and owing to Plaintiff herein, the real estate herein before described together with all improvements thereon and appurtenances belonging thereto shall be sold at public sale, to the highest and best bidder for cash pursuant to Illinois Compiled

Statutes, Chapter 735, Act 5, Section 15-1507. In the event of the failure of the persons entitled thereto to pay to Plaintiff all amounts found due and owing to Plaintiff herein within seven (7) days of the date of entry of this judgment, and in the event of such sale, the Defendants made parties to this foreclosure and in accordance with statutory provisions and all Non-Record Claimants given notice of the foreclosure in accordance with statutory provisions, and all persons claiming by, through or under them and each and any and all of them, shall be forever barred and foreclosed of any right, title, interest, claim, lien or right to redeem in and to the mortgaged real estate.

B. In the event of the failure of the persons entitled thereto to pay to Plaintiff all amounts found due and owing to Plaintiff as set forth herein above, then the mortgaged real estate shall be sold as directed by the Court, to satisfy the amount due to the Plaintiff as set forth in this judgment, together with the interest thereon at the statutory judgment rate from the date of judgment. The mortgaged real estate shall be sold by the Sheriff of Cook County, Illinois or such other judicial sales officer as may be designated by the court at public auction as herein set forth. The time, date, and place of the sale shall be as determined hereafter by the judicial sales officer and the attorneys for Plaintiff.

C. The Plaintiff, or Plaintiff's attorneys or such other party designated by the Court, shall give public notice of the sale as provided by statute. The notice of sale shall include the following information, but an immaterial error in the information shall not invalidate the legal effect of the notice:

1. The name, address and telephone of the person to contact for information regarding the real estate;
2. The common address and other common description (other than legal

description), if any, of the real estate;

3. A legal description of the improvements on the real estate;
4. A description of the improvements on the real estate;
5. The time and place of the sale;
6. The terms of the sale; and
7. The case title, case number, and the court in which the foreclosure was filed.

No other information shall be required in the notice of sale. No other notice by publication or posting shall be necessary. The person named in the notice of sale to be contacted for information about the real estate shall not be required to provide additional information other than that set forth in the notice of sale. Notice of sale may be given prior to the expiration of the redemption.

D. Notice of the sale shall be published at least three (3) consecutive calendar weeks (Sunday through Saturday) once in each week, the first such notice to be published not more than thirty-five (35) days prior to the sale, the last such notice to be published not less than seven (7) days prior to the sale, by an advertisement in a newspaper circulated to the general public in the county in which the real estate is located, in the section of that newspaper where legal notices are commonly placed and a separate advertisement in the section of such newspaper, which may be the same newspaper, in which real estate other than real estate being sold as part of legal proceedings as commonly advertised to the general public; provided, that where both advertisements could be published in the same newspaper and that newspaper does not have separate legal notices and real estate advertisements sections, a single advertisement shall be sufficient.

E. Notice of the sale shall also be given by the Sheriff of Cook County, Illinois, or

judicial sales officer or the attorneys for Plaintiff to all parties in the action who have appeared and have not heretofore been found by the Court to be in default for failure to plead. Such notice shall be given in a manner provided in the applicable rules of court for service of papers other than processing and complaint, not more than twenty-eight (28) days, nor less than seven (7) days prior to the date of sale. After notice is given as required in this section, a copy thereof shall be filed in the office of the Clerk of the Circuit Clerk together with a certificate of counsel or other proof that notice has been served in compliance with this section.

F. The Sheriff of Cook County or the judicial sales officer may adjourn or continue the sale as may be deemed necessary and equitable to effectuate proper sale of the real estate. The party who gives notice of public sale shall again give notice of any adjourned sale; provided, however, that if the adjourned sale is to occur less than thirty (30) days after the last scheduled sale, notice of any adjourned sale need be given only once, not less than five (5) days prior to the day of the adjourned sale.

G. The Sheriff of Cook County or the judicial sales officer shall offer for sale the real estate described herein, with all improvements, fixtures and appurtenances thereto, or so much of said real estate which may be divisible and sold separately without material injury to the parties in interest. The sale shall be by public auction. The sale shall be open verbal bid. Exceptions to which title in the real estate shall be subject at the sale shall include general real estate taxes for the current year and for the preceding year which have not become due and payable as of the date of this judgment and any special assessments upon the real estate and easements and restrictions of record.

H. The Plaintiff may become a purchaser at this sale. If Plaintiff is the successful bidder at such sale, the amount due Plaintiff plus costs, advances and fees hereunder, together

with interest incurred between the date of judgment and confirmation of sale may be taken as credit on its bid.

I. Out of the proceeds of sale, the Sheriff of Cook County or the judicial sales officer shall make distribution in the following order of priority:

1. For the reasonable expenses of said sale;
2. For the reasonable expenses of securing possession before sale, holding, maintaining, and preparing the real estate for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, management fees, and, to the extent provided for in the mortgage or other recorded agreement and not prohibited by law, reasonable attorneys fees, payments made pursuant to 735 ILCS 5/15-1505 and other legal expenses incurred by Plaintiff/Mortgagee;

3. To Plaintiff, AMCORE BANK N.A. ROCKFORD, all sums found due and owing pursuant to paragraph 2 herein, plus interest thereon at the lawful rate, plus all additional costs, fees advanced and taxes herein, and additional advances made in order to protect the lien of the judgment and preserve the real estate as set forth herein;

4. If, after payment of the amounts due the Sheriff of Cook County and Plaintiff pursuant to the previous subparagraphs herein there shall be a remainder, the Sheriff of Cook County shall hold the surplus subject to the further order of this Court.

J. At the sale of the mortgaged real estate, the Sheriff of Cook County or the judicial sales officer shall give the purchaser a receipt of sale. The receipt shall describe the real estate purchased, and shall show the amount paid or to be paid therefor. An additional receipt shall be given at the time of the subsequent payment. Upon the sale of the mortgaged real estate, the Sheriff of Cook County or the judicial sales officer may give and record a certificate of sale in accordance with Illinois Compiled Statutes, Chapter 725, Act 5, Section 12-119 and Section 12-121. The certificate shall be freely assignable.

K. The Sheriff of Cook County or the judicial sales officer shall promptly make a report of sale to the Court. Upon motion and notice, and in accordance with court rules applicable to motions generally, the Court shall conduct a hearing to confirm the sale. The Court shall then enter an order confirming the sale in accordance with Illinois Compiled

Statutes, Chapter 735, Act 5, Section 15-1508. If the money arising from said sale shall be insufficient to pay the amounts due and owing to Plaintiff with interest and costs and expenses of sale, the report of sale shall specify the amount of such deficiency and a judgment in rem may enter therefore pursuant to Illinois Compiled Statutes, Chapter 735, Act 5, Section 15-1508.

L. Upon or after confirmation of the sale, the Sheriff of Cook County or the judicial sales officer or the Court shall execute and deliver to the holder of the certificate of sale, or if no certificate has been issued, then to the holder of said receipt of sale, or the assignee thereof, a deed sufficient to convey title to the property foreclosed herein. Signature and the recital in the deed of the title or authority of the person signing the deed as grantor, of authority pursuant to this judgment and of the giving of the notices required by statute shall be sufficient proof of the facts recited and of such authority to execute the deed, but such deed shall not be construed to contain any covenant on the part of the person executing it. Delivery of the deed executed on the sale of the real estate, even if the purchaser or holder of the certificate of sale is a party to the foreclosure, shall be sufficient to pass the title thereto. Such conveyance shall be entire bar of all claims of parties to the foreclosure and all claims of any non-record claimant who is given notice of the foreclosure as provided by statute, and all persons claiming thereunder.

M. Plaintiff is authorized to take possession of said real estate upon and after default by the terms of the mortgage foreclosed; Plaintiff has prevailed on a final hearing of this cause; Plaintiff has requested to be placed in possession of the said real estate, and defendant mortgagors have not objected and shown good cause for having possession of said premises hereafter. After the entry of this judgment, Plaintiff shall have exclusive possession of said real estate and after the sale ordered herein, the holder of the certificate of sale shall have Plaintiff's right to be placed in possession of said real estate as against all parties named herein.

N. If the money arising from said sale shall be insufficient to pay the amounts due to Plaintiff with interest and the costs and expenses of sale, the person conducting the sale shall specify the amount of such deficiency in the report of sale and a judgment shall be entered therefore, if appropriate.

O. The Court hereby retains jurisdiction of the subject matter of this cause, and of all the parties hereto, for the purpose of enforcing or amending this judgment order.

P. There is no just reason to delay in the enforcement of or appeal from this final judgment order.

Q. Leave is hereby given to the Plaintiff to withdraw its original documents, as copies are attached to the complaint.

ENTER THIS 5 DAY OF November 1999.

ENTERED

Donald C. Riley
NOV 5 1999
JUDGE
DONALD C. RILEY-0271

Prepared by:
Gary M. Vanek
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Attorney No. 23882

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STATE OF ILLINOIS,
COUNTY OF COOK

ss.

I, AURELIA PUCINSKI, Clerk of the Circuit Court of Cook County, in and for the State of Illinois and the keeper of the records, files and seal thereof, do hereby certify the above and foregoing to be true, perfect and complete

COPY OF A CERTAIN JUDGEMENT MADE AND ENTERED OF RECORD IN SAID COURT

in a certain cause lately pending in said Court, between AMCORE BANK N.A. Rock-
ford plaintiff/petitioner
and JAMES P. MUKHOLLAND defendant/respondent

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed
the seal of said Court, in said County, this 19th
day of November, 1999
Aurelia Pucinski Clerk

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12/12/17

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