



0520239113

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Doc#: 0520239113
Eugene "Gene" Moore Fee: \$28.50
Cook County Recorder of Deeds
Date: 07/21/2005 04:05 PM Pg: 1 of 3

In re:

JAMES P. WHITMER,

Debtor.

JAMES P. WHITMER,

Plaintiff,

v.

LESTER AND JUDITH MUNSON,

Defendants.

Case No. 03 B 42061

Chapter 11

Adv. 03 A 4390

Judge Pamela S. Hollis

AMENDED JUDGMENT ORDER

This matter comes before the court following trial on the complaint brought by James P. Whitmer ("Whitmer") and pursuant to a request that this Court amend the Judgment Order entered April 28, 2005.

In the complaint, Whitmer sought to avoid as preferred (i) the recordation of a judgment entered against Whitmer, and in favor of defendants Lester and Judith Munson (the "Munsons"), in a case pending in the Circuit Court of Cook County, Chancery Division as Case No. 94 CH 3766 against the real property commonly known as 265 N. Canal St., Chicago, Illinois 60606, P.I.N. 17-09-306-022-0000 (the "Property") on August 18, 2003 (the "Recorded Judgment"); and (ii) the Citation to Discover Assets the Munsons caused to be served on Whitmer on September 3, 2003 (the "Citation").

This is to certify that the within and attached document is a full, true and correct copy of the original thereof as the same appears on file in the office of the Clerk of the United States Bankruptcy Court for the Northern District of Illinois.

KENNETH S. GARDNER
CLERK OF COURT

By Deputy Clerk

Dated July 20 2005

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Having heard the testimony presented, reviewed the exhibits admitted into evidence, read the filed papers and memoranda of law, and for the reasons stated in the Memorandum Opinion of April 28, 2005, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff James Whitmer has satisfied each of the elements of 11 U.S.C. § 547(b);

2. Judgment is entered for Plaintiff James Whitmer on his complaint and (i) the Recorded Judgment is hereby avoided, and declared null, void and having no further effect on the Property; and (ii) the Citation is hereby avoided, and declared null, void and having no further effect on James Whitmer's personal property.

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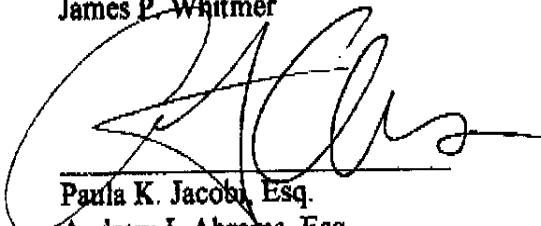
Date: 7-13-05

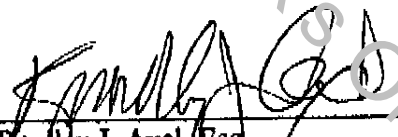

 PAMELA S. HOLLIS
 United States Bankruptcy Judge

Agreed as to form only:

James P. Whitmer

Lester and Judith Manson


 Paula K. Jacobi, Esq.
 Andrew J. Abrams, Esq.
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Prepared by and after recording mail to:
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RP

DIT "A"

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part of the land, property and space of the parcel of land hereafter described, referred to as "The Tract", which lies:

(i) North of the vertical projection of a line which is perpendicular to said West line of Wharfing Lot 1 at a point 85.74 feet South of the Northwest corner thereof and South of the vertical projection of a line which is perpendicular to said West line of Wharfing Lot 1 at a point 37.10 feet South of the Northwest corner thereof, which part lies below a horizontal plane having an elevation of 12.89 feet above Chicago City Datum (and being the upper surface of the floor at the ground level of the existing (as of August 29, 1988) townhouse).

(ii) Above a horizontal plane having an elevation of 12.89 feet above Chicago City Datum (and being the upper surface of the floor at said ground level) and lying below a horizontal plane having an elevation of 21.3 feet above Chicago City Datum (and being the upper surface of the floor at the first floor level of said townhouse), said part lying North of the vertical projection of a line which is perpendicular to said West line of Wharfing Lot 1 at a point 85.74 feet South of the Northwest corner thereof and South of the vertical projection of the lines described as follows: Beginning on the West line of said Wharfing Lot 1, at said point 37.10 feet South of the Northwest corner thereof, and running thence along lines which are perpendicular to or parallel with said West line of Wharfing Lot 1, respectively, the following courses and distances: East 11.05 feet; South 1.87 feet; East 5.83 feet; North 3.72 feet; East 9.82 feet; South 1.65 feet; and East 8.93 feet to the Easterly line of The Tract.

(iii) North of the vertical projection of a line which is perpendicular to said West line of Wharfing Lot 1 at a point 86.24 feet South of the Northwest corner thereof and South of the vertical projection of a line which is perpendicular to said West line of Wharfing Lot 1 at a point 37.10 feet South of the Northwest corner thereof, which part lies above a horizontal plane having an elevation of 21.30 feet above Chicago City Datum (and being the upper surface of the floor at the first floor level of said townhouse).

THE TRACT

A parcel of land comprised of those parts of Wharfing Lots 1 and 2 in Block J in Original Town of Chicago, a Subdivision in Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois, and of those parts of the lands East of and adjoining said Lots lying West of the North Branch of the Chicago River, which parcel of land is bounded and described as follows:

Beginning at the Northwest corner of said Wharfing Lot 1, and running thence East along the North line of said Wharfing Lot 1, and along an Eastward extension of said North line, a distance of 24.25 feet to an intersection with a Northward extension of the Easterly face of the wooden dock, as constructed as of August 7, 1979 (being the date of the deed from American National Bank and Trust Company of Chicago Trust No. 45799 to Frances Meehan recorded October 18, 1979 as Document No. 25,198,718) on the Westerly side of the North Branch of the Chicago River; thence Southwardly along said extended line, and along said Easterly face of said wooden dock, a distance of 85.66 feet to a point 49.47 feet, measured at right angles, East from the West line of said Wharfing Lot 1; thence Southwardly along the Easterly face of said wooden dock a distance of 36.89 feet to a point 55.71 feet, measured at right angles, East from said West line of Wharfing Lot 1; thence Southwardly along the Easterly face of said wooden dock, a distance of 17.54 feet to an intersection with a line 25.00 feet, measured at right angles, Northerly from and parallel with the centerline of Chicago and North Western Railway Company spur track known as ICC Track No. 100 as said track was located as of April 7, 1971 (being the date of the deed from Chicago and Northwestern Railway Company to Harry Weese recorded July 15, 1971 as Document No. 21,546,968); thence Westwardly along said parallel line a distance of 54.82 feet to an intersection with the West line of said Wharfing Lot 2; and thence North along the West line of said Wharfing Lots 2 and 1 a distance of 133.15 feet to the point of beginning.