

# UNOFFICIAL COPY

## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION

GE COMMERCIAL FINANCE )  
BUSINESS PROPERTY )  
CORPORATION, a Delaware corporation, )

Plaintiff, )

v. )

MAL FOODS, INC., a Texas corporation, )  
EDWARD LABINJO, an individual, )  
SYEDA FATIMA, an individual, )  
UNKNOWN OWNERS, and )  
NONRECORD CLAIMANTS, )

Defendants. )

#055107

No. 04 CH 20310

Hon. Jesse G. Reyes



Doc#: 0529018068 Fee: \$46.50  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 10/17/2005 04:38 PM Pg: 1 of 12


### ORDER

This cause came before the Court on Plaintiff GE Commercial Finance Business Property Corporation's Motion to Confirm Foreclosure Sale and Distribution and for Deficiency Judgment. The Court, having reviewed said Motion, the Sheriff's Amended Report of Sale and Distribution attached thereto as Exhibit 1, finds:

1. That on June 21, 2005, the Sheriff of Cook County accepted the bid of Jena Properties LLC, Hachmon Foreclosures, Inc., and Cronus Projects, LLC ("Bidders") of Six Hundred Fifty Six Thousand, Three Hundred Dollars (\$656,300) for the real property at 207 S. Halsted, Chicago Heights, Illinois (the "Real Property"). Bidders deposited the purchase price of \$656,300 with the Sheriff;
2. That subsequently, Bidders indicated that they believed that they purchased the equipment located on the Real Property and that they wished to withdraw their bid; and
3. That the Sheriff issued an Amended Report of Sheriff Sale ("Report") in which the Sheriff states that he sold the Real Property to Plaintiff for \$650,000, which was the bid next-highest and immediately prior to the Bidders' bid of \$656,300.

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## IT IS HEREBY ORDERED:

1. that the Sheriff's Amended Report of Sale and Distribution submitted by the Sheriff on July 8, 2005 is hereby approved;
2. that Plaintiff's Second Amended Motion to Confirm Foreclosure Sale and Distribution and for Deficiency Judgment is granted;
3. that the foreclosure sale to Plaintiff for \$650,000 is hereby confirmed;
4. that a deficiency judgment in favor of Plaintiff, GE Commercial Finance Business Property Corporation, and against MAL Foods, Inc. and Edward Labinjo, jointly and severally, is entered for \$1,867,369.75;
5. that the Sheriff is directed to pay \$6,042 (which is \$6,300 - \$258 for commission and certificate fees) of the amount deposited by Bidders to Plaintiff, GE Commercial Finance Business Property Corporation by forwarding a check for \$6,042 made out to GE Commercial Finance Business Property Corporation to Plaintiff's counsel, whose address is:  


MAIL TO  
 Kurt A. Winiecki  
 DLA PIPER RUDNICK GRAY CARY US LLP/41519  
 203 North LaSalle Street, Suite 1900  
 Chicago, IL 60601
- or by other appropriate method.
6. that the Sheriff is directed to refund the remainder of the amount deposited by Bidders to Bidders.

Entered: July \_\_, 2005

Assoc. Judge **JESSE G. REYES**

JUL 20 2005


Stipulation Signature Page Follows

Honorable **Jesse G. Reyes** **Circuit Court - 1753** is

OCT 14 2005

6

of Cook County, IL.



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Jul 14 2005 5:24PM

Law Office of Stephen D. Richek

312-578-9381

p. 3

07/13/2005 15:34

312-236-7516


DLAPRG US LLP

PAGE 13/13

**Agreed to as to Form and Substance**

**By Plaintiff:**


**GE COMMERCIAL FINANCE BUSINESS  
PROPERTY CORPORATION, a Delaware  
corporation**

By:   
One of its attorneys

Alex Terras  
Timothy S. Harris  
Kurt A. Winiacki  
DLA PIPER RUDNICK GRAY CARY  
US LLP/41519  
203 North LaSalle Street, Suite 1900  
Chicago, IL 60601  
(312) 368-4000

**By Bidders:**

**Jena Properties LLC,  
Hachmon Enclosures, Inc., and  
Cronus Projects, LLC,**

By:   
One of their attorneys

Stephen D. Richek  
20 N. Clark St., Suite 2450  
Chicago, Illinois 60602  
(312) 372-9444

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NONRECORD CLAIMANTS, )

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No. 04 CH 20310

Hon. Jesse G. Reyes

### SHERIFF'S AMENDED REPORT OF SALE AND DISTRIBUTION

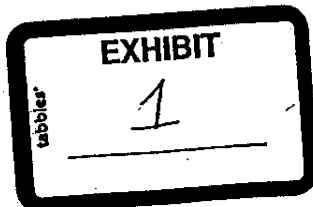
I, Michael F. Sheahan, Sheriff of Cook County, Illinois, respectfully report that, pursuant to a judgment entered on May 11, 2005 in the above-captioned action, a public sale of real estate was held on the 21st day of June, 2005, in accordance with applicable law.

The sale was duly advertised in newspapers published regularly in Cook County, Illinois. The certificates of publication with printed copies of the notices are attached hereto as Exhibits A-1 and A-2.

The public sale was advertised to be held on the 21st day of June 2005, at the hour of 12:00 p.m. in the hallway on the 7<sup>th</sup> floor of the Richard J. Daley Center, Randolph and Clark Streets, Chicago, Cook County, Illinois, and was conducted on that date and at that time and place.

On June 21<sup>st</sup>, 2005, at said time and place, I offered for sale the real estate described on Exhibit B hereto (commonly described as 207 S. Halsted, Chicago Heights, Illinois), in its entirety to the highest and best bidder for cash, in accordance with law.

Thereupon, Jena Properties LLC; Hachmon Foreclosures, Inc.; and Cronus Projects, LLC ("Bidders") bid the sum of Six Hundred Fifty Six Thousand, Three Hundred Dollars (\$656,300.00). Bidders have since indicated that they believed that equipment was being sold with the real estate, that they did not intend to purchase the real estate without the equipment, and that they are withdrawing their bid.



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The next highest bid was that credit bid of Plaintiff, for \$650,000. That being the highest valid bid, I sold to for that sum of money the real estate described on Exhibit B hereto (commonly described as 207 S. Halsted, Chicago Heights, Illinois) to Plaintiff.

Upon approval of this report and confirmation of the sale, a deed will be executed and delivered to said purchaser in accordance with said judgment, and the proceeds of said sale will be applied/distributed as follows:

1. To plaintiff

A.	The amount due under the judgment	\$	2,493,858.65
B.	Interest on said amount at the rate of \$375.05		
	per day from April 20, 2005 through June 21, 2005	\$	23,253.10
			\$ <u>2,517,111.75.</u>
			(plus attorneys' fees approved by the court arising between the entry of judgment and confirmation order and interest from the date of sale through the confirmation order)

2. Retained by Sheriff:

A.	Commission on Sale	\$	250.00
B.	Certificate of Sale	\$	8.00
		\$	<u>258.00</u>

Deficiency:

Respectfully submitted this JUL 08 2005 day of July, 2005

Sheriff of Cook County, Illinois

By Salvatore Aloisio #286  
Deputy Sheriff

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## CERTIFICATE OF PUBLICATION

CASE NO. 04Ch-20310

SS GE COMMERCIAL FINANCE V MAL FOODS INC

LAW BULLETIN PUBLISHING CO.

does hereby certify that it is the publisher of

CHICAGO DAILY LAW BULLETIN,

that said CHICAGO DAILY LAW BULLETIN is a secular newspaper that has been published DAILY in the City of Chicago, County of Cook, State of Illinois, continuously for more than one year prior to the first date of publication of the notice appended, that it is of general circulation throughout said County and State, that it is a newspaper as defined in "An Act to revise the law in relation to notices," as amended, Illinois Compiled Statutes, (715 ILCS 5/1 & 5/5), and that the notice appended was published in the said CHICAGO DAILY LAW BULLETIN on  
**MAY 19, 26, JUNE 02, 2005.**

In witness whereof, the undersigned has caused this certificate to be signed and its corporate seal affixed at Chicago, Illinois,

**JUNE 02ND, 2005.**

LAW BULLETIN PUBLISHING CO.

By \_\_\_\_\_

THE CIRCUIT COURT OF COOK County, Illinois, County Department, Chancery Division. GE Commercial Finance Business Property Corporation, a Delaware corporation, Plaintiff, vs. Mal Foods, Inc., a Texas corporation, Edward Labinjo, an individual, Syeda Fatima; an individual, Unknown Owners, and Non-Record Claimants, Defendants. Case No. 04Ch-20310; Sheriff's No. 05107-001F.

Pursuant to a Judgment made and entered by said Court in the above titled cause, Michael F. Sheahan, Sheriff of Cook County, Illinois, will on June 21, 2005, at 12:00 Noon in a hallway outside Room 701 of the Edward J. Daley Center, Chicago, Illinois, sell at public auction the following described premises and real estate mentioned in said Judgment:

Lots 1, 2, 3 and Lots 14 to 19, inclusive in Block 82, together with a paved alley lying adjacent to said lots and vacated Alvin Place, lying north of Lots 1 and 19, in Percy Wilson's Eastgate Addition to Arterial II, a Subdivision of the North Half the Northwest Quarter of Section 5, Township 35 North, Range 34 East of the Third Principal Meridian, according to the Plat thereof recorded August 21, 1928 as Document No. 10124807, in Cook County, IL. P.I.N.: 36-16-102-001-003, 36-102-011-016.

Address: 207 S. Halsted, Chicago Heights, IL 60411.

Improvements: Commercial building (used as fast food chicken restaurant).

Sale to be made under the following terms: Condition for cash, and the successful bidder its required deposit 10% of the bid amount at the time of the sale with the Sheriff and the balance to be paid within 24 hours.

Sale shall be subject to general taxes, special assessments, and any prior first mortgages.

Premises will be open for inspection upon appointment with contact person.

For information: Contact Kurt A. Finkeck, DLA Piper Rudnick Gray Cary US LLP, Plaintiff's Attorneys, 83 N. LaSalle St., Ste. 1900, Chicago, IL 60601. Tel. No. 312-368-0887.

This is an attempt to collect a debt pursuant to the Fair Debt Collection Practices Act and any information obtained will be used for that purpose.

49017L May-19-26-2

CERTIFICATE OF PUBLICATION

UNOFFICIAL COPY

CASE NO. \_\_\_\_\_

Midwest Suburban Publishing, Inc.  
(Name of Publishing Co.)

does hereby certify

that it is the publisher of Star Publications  
(Name of Newspaper)

said Star Publications  
(Name of Newspaper) is a secular newspaper of

general circulation that has been published weekly  
(Weekly, Daily)

Township \_\_\_\_\_ of \_\_\_\_\_ County of Cook,  
(City, etc.) (Name of Municipality)

State of Illinois, continuously for more than one year prior to the first date of publication of the notice appended, that it is a newspaper as defined in "An Act to revise the law in relation to notices", as amended, Illinois Revised Statutes, Chapter 100, Pars. 1 & 5 and that the notice appended was published in a section of Star Publications  
(Name of Newspaper) in which real estate other than real estate being sold as part of legal proceedings is commonly advertised to the general public on 5/29/5  
(Date of Publication) 6/5/5  
(Date of Publication) and, 6/12/5  
(Date of Publication)

In witness whereof, the undersigned has caused this certificate to be signed and its corporate seal fixed in Cook County,

Illinois, on 6/13/5

Midwest Suburban Publishing, Inc.  
(Name of Publishing Company)

By \_\_\_\_\_  
(Authorized Agent)



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20284170

**EXHIBIT B**

**LEGAL DESCRIPTION**

Lots 1, 2, 3 and Lots 14 to 19, inclusive in Block 82, together with vacated alley lying adjacent to said lots and vacated Alvin Place, lying North of Lots 1 and 19, in Percy Wilson's Eastgate Addition to Arterial Hill, a subdivision of the North Half of the Northwest Quarter of Section 16, Township 35 North, Range 14 East of the Third Principal Meridian, according to the Plat thereof recorded August 21, 1928 as Document No. 10124897, in Cook County, Illinois.

Property of Cook County Clerk's Office



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Kurt A. Winiiecki  
DLA PIPER RUDNICK GRAY CARY US LLP/41519  
203 North LaSalle Street, Suite 1900  
Chicago, IL 60601

or by other appropriate method.
6. that the Sheriff is directed to refund the remainder of the amount deposited by Bidders to Bidders.

Entered: July \_\_, 2005

\_\_\_\_\_  
Honorable Jesse G. Reyes


Stipulation Signature Page Follows

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**Agreed to as to Form and Substance**

**By Plaintiff:**

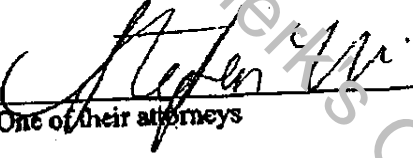
**GE COMMERCIAL FINANCE BUSINESS  
PROPERTY CORPORATION, a Delaware  
corporation**

By:   
\_\_\_\_\_  
One of its attorneys

Alex Terras  
Timothy S. Harris  
Kurt A. Winiacki  
DLA PIPER RUDNICK GRAY CARY  
US LLP/41519  
203 North LaSalle Street, Suite 1900  
Chicago, IL 60601  
(312) 368-4000

**By Bidders:**

**Jena Properties LLC,  
Hachmon Foreclosures, Inc., and  
Cronus Projects, LLC,**

By:   
\_\_\_\_\_  
One of their attorneys

Stephen D. Richek  
20 N. Clark St., Suite 2450  
Chicago, Illinois 60602  
(312)372-9444

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UNKNOWN OWNERS, and )  
NONRECORD CLAIMANTS, )

Defendants. )

No. 04 CH 20310

Hon. Jesse G. Reyes

### CERTIFICATE OF SERVICE

Kurt A. Winiecki, an attorney, under penalty of perjury, certifies that on the 15th day of July, 2005, he caused the foregoing Notice of Motion and Second Amended Motion to Confirm Foreclosure Sale and Distribution to be served by facsimile and overnight courier, on each of the parties listed below:

John P. Twohy  
Kirk D. Bagrowski  
EICHHORN & EICHHORN  
200 Russell Street  
P.O. Box 6328  
Hammond, IN 46325  
FAX: 219-931-5370

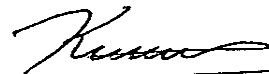
Attorneys for:  
MAL Foods, Inc. and  
Edward Labinjo

APPEL & APPEL  
18607 Torrence Ave.  
Lansing, IL 60438  
FAX 708-474-5232

Attorneys for Syeda Fatima

Stephen D. Richek  
20 N. Clark St., Suite 2450  
Chicago, IL 60602  
FAX (312) 578-0745

Attorney for Bidders



Kurt A. Winiecki