



Doc#: 0624227051 Fee: \$38.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 08/30/2006 01:09 PM Pg: 1 of 8

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

THE HERRING NATIONAL BANK, as)
Trustee for the Bondholders)

Plaintiff,)

Case No. 05 CH 06416

v.)

OMEGA MISSIONARY BAPTIST CHURCH,)
an Illinois Non-Profit Corporation, Unknown)
Owners, and Non-Record Claimants)
Defendants.)

Foreclosure

JUDGMENT OF FORECLOSURE AND SALE

THIS MATTER, having come before the Court upon the Motion for Entry of Judgment Foreclosure and Sale filed by Plaintiff, The Herring National Bank, as trustee for the bondholders, (the "Bank" or "Herring");

And it appearing to the Court that

(1) the Bank heretofore commenced this action by filing its Complaint for Foreclosure against the defendants Omega Missionary Baptist Church ("Omega") and Unknown Owners, and Non-Record Claimants;

(2) Omega was served by the Sheriff and the Affidavits were duly filed which were required to make unknown owners and non-record claimants parties to this action, and such persons have been duly and regularly made parties to this action in a manner provided by law;

(3) summary judgment was duly entered against Omega; and,

(4) the persons designated as Unknown Owners, and Non-Record Claimants 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 and all other such persons interested in this action are unknown to Herring and upon diligent inquiry cannot be ascertained, and all such

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persons are, therefore, made party defendants to this action by the name and description of Unknown Owners, and Non-Record Claimants;

And the Court having examined the files and records in this cause and having heard the evidence and being fully advised in the premises, finds that the defendant Omega and the unknown and nonrecord parties in this cause have been duly and properly brought before the Court, either through service of summons or publication all in a 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 hereto,

And it further appearing to the Court that the unknown and nonrecord parties, having failed to appear and/or plead to the Complaint within the time required by law, and that Orders of Default having been entered against said defendants so failing to plead, and the Bank's Complaint having been taken as confessed by and against all of the defaulted defendants, and that summary judgment has been entered in favor of Herring against Omega;

And this cause coming on now to be heard for entry of a Judgment of Foreclosure upon Bank's Complaint, and upon all other pleadings and upon all the files and matters of record herein;

And it further appearing to the Court that due notice of the presentation of this Judgment has been given to all parties entitled thereto, and the Court being fully advised in the premises does find jurisdiction over all of the parties hereto and the subject matter presented herein.

THE COURT HEREBY FINDS AS FOLLOWS:

1. That the material allegations of the Bank's Complaint to Foreclose of Trust Deed and For Other Relief are true and proven to the extent as hereinafter set forth. By virtue of the

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lien created by the Trust Deeds , recorded January 18, 1989, May 25, 1990, July 2, 1991, August 15, 1996, and September 6, 2000 and attached as Exhibits to Herring's Complaint (the "Trust Deeds"), all of which exhibits are admitted into evidence, as of July 1, 2006, there is due and owing to Herring, and Herring has a valid and existing first lien on the property described hereafter for the following amounts:

Principal	\$582,372.47
Interest	\$106,143.98
Trustee Fees	\$3,089.59
Late Charges	\$1,300.00
Bank Costs Other than Attorneys Fees	\$5,673.40
Attorney Fees (through June 30, 2006)	\$197,206.70
Total Outstanding	\$895,786.14

2. The express allegations of the Complaint to Foreclose Trust Deed include the allegations provided by §15-1504 of the Illinois Mortgage Foreclosure Law and are deemed proved and no further evidence of these allegations is required.

3. That the findings hereinabove are supported by the requisite affidavit filed under 735 ILCS 5/15-1506, which affidavit was made and sworn to by Ronnie Gilbert.

4. The Court specifically finds that Herring's Trust Deeds constitute valid liens on the deeded real estate, which liens are prior and superior to any other potential right, title, interest, claim, or lien of the defendants whose interest in the deeded real estate is terminated by this foreclosure.

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5. Herring is entitled to add its attorneys' fees incurred and the costs advanced and may add such additional attorneys' fees and costs as may be incurred in completing this foreclosure action, as may be allowed by further order of this Court, all of which are fair, reasonable and proper and shall be added to and become part of the indebtedness due Herring.

6. Herring is entitled to foreclose the Mortgage and obtain a judgment of foreclosure as requested in the Complaint to Foreclose Trust Deeds including judgment in the amounts stated above, together with interest thereon at the statutory rate after the entry of this judgment plus all costs, fees, and expenses not included in the total of the balance due.

7. A Judgment of Foreclosure should be entered subject only to the Mortgagors' rights of reinstatement and redemption as provided by the Illinois Mortgage Foreclosure Law.

8. Defendants Unknown Parties are found and declared to have no interest in the property, as they have offered no evidence of their interest.

9. All right, title and interest of any and all of the defendants is subordinate, inferior, and subject to Herring's interest.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

10. A Judgment of Foreclosure is hereby entered in favor of Herring and against all Defendants.

11. Omega is liable for any deficiency, in which case a personal judgment shall be entered against them in accordance with 735 ILCS 5/15-1508(e).

12. Omega waived their right to homestead or other exemption in the real estate in the body of the Trust Deeds, which was duly signed, and, therefore, any homestead exemption or other exemption in the real estate that Omega may claim is subordinate, inferior, and subject to Herring's interest.

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13. That the Trust Deeds described in the Complaint to Foreclose Trust Deed appear of record in the Office of the Recorder of Deeds of Cook County, Illinois on Trust Deeds recorded in the Office of the Cook County, Illinois, Recorder of Deeds, on January 18, 1989, May 25, 1990, July 2, 1991, August 15, 1996, and September 6, 2000, as Document Nos. 89 026691, 90 244149, 91 324825, 96 625758, and 00 689405.

14. That the property herein referred to and directed to be sold is described as follows:

Lots 31 to 38 in Block 4 in Winston's Subdivision of the South 34 acres of the West 1/2 of the Southwest 1/4 of Section 3, Township 38 North, Range 14, East of the Third Principal Meridian, Cook County, Illinois.

North 22 Feet of Lot 29 and all of Lot 30 in Block 4 in Winston's Subdivision of the South 34 acres of the West 1/2 of the South West 1/4 of Section 3 of Township 38 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois

PIN Nos. 20-03-318-005, 20-03-318-006, 20-03-318-007, 20-03-318-008

The common address of the Property is Omega Missionary Baptist Church, 4625-27 South State Street, Chicago, Illinois, 60609.

15. Omega waived its redemption rights in the above listed Trust Deeds under 735 ILCS 5/15-1601.

IT IS FURTHER ORDERED AND ADJUDGED that unless within thirty days from the entry of this Judgment, there shall be paid to Herring, the sum of the principal balances, and the accrued interest and costs mentioned in paragraph 1 of this Judgment with interest thereon at the rate of 9% per annum from the date of this Judgment to the date of payment, together with all real estate taxes and penalty thereon, attorneys' fees and costs taxed set forth herein, the real estate hereinabove described, together with all improvements thereon and appurtenances belonging thereto, or so much thereof as may be necessary to pay the amounts found due and

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which may be sold separately without material injury to the parties in interest, be sold at public venue, to the highest and best bidder for cash by the Intercounty Judicial Sales Corporation, hereinafter "Sale Officer", in the City of Chicago, County of Cook and State of Illinois. The Bank shall be entitled to credit bid at such sale the amounts awarded to Bank by this Judgment.

IT IS FURTHER ORDERED AND ADJUDGED that said Sale Officer, or Herring, give public notice of the time, place and terms of said sale by publishing the same at least once in each week for three consecutive weeks in a secular newspaper of general circulation published in the County of Cook, State of Illinois, in that section of the newspaper where legal notices are commonly placed and in that section where real estate is commonly advertised to the public, except that if the newspaper does not have separate legal notices and real estate advertisement section, a single advertisement shall be sufficient; the first publication to be not more than forty-five (45) days prior to the sale, and the last publication not less than seven (7) days before the date of said sale; that said Sale Officer in his discretion for good cause shown may adjourn said sale from time to time by appearing, and notifying all parties present of the date and time of such continuance, without further publication; that The Bank, or any of the parties to this cause may become the purchaser or purchasers at such sale; that upon such sale being made, said Sale Officer shall execute and deliver to the purchaser or purchasers a Certificate or Certificates of Sale and record in duplicate thereof as required by law.

IT IS FURTHER ORDERED AND ADJUDGED that said Sale Officer, or the person conducting the sale, upon making such sale, shall with all convenient speed report the same to the court for its approval and confirmation, and he shall likewise report the distribution of the proceeds of sale and his acts and doings in connection therewith and out of the proceeds of such sale, he shall make distribution in the following order of priority:

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- (a) To the Sale Officer for its fees, disbursements and commissions on such sale; and
- (b) To Herring, the sum of the principal balance, and the accrued interest and other costs mentioned in paragraph 1 of this Judgment with interest thereon at the lawful rate, together with all costs taxed herein, and allowed attorneys' fees and expenses mentioned in paragraphs 5 and 6 of this Judgment.

IT IS FURTHER ORDERED AND ADJUDGED that the Sale Officer take receipts from the respective parties to whom he may have made payments as aforesaid, and file the same with his Report of Sale and distribution in this Court; that, if after the payments of all the foregoing items, there shall be a remainder, he hold the surplus subject to the further order of this Court, and that if there be not sufficient funds to pay in full the amounts found due herein, he specify the amount of the deficiency in his Report of Sale.

IT IS FURTHER ORDERED AND ADJUDGED that the Court gained jurisdiction over all party Defendants to the Foreclosure as required by law; and that the Defendants, their together with all persons claiming under Defendants or any of them since the commencement of this suit, are forever barred and foreclosed of and from all rights and equities of redemption or claim of, in and to said premises or any part thereof following the conclusion of the Foreclosure Sale. Upon production to the Sale Officer or its successor of said Certificate or Certificates of Sale by the legal holder thereof, said Sale Officer shall execute and deliver to him a good and sufficient Deed of Conveyance of said Deed of Conveyance or his or her legal representatives or assigns, be let in to possession of said premises, and that any of the parties to this cause who shall be in possession of said premises or any portion thereof, or any person who may have come

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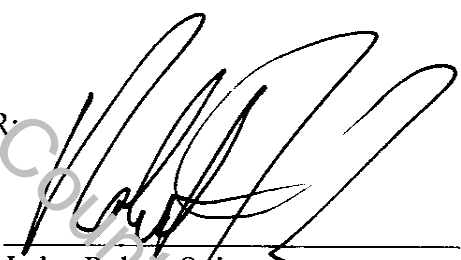
into such possession under them or any of them since the commencement of this suit shall upon the production of said Deed of Conveyance, surrender possession of said premises to said grantee or grantees, his or her representatives or assigns, and in default of so doing, a Writ of Assistance shall issue.

IT IS FURTHER ORDERED AND ADJUDGED that the attorneys for the Bank may withdraw from the files of this cause all original exhibits offered in evidence by them.

The Court hereby retains jurisdiction of the subject matter of this cause and of all the parties hereto for the purpose of enforcing this Judgment, and expressly finds that there is no just reason for delaying the enforcement of this Judgment or an appeal therefrom.

DATED: _____, 2006

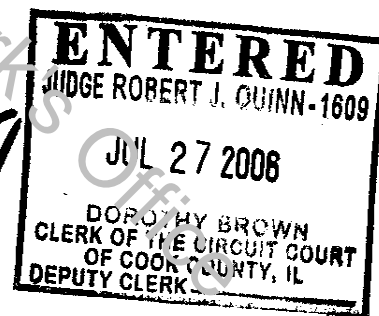
ENTER:



 Judge Robert Quinn

Prepared by Counsel for the Plaintiff:

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