

(Rev. 5/5/95)

LIS PENDENS NOTICE CCG 66



IN THE CIRCUIT COURT OF
COOK COUNTY, ILLINOIS

In the Matter of the Application of the
County Treasurer and Ex-Officio County
Collector of Cook County, IL, for Judgment
and Order of Sale, Pursuant to the
Provisions of Sale, Pursuant to the
Provisions of Section 21-260 of the
Property Tax Tax Code (35 ILCS 200/21-
260), Against Lands and Lots Upon which
General Taxes for Each of Two Years or
More are Delinquent,

Recorder's Stamp

EBONDED MUNICIPAL CORPORATION,
Petitioner

No. 97 COTDS - 0574

LIS PENDENS NOTICE

Motion with the Clerk of the Circuit
Court of Cook County 25th

I, the undersigned, do hereby certify that the above entitled ~~cause~~ was filed in my office on the
day of November, 19 98, and is now pending in said court and that the property
affected by said cause is described as follows:

THE WEST 78.50 FEET OF LOTS 13, 14, AND 15 IN BLOCK 4 IN MINNICK'S SUBDIVISION OF THE
EAST 11 1/4 ACRES OF THE SOUTH HALF OF SOUTH HALF OF NORTH HALF OF SOUTHEAST QUARTER
OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN
COOK COUNTY, ILLINOIS.

PIN - 20-17-412-045

Address: 952 W. 61st Street, Chicago, IL 60621

in Cook County, Illinois.

~~Witness my hand and the seal of said court~~

Richard E. Zulkey
RICHARD E. ZULKEY

~~Clerk of the Circuit Court~~

Name Richard E. Zulkey
Attorney for JACKSON
Address 79 W. Monroe Street (1305)
City Chicago, IL 60603
Telephone 312-372-5541
Atty No. 20881

BY
DEPUTY CLERK



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

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

In the Matter of the Application of the County)
Treasurer and Ex-Officio County Collector of Cook)
County, Illinois, for Judgment and Order of Sale,)
Pursuant to the Provisions of Sale, Pursuant to the)
Provisions of Section 21-260 of the Property Tax)
Tax Code (35 ILCS 200/21-260), Against Lands and)
Lots Upon which General Taxes for Each of Two)
Years of More are Delinquent,)
BONDED MUNICIPAL CORPORATION,)
Petitioner.)

No. 97 CoTDS 0574

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CLERK
COOK COUNTY
ILLINOIS

MOTION TO VACATE JUDGMENT

CLARENCE JACKSON and DOROTHY JACKSON by attorney RICHARD E.

ZULKEY move this court under 735 ILCS 5/2-1203 of the Illinois Code of Civil Procedure to vacate an order directing the issuance of a tax deed entered on October 27, 1998, and in support states:

1. Section 735 ILCS 5/2-1203 of the Illinois Code of Civil Procedure provides in part that:
 - a. In all cases tried without a jury, any party may, within 30 days after the entry of the judgment..., file a motion for a rehearing, or a retrial, or modification of the judgment or to vacate the judgment or for other relief.
2. On October 27, 1998, an order directing the insurance of a tax deed was entered after an exparte hearing that proceeded without a jury.

3. That on August 23, 1995, a certain parcel of property identified by permanent 20-17-412-045-000 was sold to BG Investment Inc., at a public auction held pursuant to Sections 21-145 and 21-260 of the Property Tax Code (35 ILCS 200/21-245 and 200/21-260) satisfy the lien of delinquent real estate taxes occurring between 1986 and 1992;
4. That the property is improved with a two story frame structure with a common address of 952 W. 61st Street, Chicago, Illinois.
5. That certificate of purchase number 95S-000546 was delivered to BG Investment Inc., after judicial confirmation of this sale.
6. That this certificate was assigned to Midwest Real Estate Investment Company Employees' Profit Sharing Plan and Trust and subsequently to Bonded Municipal Corp.
7. That each of these assignees took subject to the rights and infirmities of their assignors.
8. That prior to that date and through and including October 27, 1998 the Clarence and Dorothy Jackson were the owners and occupants of this property.
9. That the Jacksons and Veronica Scott were the sole and continuous occupants of this property between August 23, 1995 and October 27, 1998.
10. That on or about December 24, 1996, the Jacksons executed a mortgage to Weyerhaeuser Mortgage Company which was recorded on January 2, 1997, with the Cook County

Recorder of Deeds as document number 9700507.

11. That the address of the mortgagee in the document was 1701 E. Woodfield Drive, Schaumburg, Illinois. That this mortgage was not and has not been released.

12. That at all times mentioned Weyerhauser had an agent, namely Prentice Hall Legal & Financial Services, 33 No. LaSalle Street, Chicago, Illinois 60602 n/k/a CSC United States Corporation Company as an agent registered with the Secretary of State of Illinois to accept service, process or notice on its behalf.

13. That Section 22-10 of the Property Tax Code (35 ILCS 200/22-15) provides in part as follows:

That the purchaser or his assignee shall give the notice required by Section 22-10 by causing it to be published in a newspaper as set forth in Section 22-20. In addition, the notice shall be served by a sheriff... of the county in which the property, or any part thereof is located upon owners, who reside on the property sold by leaving a copy of the notice with those owners personally.

The same form of notice shall also be served upon all other owners and parties interested in the property if, if upon diligent inquiry they can be found in the county...

14. That Section 22-40 of the Property Tax Code (35 ILCS 200/22-40) provides in part as follows:

If the redemption period expires and the property has not been redeemed ... and the notices required by law have been given.. and the petitioner has complied with all the provisions of law entitling him or her to a deed, the court shall so find and shall enter an order.. to issue... a tax deed. The court shall insist on strict compliance with Section 22-10-through 22-25 ...

15. That BG Investments Inc., and its assignees have not strictly complied Section 22-40 of the Property Tax Code in some or more of the following ways.

- a. They failed to serve personally Weyerhauser even though it has and had an office in Cook County, Illinois.
- b. They failed to serve the registered agent of Weyerhauser even though it has and had an office in Cook, Illinois.
- c. That service of notice by publication as required by Section 22-20 was attempted and made on November 24, 1997, prior to any attempt of personal service of notice to the Jacksons and Scott on November 29, 1997.

16. That Section 22-5 of the Property Tax Code (35 ILCS 200/22-5) at the relevant time provided in part as follows:

In order to be entitled to obtain a tax deed, within 5 months after any sale held under this Code, the purchaser or his assignee shall deliver to the county clerk, a notice to be given to the party in whose name the taxes are last assessed...

At the date of this notice the total amount which you must pay in order to redeem this property is.....

17. That BG Investments Inc., incorrectly computed the amount to redeem.

18. That on or about February 20, 1996, Clarence Jackson tendered to the Cook County Clerk a deposit based upon an official estimate of redemption prepared by the Clerk's office seeking to redeem the property from the tax sale.

19. Circuit Court Rule 10.3.1 provides in part that notice of the Motion on Expunge Redemption must be given to the County Clerk, the party making redemption and the party entitled to the 241(a) notice; and such notice of motion and motion were served by regular and

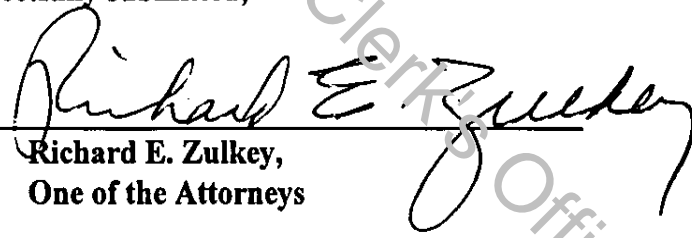
ordinary mail on Clarence Jackson only and the States Attorney by BG Investments seeking to expunge the deposit as being insufficient to redeem the property form the tax sale and not to the County Clerk.

20. That the notice and proceedings did not comply with applicable provision of the Property Tax Code and rules of Court since notice was not mailed or served to any and all persons with a redeemable interest in the property such as Dorothy Jackson and Weyerhauser.

21. Thirty days have not passed since the entry of the order to the time of the filing this motion to vacate judgment.

WHEREFORE, CLARENCE JACKSON and DOROTHY JACKSON pray that this Court vacate its order for tax deed with compliance as required by Section 22-80 of the Property Tax Code (35 ILCS 200/22-80).

Respectfully submitted,

By: 
Richard E. Zulkey,
One of the Attorneys

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