## **UNOFFICIAL COPY**

Prepared by and mail to:

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Doc#: 0820610068 Fee: \$40.00 Eugene "Gene" Moore RHSP Fee: \$10.00

Cook County Recorder of Deeds

Date: 07/24/2008 01:39 PM Pg: 1 of 3

STATE OF ILLINOIS

**COUNTY OF COOK** 

88

#### AFFIDAVIT

David J. Letvin, being first duly sworn upon his oath, states that:

- 1. He is an attorney at law licensed to practice in the state of Illinois with personal knowledge of the facts set forth herein.
- 2. On October 29, 2007 a certain amerument to complaint seeking to set a side a fraudulent transfer of real property described below was filed in the Circuit Court of Cook County, Docket No. 06 L 007733, and a *lis pendens* concerning said proceedings was recorded October 29, 2007 with the Recorder of Deeds of Cook County as document No. 0730231112.
- 3. Said proceedings were thereafter removed to the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, as docket No. 08 A 00041 in bankruptcy case No. 07 B 22903.
- 4. On July 17, 2008 the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, entered a final order in the aforesaid adversary proceedings, a true copy of which is attached hereto, ordering that the conveyance of the property commonly known as 8441 West Berwyn, Chicago, Illinois, from Denedetto Manzella to Vincenza Manzella recorded June 13, 2007 by the Cook County Recorder of Deeds as document number 07 15 40 3058 be set aside and held for naught.
  - 5. The property is fully described as:

LOT 89 IN FRANK MUNAO'S  $4^{TH}$  SUBDIVISION OF THE SOUTH ½ OF THE NORTH ½ OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINCIS

PIN: 12-11-102-052-0000

COMMON ADDRESS: 8441 WEST BERWYN AVENUE, CHICAGO, IL 60656

Further affiant saieth not.

Subscribed and sworn to before me this 230 day of July, 2008

Volary public

ROSA A. TORRES
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 8/28/2010

OFFICIAL SEAL

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# 08-00041/7,2:Motion for Default Judgment:Proposed Order Entered: 7/7/2008 2:81:28 PM by:David Letvin Page 1 of 2

IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

| IN RE  | )                                  |
|--|------------------------------------|
| BENEDETTO MANZELLA and VINCENZA MANZELLA,  | ) No. 07 B 22903<br>) Chapter 7    |
| Debtors.   | ) Judge Hollis<br>)                |
| DE ADRAPA WHOLESALE CHACERS & D  |                                    |
| DEARBORN WHOLESALE GROCERS, L.P.,<br>An Illinois limited partnership,                      | ) Adversary No. 08 A 00041         |
| Plaintiff,   | )                                  |
| vs.  |                                    |
| ROCCO AND BENNY'S FINER FOODS, INC<br>An Illinois corporation, and BENEUF TTO<br>MANZELLA, | ) ) ) Circuit Court of Cook County |
| . Defendants.  | ) No. 06 L 07733                   |
| VINCENZA MANZELLA, defendant in Supplemental proceedings,                                  |                                    |

### **ORDER**

THIS CAUSE coming on to be heard upon the duly noticed motion of plaintiff

Dearborn Wholesale Grocers, L.P. for default and entry of default judgment and the
court having examined the motion with its attachment, having jurisdiction of the parties
and the subject matter, and being otherwise fully advised in the premises, THE COURT

FINDS: that defendants-debtors Benedetto Manzella and Vincenza Manzella were duly
served with process on November 6, 2007, that this cause was removed to this court on
January 22, 2008, that defendants-debtors have not filed their appearances or any
responsive pleadings within the time permitted by law and have not sought to enlarge the

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08-00041/7.2; Motion for Default Judgment:Proposed Order Entered: 7/7/2008 2:01:28 PM by:David Letvin Page 2 of 2

time in which to do so, and that based upon the allegations of the verified complaint the plaintiff is entitled to the relief sought therein. IT IS THEREFORE ORDERED:

- 1. Defendants-debtors Benedetto Manzella and Vincenza Manzella are found in default for failure to appear or responsively plead, and the adversary complaint is confessed against them.
- Pursuant to 740 ILCS 160/8(a)(1) and pursuant to the common law of the State of Idino's, the conveyance of the property commonly known as 8441 West Berwyn, Chicago, Illinois from Benedetto Manzella to Vincenza Manzella recorded June 13, 2007 by the Cook County Recorder of Deeds as document number 0716448058 is set aside and held for naught.
  - 3. The property is fully described as:

LOT 89 IN FRANK MUNAO'S 4<sup>TH</sup> SUBDIVISION OF THE SOUTH ½ OF THE NORTH ½ OF THE SOUTH ½ OF THE SOUTHEAST ½ OF THE NORTHWEST ¼ OF SECTION 11, TOWNSHIP 40 NORTH, RANCE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILL 25'OIS

PIN: 12-11-102-052-0000

COMMON ADDRESS: 8441 WEST BERWYN AVENUE, CHICAGO, IL 60656

- 4. This order may be recorded with the Cook County Recorder of Deeds and otherwise spread of record.
- 5. There is no just reason for delay within the meaning of F.R.Civ.P. 54 (b) and Bankruptcy Rule 7054, and the clerk is directed to enter judgment hereon.

ENTER: Brun W. Blace

Honorable Pamela Hollis

Honorable Pamela Hollis U.S. Bankruptcy Judge

Dated July 17 , 2008

At Chicago, Illinois