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

Doc#: 0835139053 Fee: \$66.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 12/16/2008 03:24 PM Pg: 1 of 16

SHELBYRNE TOLBERT)
Plaintiff,)
Vs.)
HOLY CROSS HOSPITAL,)
ALLAN THRASHER (name corrected to)
ALLEN THRASHER by Court Order dated)
10/20/05), individually and as an agent or)
Employee of HOLY CROSS HOSPITAL,)
Defendants.)

Case No. 99L-04967

Affidavit of Patrick S. Loizon Filed in Case No. 99L-04967
And Recorded with the Cook County Recorder of Deeds

The attached Affidavit signed on June 27, 2007 by Patrick S. Loizon was filed in Case No. 99L-04967 on July 5, 2007 and recorded with the Cook County Recorder of Deeds on December 16, 2008.

1. Affiant is the Special Process Server Patrick S. Loizon who served Defendant Allen Thrasher with process in Case No. 99L-04967 on August 28, 2000 (8-28-00) correcting by his amended Return of Process filed on July 5, 2007 the original Return of Service that was filed in this case on September 13, 2000 but containing the misnomer for the date of service of September 28, 2000 (9-28-00).

3. After Defendant Allen Thrasher was served with process on 8-28-00, a judgment was entered against him on January 4, 2002 for \$50,000 which was subsequently satisfied by Sheriff's Sale levy execution No. 055243-001L on January 31, 2006 which had its Certificate of Sale recorded as Document No. 0604010125 which then merged into the Sheriff's Deed issued on December 13, 2006 to AXXA, Inc. and recorded as Document No. 0635331081.

4. The execution of the judgment in Case No. 99L-04967 by Sheriff's Levy Sale became the first lien on the property at 3326 W. 84th Place, Chicago, IL 60652 when the prior mortgage at NBD Bank through its nominee MERS was satisfied by foreclosure in Case No. 03CH-18547 and service upon the judgment holder AXXA, Inc., assignee of Shelbyrne Tolbert was improperly performed as corporate service upon a receptionist at a

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law firm where Shelbryne Tolbert did not reside and said lien survived foreclosure to be foreclosed by the Sheriff's levy sale on January 31, 2006 with a 6 month redemption period.

5. That the property affected by this Affidavit has the following
LEGAL DESCRIPTION:

LOT 9 IN JOHN L. JILEK'S RESUBDIVISIONS OF LOT 30 TO 48, INCLUSIVE, IN BLOCK 10 IN MITCHELL ADDITION TO CLARKDALE, BEING A SUBDIVISION OF THE NORTH ½ OF THE SOUTHEAST ¼ OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS 3326 W. 84TH PLACE, CHICAGO, IL 60652

P.I.N.(s): 19-35-410-025

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

SHELBYNE TOLBERT)
 Plaintiff,)
)
 Vs.)
)
 HOLY CROSS HOSPITAL,)
 ALLAN THRASHER (name corrected to)
 ALLEN THRASHER by Court Order dated)
 10/20/05), individually and as an agent or)
 Employee of HOLY CROSS HOSPITAL,)
 Defendants.)

Case No. 99L-04967

Affidavit of Patrick S. Loizon

I hereby state under oath that the following is true:

1. I was appointed Special Process Server to serve Defendant Allan Thrasher in the Case No. 99L-04967 on January 7, 2000.
2. I was given an Alias Summons to serve defendant Allan Thrasher that was stamped by the Court with the August 15, 2000 date from Robert Langendorf & Associates with the stamped receipt that the \$5.00 fee was paid on August 15, 2000 by Attorney No. 26017 which is the Attorney Number for Robert Langendorf & Associates. (See Exhibit A).
3. Thereafter I served the Defendant Allan Thrasher at 3326 W. 84th Place, Chicago, IL 60652 on August 28, 2000.
4. I returned the Service of Process to Robert Langendorf & Associates and Attorney Robert A. Langendorf notarized my signature on my Affidavit of Special Process Server that was filed on September 13, 2000. (See Exhibit B).

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5. Said Affidavit of Special Process Server for Service of Alias Summons on Defendant Alan Thrasher contains a Scrivener error.
6. I filled the Affidavit of Special Process Server for Service of Alias Summons in September, 2000 for filing on September 13, 2000 and I inadvertently inserted the date of "9-28-00" instead of "8-28'00" for service upon Defendant Allan Thrasher.
7. In addition, Mr. Thrasher's first name was printed as "Alan" on the Return of Service which is how I spelled his name.
8. The man that I served on August 28, 2000 was the Defendant Mr. Allan Thrasher as he identified himself in the subject case when I explained what was being served.
9. The receipt for Service of Alias Summons upon Defendant Allan Thrasher for my services was typed using the Scrivener error and filed on September 13, 2000 in Case No. 99L-04967 with my Affidavit of Special Process Server for Service of Alias Summons which included the receipt for payment of \$5 to the Clerk of the Circuit Court for the Alias Summons which bore the payment date of August 15, 2000. (See Exhibit C).
10. Said Service of Alias Summons was performed on August 28, 2000 and not September 28, 2000 as written in a Scrivener error and filed in Case No. 99L-04967 on September 13, 2000 which was within 30 days of the Alias Summons being issued on August 15, 2000.
11. There was no subsequent service performed upon Defendant Allan Thrasher in Case No. 99L-04967..
12. I later found out that AXXA, Inc. was substituted as the Plaintiff in this case after purchasing the judgment rendered from Plaintiff Shelbryne Tolbert and AXXA, Inc.

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corrected the name of Mr. Thrasher to "Allen Thrasher" from the beginning of the case.

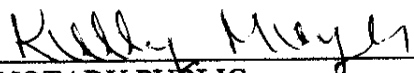
13. I have also prepared and notarized an Amended Affidavit of Special Process Server and an Amended Receipt for Service upon Defendant Allen Thrasher for filing in June, 2007 to correct the record. (See Exhibits D & E).

FURTHER AFFIANT SAYETH NAUGHT



Patrick S. Loizon

Subscribed to and Sworn to
Before me this 27th day of June, 2007



NOTARY PUBLIC

My Commission Expires 04-02-2011



2007 JUN -3 PM 10:34

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2120 - Served 2120 - Not Served 2620 - Sec. of State
2121 - Alias Served 2121 - Alias Not Served 2621 - Alias Sec. of State

(Rev. 8/5/93) CCM1-12L

#2601'

Returnable in
ROOM No. 602, RICHARD J. DALEY CENTER
9:30 A. M. Sharp
In the Circuit Court of Cook County, Illinois

Name All Parties

SHELBYRNE TOLBERT

plaintiff-

v.

HOLY CROSS HOSPITAL

defendant-

ALIAS

SUMMONS

No. ⁹⁹ ~~00~~ L 04967

Amount Claimed \$

Return Date

PLEASE SERVE:
alan THRASHER
3326W 84th PLACE
CHICAGO, IL 60652

3121

To each defendant:

YOU ARE SUMMONED and required:

1. To file your written appearance by yourself or your attorney and pay the required fee in Room 602, Richard J. Daley Center, Chicago, Illinois, at or before 9:30 a.m. on*, 19....
2. To file your answer to the complaint in Room 602 as required by Par. 3(c) in the Notice to Defendant.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT, A COPY OF WHICH IS HERETO ATTACHED.

To the Officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service, and not less than 3 days before the day for appearance. If service cannot be made, this summons shall be returned so endorsed.

This summons may not be served later than 3 days before the day of appearance.

THERE WILL BE A FEE TO FILE YOUR APPEARANCE, IF CLAIM IS \$1,500.00 OR LESS, FEE WILL BE \$69.00. OVER \$1,500.00 THE FEE WILL BE \$89.00. OVER \$15,000.00 THE FEE WILL BE \$104.00

WITNESS AUG 25 2008

JELIA
Clerk of Court

Date of Service, 19....

(To be inserted by officer on copy left with defendant or other person)



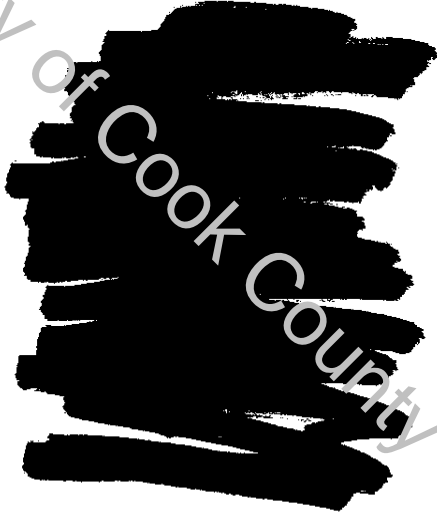
EXHIBIT
A

Name ROBERT A. LANGENDORF & ASSOC.,
Attorney for PLAINTIFF
Address 134 N. LaSalle Street, Suite 1515
Telephone (312) 782-5933
Atty. No. 26017

** Service by Facsimile Transmission will be accepted at:
(Area Code) (Facsimile Telephone Number)

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Property of Cook County Clerk's Office



010012-L.6.1 08/15/2000 14:42	
REF ATTORNEY NO: 26017	
1 ALIAS SUMMONS	5.00
REF CASE NO: 99L 004967	
CASE TOTAL	5.00 *

2007 SEP -3 4:10:35

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Rev. 8.

Affidavit of Special Process Server

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

County DEPARTMENT Law
(County) (Municipal) (Division) (District)

No. 99L04967

Patrick S. Loizon

being first duly sworn on oath deposes and says that a special process server was appointed by the Court on 1-20-00 to serve process in the above mentioned cause.

I. That he/she served the within summons and a copy of the complaint on the within named defendant Alan Thrascher

by leaving a copy of each with the said defendant personally on

II. That he/she served the within summons and a copy of the complaint on the within named defendant

by leaving a copy of each at the defendant's usual place of abode with a person of the family of the age of 13 years or upwards and informed that person of the contents thereof on 1-19-00

and that further he/she mailed a copy of each in a sealed envelope with postage prepaid addressed to the defendant, the defendant's usual place of abode on 1-19-00

III. (a) That the sex, race and approximate age of the defendant or other person with whom the summons was left are as follows: Sex M Race B Approximate Age 32

(b) That the place where (if possible in terms of an exact street address) and the date and time of the day when the summons was left with the defendant or other person were as follows:

Place, 3326 W. 84TH PL CHGO, IL 60652
Date, 9-28-00 Time of the day, 8:15 P.M.

IV. That he/she was unable to serve the within named defendant.

Patrick S. Loizon
SPECIAL PROCESS SERVER (Signature)

Signed and sworn to before me

Robert A. Langend
"OFFICIAL SEAL"
ROBERT A. LANGEND
Notary Public, State of Illinois
My Commission Expires
Notary public

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

EXHIBIT
B

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PATRICK S. LOIZON
C/O 134 NORTH LASALLE ST. - 1515
CHICAGO, IL 60602
(312) 782-5933

Tolbert

99 L 4967

VS.

Holy Cross Hospital et. al.

Served:

Allan Thrasher
3326 W. 84th Place
Chicago, IL 60652

September 28, 00 at 8:15 p.m.
Male, Black, 32 years old

Total: \$50.00

2001 SEP 28 PM 10:34

THE HONORABLE AURELIA PUCINSKI, CLERK
CIRCUIT COURT, COOK COUNTY, ILL.

010012-L.6.1 08/15/2000 14:42

REF ATTORNEY NO: 26017

1 ALIAS SUMMONS 5.00

REF CASE NO: 99L 004967

CASE TOTAL 5.00 *

SUBTOTAL 5.00 ST

CHECK 5.00

CASHIER: R DERENGOWSKI

EXHIBIT

C

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AMENDED AFFIDAVIT OF SPECIAL PROCESS SERVER

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, LAW DIVISION

SHELBYRYNE TOLBERT

v.

No. 99L-04967

HOLY CROSS HOSPITAL, ALLAN THRASHER
(name corrected to ALLEN THRASHER by
Court Order dated 10/20/05), individually
and as an agent or Employee of Holy Cross
Hospital

Patrick S. Loizon being first duly sworn on oath deposes and says that a special process server was appointed by the Court on January 7, 2000, to serve process in the above mentioned case.

1. That he served the within summons and a copy of the complaint on the within named defendant ALAN THRASHER (named corrected to ALLEN THRASHER by Court Order dated 10/20/05), by leaving a copy of each with the said named defendant personally on August 28, 2000.
2. That the sex, race and approximate age of the defendant or other person with whom the summons was left are as follows: Sex M, Race B, Approximate Age 32.
3. That the place where (if possible in terms of an exact address) and the date and time of the day when the summons was left with the defendant were as follows:

Place: 3326 W. 84th Place, Chicago, IL 60652

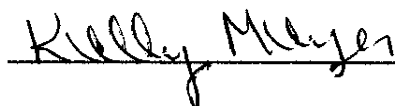
Date: 8-28-00 (August 28, 2000)

Time of the day: 8:15 PM



SPECIAL PROCESS SERVER (signature)

Signed and sworn to before me
this 27th day of June, 2007.



EXHIBIT

D

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Notary Public

My Commission Expires 04-02-2011

Property of Cook County Clerk's Office



2011 04 02 AM 10:35

ORDER

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#5 9:30

CCG-N002

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Tolkert

v.

NO. 99 L 4967

Holy Cross Hospital, et al.

ORDER



This cause coming before the court on plaintiff's motion to vacate the 12-8-99 order, due notice being given and the court fully advised in the premises it is hereby ordered that:

- 1) The 12-8-99 order dismissing this cause for want of prosecution is vacated
- 2) Patrick Loizan is appointed special process server to serve defendant Allen Thrasher. Patrick Loizan is over 18 years of age and is not a family member
- 3) This matter is set for case management on March 2, 2000 at 9:30 am in room 2210

Atty No. 26017

Name Loryardart + Assoc.

JUDGE KATHY M. FLANAGAN

Attorney for Plaintiff

JAN - 7 - 2000

Address 134 N. LaSalle #1515

CIRCUIT COURT CENTER

City/Zip Chicago IL 60602

Telephone 312-782-5933

Handwritten signature of Judge Kathy M. Flanagan

Judge

Judge's No.

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

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AMENDED

PATRICK S. LOIZON
C/O 134 NORTH LASALLE ST. - 1515
CHICAGO, IL 60602
(312) 782-5933

Tolbert

VS.

99 L 4967

Holy Cross Hospital et. al.

Served:

Allan Thrasher
3326 W. 84th Place
Chicago, IL 60652
August 28, 2000 at 8:15 p.m.
September 28, 00 at 8:15 p.m.
Male, Black, 32 years old

Total: \$50.00

This Receipt for Service of Summons upon Defendant Allan Thrasher, name corrected to Allen Thrasher by Court Order dated 10/20/05 in Case No. 99L-04967, is being refiled to correct the Scrivener error on the previous Receipt for service of Summons filed on September 13, 2000 that Defendant Allan (Allen) Thrasher was served by me on August 28, 2000 instead of the date typed in error of September 28, 2000.

[Signature]
Patrick Loizon, Special Process Server

Subscribed to and Sworn to
Before me this 27th day of June, 2007

[Signature]
NOTARY PUBLIC



THE HONORABLE AURELIA PUCINSKI, CLERK
CIRCUIT COURT, COOK COUNTY, ILL.

010012-L.6.1 08/15/2000 14:42
REF ATTORNEY NO: 26017
1 ALIAS SUMMONS 5.00
REF CASE NO: 99L 004967
CASE TOTAL 5.00 *
SUBTOTAL 5.00 ST
CHECK 5.00
CASHIER: R DERENGOWSKI

EXHIBIT
E

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

SHELBYRNE TOLBERT,)
)
 Plaintiff,)
)
 v.)
)
 HOLY CROSS HOSPITAL,)
 ALLAN THRASHER, individually and as)
 an agent or employee of HOLY CROSS)
 HOSPITAL,)
)
 Defendants.)

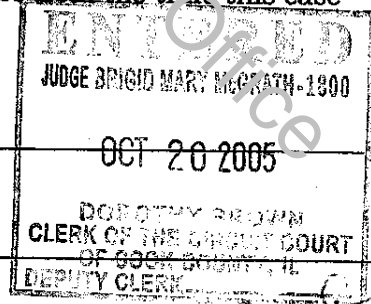
Case No: 99 L 04967

ORDER CORRECTING MISNOMER

This cause coming to be heard on the motion of AXXA, Inc., assignee of Plaintiff Shelbyrne Tolbert as of August 30, 2005 due notice having been given, the Court having reviewed the assignment from Plaintiff, Shelbyrne Tolbert, to AXXA, Inc. and the Court being otherwise fully advised in the premises, IT IS HEREBY ORDERED:

1. The proper defendant in this case was at all times Allen Thrasher,
2. The naming of the defendant as Allan Thrasher was a misnomer, and
3. The misnomer is hereby corrected, *nunc pro tunc*, to name Allen Thrasher as the defendant, judgment debtor, for all times ~~from the time this case~~ was filed forward.

Dated: _____ OCT 20 2005
 Judge: _____



Cindy M. Johnson
 Rebecca M. Shanaman
 Johnson & Newby, LLC
 39 S. LaSalle Street, Suite 820
 Chicago, Illinois 60603
 (312) 345-1306
 Firm No.: 41927

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Doc#: 0530532316 Fee: \$26.50
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 11/01/2005 02:27 PM Pg: 1 of 2

3315

Memorandum of Judgment

(5-81) CCG-15

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

SHELBYRNE TOLBERT,)
Plaintiff,)

Case No: 99 L 04967

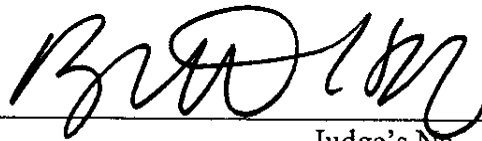
HOLY CROSS HOSPITAL,)
ALLAN THRASHER, individually and as)
an agent or employee of HOLY CROSS)
HOSPITAL,)
Defendants.)

**AMENDMENT TO
MEMORANDUM OF JUDGMENT**

This memorandum amends the memorandum of judgment recorded as number 0321834188, recorded on August 6, 2003, evidencing that, on January 4, 2002 judgment was entered in favor of the plaintiff Shelbyrne Tolbert and against the Defendant, Allan Thrasher in the amount of \$50,000.00 plus costs.

The purpose of this amendment is to spread of record that on October 20, 2005, the Court entered an order (upon motion of AXXA, Inc., the assignee of the Plaintiff Shelbyrne Tolbert as of August 30, 2005) holding that the misnomer in the case was corrected so that the proper party in the case was named to be Allen Thrasher, *nunc pro tunc* from the beginning of the case, instead of Allan Thrasher as originally named.

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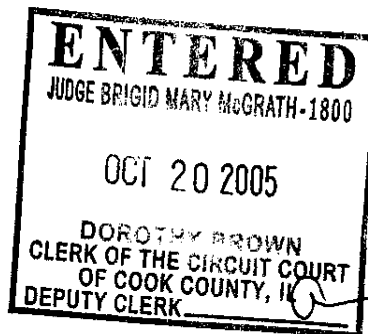


Judge

Judge's No.

Last known address of Allen Thrasher
(misnamed as Allan Thrasher)
3326 W. 84th Place
Chicago, Illinois 60652

Prepared by:
Johnson & Newby, LLC
39 S. LaSalle Street, Suite 820
Chicago, Illinois 60603
(312) 345-1306
Firm No.: 41927



DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY