



Doc#: 1018329086 Fee: \$48.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 07/02/2010 02:43 PM Pg: 1 of 7

3315 (Rev. 6/11/02) CCG 0015
Memorandum of Judgment

IN THE CIRCUIT COURT
OF COOK COUNTY, ILLINOIS

THE MULLER FIRM, LTD.
v.

MICHAEL KOZENKO

Recorder's Stamp

Property of Cook County Office

No. 08 D 7740

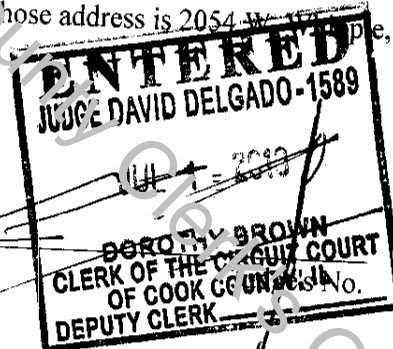
MEMORANDUM OF JUDGMENT

On June 25, 2010, judgment was entered in this court in favor of the Plaintiff, THE MULLER FIRM, LTD. and against Defendant, MICHAEL KOZENKO whose address is 2054 W. [unclear] Chicago, Illinois in the amount of \$20,944.61.

P.I.N. 13-36-115-018-0000

SEE ATTACHED LEGAL DESCRIPTION

Judge



Atty. No.: 14520
THE MULLER FIRM, LTD.
110 W. Grand Avenue
Chicago, IL 60654
(312) 467-6700

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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LEGAL DESCRIPTION

CLARKSONS SUBDIVISION, PART SW4NW4 S36 T40N R13E 3P, BLOCK NUMBER 4, LOT NUMBER 47, RANGE 13, TOWNSHIP 40, SECTION 36 IN THE NW QUARTER SECTION IN COOK COUNTY, ILLINOIS.

P.I.N. 13-36-115-118-0000

Property Address: 2054 N. Whipple Street
Chicago, IL 60647-9180

Property of Cook County Clerk's Office

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE MARRIAGE OF:

GINA M. PEHLKE,)
 PETITIONER)
)
 and)
)
 MICHAEL KOZENKO,)
 RESPONDENT)

No. 08 D 7740

JUDGMENT FOR DISSOLUTION OF MARRIAGE

This cause coming to be heard for trial on petitioner's Petition for Dissolution of Marriage, petitioner appearing in open court, represented by Christine F. David, Esq., her attorney, and respondent appearing in open court, by Kurt A. Muller, Esq., of the Muller Firm, Ltd., the Court having heard the testimony of the parties, and having reviewed and considered all the evidence submitted, and now being fully advised in the premises;

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT:

- A. The Court has jurisdiction of the subject matter and the parties hereto.
- B. That both parties have been domiciled in the State of Illinois for ninety days prior to making of the findings herein, and prior to the filing of this action.
- C. The parties were married on December 15, 2002, said marriage being registered in Cook County, Illinois.
- D. That no children were born to the parties as a result of this marriage, no children were adopted, and petitioner is not currently pregnant.
- E. That petitioner has substantially proved the material allegations of her Petition for Dissolution of Marriage hereinbefore filed, and that petitioner is entitled to a Judgment for Dissolution of Marriage from respondent as prayed for in her said Petition for Dissolution of Marriage.
- F. The court finds that prior to the marriage, respondent purchased the Nickerson property ("NP") in his name. Respondent has alleged that he purchased NP for the purpose of investment, and that he never told petitioner that the house was for any of their children or for

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the marriage. Respondent further alleges that petitioner never paid any money towards NP's mortgage nor did she contribute funds for the construction or repairs of NP. Respondent admits that this property needed repairs.

Petitioner claims that NP needed repair and construction at the time of purchase, and that respondent used \$25,000 and \$30,000- a total of \$55,000- from the couple's joint account. These funds were deposited in the couple's joint account by petitioner. The source of these funds came from the equity of wife's non-marital real estate. Petitioner further claims that NP was in the school district that petitioner's children were going to attend. Petitioner claims that she and respondent went shopping for a swimming pool and furniture. Petitioner has credibly testified that the parties as a couple represented to third parties their intentions to move into NP after improving the property and making NP the marital residence.

G. During the marriage, but after the separation, respondent sold the property for \$140,000. Respondent did not share any of these proceeds with petitioner.

H. Petitioner currently works for Chicago Police Department ("CPD"). Her income is approximately \$80,000 a year. She is a single-mother and has two children. Petitioner currently resides at 5205 S. Nagle, Chicago, Illinois. She purchased this property in her name prior to the marriage, and respondent admits that this is petitioner's non-marital property. Respondent claims, however, that prior and during the marriage, he contributed to the 5205 S. Nagle's upkeep and repairs.

I. Respondent is currently unemployed. Respondent has been discharged from CPD and he is currently appealing his discharge. Respondent alleges that petitioner's actions were the cause of his discharge. Respondent is currently self-employed with Tyke, LLC. Respondent has been living without any financial support from petitioner for the past seven years, and has requested maintenance from the petitioner.

J. Respondent withdrew his pension from the City of Chicago on June 23, 2009 in the amount of \$93,521.58. He did not share these proceeds with the petitioner. Respondent has requested that the court grant him a portion of petitioner's pension with the CPD.

K. Respondent withdrew his deferred compensation account in connection with his employment with the City of Chicago in 2008 and 2009 in the amount of \$71,681.38. He did not share these proceeds with the petitioner. Respondent has requested that the court grant him a portion of petitioner's deferred compensation with the CPD.

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L. Petitioner has not disturbed her pension, deferred comp or other benefits associated with her employment with CPD.

M. Respondent has requested maintenance in the amount of \$2,000 per month for thirty-six months in addition he has requested a portion of petitioner's "retroactive pay" from the CPD. He has requested wife's tax refunds for 2008 and 2009 and portions of her tax refunds for these years.

N. Respondent has requested contribution from petitioner for his attorney fees. He has presented evidence of his expenses incurred in this litigation and this court has carefully considered his evidence and pleadings.

THEREFORE, by virtue of the statutes of the State of Illinois, it is the judgment of this court, and IT IS HEREBY ORDERED:

1. That the bonds of matrimony heretofore existing between Petitioner, Gina M. Pehlke, and Respondent, Michael Kozenko, be dissolved and the marriage is accordingly dissolved as to both parties.
2. All deposits of money and other financial assets standing in petitioner's name as of the date of this Judgment for Dissolution of Marriage, in any financial institution, shall be her sole property. All deposits of money and other financial assets standing in respondent's name as of the date of this Judgment for Dissolution of Marriage, in any financial institution, shall be his sole property.
3. Each party is barred from receiving maintenance from the other party, and neither shall petition or request maintenance from the other in any court of law, past, present or future.
4. The parties shall retain as their sole and exclusive property, free of any claim by the other, all right, title, and interest in and to Individual Retirement Accounts, 401K's, pension, deferred compensation, and/or profit sharing plans and funds, compensatory time, and any and all such similar accounts and funds and assets contained therein, now titled in their respective individual names and under their dominion and control.

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5. Petitioner is awarded the improved real estate commonly known as 5205 S. Nagle, Chicago, Illinois. Said property is non-marital in nature, having been acquired by petitioner prior to her marriage to respondent.
6. Respondent is awarded the improved real estate commonly known as 2054 N. Whipple St., Chicago, Illinois, as well as any and all other real estate property in his name, if any, plus any and all vacant properties in his name, free and clear of any interest of petitioner.
7. Respondent is awarded as his sole and separate property all his interest in Tyke, LLC a Real Estate appraisal enterprise.
8. Upon the entry of Judgment for Dissolution of Marriage, both parties shall be granted exclusive possession and sole ownership of their respective properties in their names and possession, including bank accounts, savings accounts, retirement accounts, and benefits with their employers.
9. Respondent shall pay to petitioner the amount of \$55,000.00 which represents her interest in the real property located at 6020 N. Nickerson, Chicago, Illinois which was purchased on December 9, 2002 in anticipation of marriage and sold February 11, 2005 for \$140,909.85. The court finds that Said \$55,000.00 represents the approximate amount of money that petitioner withdrew from the refinancing of her non-marital home located at 5205 S. Nagle, Chicago, Illinois and deposited into a joint checking account with respondent for the purpose of improving NP, which was supposed to be the marital home. The court believes the petitioner that this property was acquired and improved with the expectation of being the family's marital home.
10. That presently petitioner maintains respondent on her group medical and dental coverage through her employment at the City of Chicago. Respondent shall be responsible for payments including but not limited to premiums, deductibles, charges, costs, fees and co-pay obligations not covered by petitioner's existing group medical and/or dental policy pursuant to the order entered on May 21, 2009. Respondent's said insurance coverage shall terminate upon entry of the Judgment for Dissolution of Marriage. In the event respondent desires to continue said

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coverage pursuant to COBRA, respondent will be solely responsible for payment of said premiums and fulfillment of any other obligations required under Illinois Spousal Contribution Law.

11. The parties shall retain free of any claim by the other, all of their personal property now in their respective possession.

12. Both parties shall be solely responsible for their own separate debts and obligations which were incurred subsequent to September of 2003, the date of their separation. The court specifically finds that the parties have gone to live distinct and separate lives since their date of separation. They shall be responsible for their individual tax obligations since 2003, and will keep any federal and/or state tax refunds in their individual names.

13. Both parties shall be solely responsible for the payment of any and all of their respective attorney's fees and the Court costs incurred by them in connection to these proceedings.

14. Petitioner shall be granted the right to resume the use of her previous name of Pehlke upon entry of the Judgment for Dissolution of Marriage if she so chooses.

15. The court finds that fees incurred by the Muller Firm, Ltd. on behalf of the respondent were reasonable and necessary. Accordingly judgment is entered in favor of the Muller Firm, Ltd. and against the respondent in the amount of \$20,944.61, instantiate, with no just cause found to delay enforcement.

16. The Court expressly retains jurisdiction of this cause for the purpose of enforcing all of the terms of this judgment.

Dated: -----

JUDGE DAVID DELGADO

JUN 25 2010

Circuit Court - 15887
JUDGE