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

Neil Firlit, Frederick Gustavus Buesser, and Julie Firlit  
Buesser, assignees of Amcore Bank, N.A.,

Plaintiff,

v.

Wille Brother Lumber, Inc., an Illinois corporation,  
Wood Flooring, Inc., an Illinois corporation, Neil Firlit,  
Frederick Gustavus Buesser, and Julie Firlit Buesser,  
and Unknown owners and non record claimants.,

Defendants.

Case No. 10-CH-19643

Cal. 55



Doc#: 1031944104 Fee: \$44.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 11/15/2010 03:53 PM Pg: 1 of 5

### JUDGMENT OF CONSENT FORECLOSURE (735 ILCS 5/15-1402)

THIS CAUSE COMING BEFORE THE COURT for hearing on the merits of the Complaint for Foreclosure filed herein by Plaintiff and upon Plaintiff's Motion for Judgment of Consent Foreclosure, this Court, having considered the evidence and arguments of counsel and being advised in the premises; makes these **FINDINGS**:

I. **JURISDICTION.**

(1) a. The following Defendants have been properly served with Summons and a copy of the Complaint on the dates shown in the Return of Summons and having failed to answer said Complaint or otherwise enter any appearance herein, although more than thirty (30) days have passed since such service, are ordered defaulted: **Wille Brother Lumber, Inc., an Illinois corporation, Wood Flooring, Inc., an Illinois corporation.**

b. The following Defendants and Unknown Owners and Non-Record Claimants, were duly served by publication of a notice in the **Chicago Daily Law Bulletin**, a secular daily newspaper of general circulation in Cook County, Illinois, on **May 11, 2010** and continuing through **May 25, 2010** pursuant to 735 ILCS 5/15-1506 and 735 ILCS 5/2-206, and said Defendants have failed to answer the Complaint or otherwise enter any appearance herein, although more than thirty (30) days have passed since the first said publication, and the default

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date published as aforesaid has passed, and said Defendants, Unknown Owners and Non-Record Claimants are ordered defaulted: **Unknown Owners and Non-record Claimants.**

(2) The Court specifically finds service of process in each instance was properly made in accordance with the Code of Civil Procedure.

(3) This Court has jurisdiction over all the parties hereto and subject matter presented herein.

## II. EVIDENTIARY FINDINGS.

[735 ILCS 5/15-1504(a)(1) through (3)]

(1) Plaintiff filed a Complaint herein to foreclose the Mortgage hereinafter described and joined the following persons as Defendants: **Wille Brother Lumber, Inc., an Illinois corporation, Wood Flooring, Inc., an Illinois corporation, Neil Firlit, Frederick Gustavus Buesser, and Julie Firlit Buesser, and Unknown owners and non record claimants..**

(2) Attached as Exhibit "A" is a copy of the **Mortgage**, Exhibit "B" is a copy of the **Modification of Mortgage**, Exhibit "C" is a copy of the **Note** secured thereby, and Exhibit "D" is a copy of the **Assignment of Loan Documents** and Exhibit "E" is a copy of the **Assignment of Rents**. Exhibits "A", "B", "C", "D", and "E" are admitted into evidence and any originals presented may be withdrawn.

(3) Information concerning Mortgage:

- (a) Nature of instrument: **Mortgage, Modification and Assignment.**
- (b) Date of Mortgage: **August 15, 2007**, Date of Modification **November 13, 2007**, Date of Date of Assignment **March 3, 2010.**
- (c) Name of Mortgagor: **Cherryfield Construction, Inc., a dissolved Illinois corporation**
- (d) Name of Mortgagee: **Neil Firlit, Frederick Gustavus Buesser, and Julie Firlit Buesser, assignees of Amcore Bank, N.A.**
- (e) Date and Place of Recording: **Mortgage** Recorded on **August 30, 2007**, **Modification of Mortgage** Recorded on **December 10, 2007**, and **Assignment** Recorded on **March 4, 2010**, all in the Office of the Recorder of Deeds of **Cook County, Illinois.**

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- (f) Identification of Recording: Mortgage Document # **0724226109**, Modification Document #**0734454098**, assigned to by Document #**1006318017**.
- (g) Interest subject to the mortgage: **Fee Simple**
- (h) Amount of original indebtedness including subsequent advances made under the Mortgage: **\$435,000.00**
- (i) Description:
1. The legal description of the mortgaged premises:  
**LOTS 1 AND 2 IN O'REILLY'S PLAT OF SUBDIVISION RECORDED MARCH 6, 2008 AS DOCUMENT NUMBER 0806615089, BEING A RESUBDIVISION OF LOTS 8 AND 9 AND THE SOUTH 1/2 OF LOT 7 IN KIEFERS SUBDIVISION OF LOT 3 (EXCEPT THE NORTH 1 ACRE THEREOF) IN THE SUBDIVISION OF BLOCK 29 AND 37 IN RAILROAD ADDITION TO HARLEM IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**
  2. The common address or location of mortgaged premises is:  
**303 and 305 Marengo Ave., Forest Park, IL 60130**
  3. Permanent Real Estate Index Number:  
**Underlying PIN: 15-12-434-026-0000; New PINs: 15-12-434-055-0000 and 15-12-434-054-0000**
- (j) Defaults consist of payments which have become due under the secured note which are in default and in arrears in the total amount of **\$435,000.00** and attorneys fees and court costs.
- (k) The total amount now due is: **\$435,000.00**.
- (l) The names of the present owners of said real estate are: **Neil Firlit as to an undivided 42% interest as tenants in common with Frederick Gustavus Buesser and Julie Firlit Buesser as joint tenants with rights of survivorship as to an undivided 58% interest.**

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- (m) The names of other persons who are joined as Defendants and whose interest in or lien on the subject matter real estate is sought to be terminated are: **Wille Brother Lumber, Inc., an Illinois corporation, Wood Flooring, Inc., an Illinois corporation UNKNOWN OWNERS and NON-RECORD CLAIMANTS.**
- (n) The names of Defendants personally liable for the deficiency, if any, are: **None: In consideration of the entry of the judgment by consent, the plaintiff waives any and all rights to a personal judgment for deficiency against the mortgagor and all other persons liable for the indebtedness or other obligations secured by the mortgage described therein pursuant to 735 ILCS 5/15-1402(c).**
- (o) The capacity in which Plaintiff brings this foreclosure is as the owner and legal holder of said note and Mortgage.

### III. REDEMPTION - RESIDENTIAL.

[735 ILCS 5/15-1603(a), (b)]

- (a) Mortgagor has waived any and all rights to redeem the mortgaged premises whether by statute or in equity pursuant to 735 ILCS 5/15-1601(c)(i);

### IV. ENTRY OF CONSENT FORECLOSURE

- (a) No party has filed an objection to the entry of this Judgment or paid the amount required to redeem in accordance with 735 ILSC 5/15-1603.
- (b) Title to the mortgaged premises is absolutely vested in Plaintiffs, free and clear of all claims, liens, and interest of mortgagors, including all rights of reinstatement and redemption, and all rights of all other persons made party in this foreclosure.
- (c) The rights of all subordinate lien interests, including the right to redeem or object

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to the consent judgment, is terminated and forever barred.

(d) Plaintiffs are awarded possession of the property described herein, effective immediately.

**DATED:** \_\_\_\_\_ **2010.**

**ENTER:**

Associate Judge Jeffery L. Warnick

NOV 08 2010

Circuit Court-2024

**JUDGE**

**JUDGE'S NO.**

**James P. Ziegler**  
**Patrick T. Joy**  
**STONE POGRUND & KOREY LLC**  
Attorneys for Plaintiff  
1 E. Wacker Dr., Ste. 2610  
Chicago, Illinois 60601  
(312) 782-3636  
Atty. No.: 90803

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