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Cook County Recorder of Deeds
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JUDGMENT FOR CONSENT FORECLOSURE
PURSUANT TO 735 ILCS 5/15-1402

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

Western Springs National Bank and Trust, N.A.)
)
 Plaintiff,)
)
 v.)
)
 JCB 87th Street, LLC, an Illinois limited liability)
 Company, Stephen J. Livaditis, Pantheon)
 Builders, Inc., an Illinois corporation, Sheri Trent,)
 City of Chicago, Pappageorge Haymes, Ltd, an)
 Illinois corporation, Unknown Owners and)
 Non-Record Claimants,)
)
 Defendants.)

Case No. 2009 CH 34749

AGREED JUDGMENT FOR CONSENT FORECLOSURE PURSUANT TO 735 ILCS 5/15-1402

THIS CAUSE coming before the Court on the Amended Agreed Motion to Enter Consent Foreclosure Judgment, filed jointly by Plaintiff HEARTLAND BANK AND TRUST COMPANY, as Assignee of Federal Deposit Insurance Corporation in its capacity as Receiver for Western Springs National Bank and Trust, N.A. (the "Bank"), and Defendants, JCB 87th STREET, LLC, an Illinois limited liability company and STEPHEN J. LIVADITIS, due notice being given, the Court being duly advised on the premises, the Court HEREBY FINDS:

1. This Court has jurisdiction of the parties hereto and the subject matter hereof.
2. The allegations of fact contained in the Complaint have been proven or, by the execution of this Agreed Judgment for Consent Foreclosure, have been admitted, and
 - a. On April 29, 2005, the Bank, as lender, and JCB 87th Street, LLC and Stephen J. Livaditis, the Borrowers, entered into that certain first mortgage and promissory note recorded on May 11, 2005 as Document No. 0513341078, and modified on May 5, 2008 (collectively, hereinafter the "Loan") and are the obligors of the indebtedness and other obligations secured by a mortgage on certain real property commonly known as 87th Street and Parnell Avenue, Chicago, Illinois, and legally described as follows:

THAT PART LYING SOUTHEASTERLY OF THE SOUTHEASTERLY RIGHT OF WAY OF VINCENNES AVENUE OF THE FOLLOWING DESCRIBED LAND:

A PART OF THE EAST 1/2 OF THE WEST 1/2 OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, CITY OF CHICAGO, LAKE TOWNSHIP, COOK COUNTY, ILLINOIS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT A POINT OF AN IRREGULAR PARCEL OF LAND, DISTANCE OF 147.49 FEET EAST FROM THE WEST LINE OF THE EAST 14 OF THE NORTHWEST ¼ OF SAID SECTION 33 AND THE SOUTH LINE OF 81ST STREET, HAVING 66 FOOT RIGHT OF WAY; THENCE NORTH 89 DEGREES, 45 MINUTES, 00 SECONDS EAST, A DISTANCE OF 94.46 FEET ALONG SAID SOUTH RIGHT OF WAY LINE OF 81ST STREET; THENCE SOUTH 20 DEGREES, 28 MINUTES, 57 SECONDS EAST, A DISTANCE OF 1279.72 FEET, (ALSO BEING THE NORTH LINE OF VINCENNES AVENUE), HAVING A 66 FOOT RIGHT OF WAY; THENCE SOUTH 33 DEGREES, 51 MINUTES, 00 SECONDS WEST, A DISTANCE OF 24.62 FEET; THENCE SOUTH 20 DEGREES, 28 MINUTES, 57 SECONDS EAST, A DISTANCE OF 81.24 FEET, (ALSO BEING THE SOUTH LINE OF SAID VINCENNES AVENUE); THENCE NORTH 33 DEGREES, 51 MINUTES, 00 SECONDS A DISTANCE OF 24.62; THENCE SOUTH 20 DEGREES, 07 MINUTES, 31 SECONDS EAST, A DISTANCE OF 1436.90 TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT, A DISTANCE OF 354.61 FEET, HAVING A RADIUS OF 2295.08 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT, A DISTANCE OF 256.56 FEET, HAVING A TADIUS OF 2873.60 FEET TO A POINT ON TANGENT; THENCE SOUTH 86 DEGREES, 18 MINUTES, 14 SECONDS, A DISTANCE OF 34.76 FEET; THENCE SOUTH 00 DEGREES, 47 MINUTES, 43 SECONDS EAST, A DISTANCE OF 93.57 FEET (ALSO BEING THE ESTERLY LINE OF THE BELT RAILROAD PROPERTY); THENCE NORTH 27 DEGREES, 19 MINUTES, 09 SECONDS WEST, A DISTANCE OF 202.22 FEET; THENCE NORTH 36 DEGREES, 49 MINUTES, 16 SECONDS WEST, A DISTANCE OF 600.00 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT, A DISTANCE OF 847.89 FEET, HAVING A RADIUS OF 1858.00 FEET TO A POINT OF TANGENT; THENCE NORTH 08 DEGREES, 54 MINUTES, 16 SECONDS WEST, A DISTANCE OF 207.94 FEET (ALSO BEING THE SOUTHERLY RIGHT OF WAY OF VINCENNES AVENUE); THENCE NORTH 10 DEGREES, 07 MINUTES, 51 SECONDS WEST, A DISTANCE OF 1704.85 FEET TO THE SOUTH RIGHT OF WAY LINE OF 81ST STREET AND THE POINT OF BEGINNING. IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-33-305-037-0000

(the "Subject Property"). True and correct copies of the mortgage and the note are attached to the Complaint as Exhibit "A" and "B" sought to be foreclosed herein;

- b. That as of February 22, 2011 there remains the following amounts due and owing pursuant to the Note:

Current Loan Balance:	\$	896,321.26
Interest to 2/22/11	\$	86,008.91 (\$130.71 per diem)
Penalty (5%) Interest to 2/22/11	\$	78,055.23 (\$124.49 per diem)
Late Charges and Legal Fees	\$	40,163.76
Chicago Title	\$	895.00
Appraisal Report	\$	3,850.00

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<u>Delinquent Taxes (2009)</u>	\$	42,068.77
Total Payoff	\$	1,147,362.93

- c. The Mortgage was recorded on May 11, 2005 and appears of record in the office of the Cook County Recorder of Deeds as Document No. 0513341078;
- d. A default occurred under the Mortgage and the note, as alleged in the Complaint;
- e. At the time of filing the Complaint, JCB 87th Street, LLC, an Illinois limited liability company was the present owner of the Subject Property;
- f. The Mortgage constitutes a valid, prior, paramount and superior lien upon the Real Estate for the amount due under the Note, which lien is prior, paramount and superior to the right, title, interest, claim or lien of all parties, unknown owners, and non-record claimants whose interests in the Subject Property are sought to be terminated, including but not limited to the defendants named in the Complaint, and the parties that intervened in the above captioned proceeding, if any;
- g. Any and all notices of default or other notices required to be given have been duly and properly given; and
- h. Any and all periods of grace or other period of time allowed for the performance of the covenants or conditions claimed to be breached or for the curing of any breaches have expired.
3. The Mortgage hereby foreclosed and the lien of said Mortgage are governed by the provisions of Section 15-1101, *et seq.*, of the Illinois Mortgage Foreclosure Law ("IMFL"), 735 ILCS 5/15-1101, *et seq.*
4. The rights and interests, if any, of all parties to this cause in and to the Subject Property are subject to, junior, subordinate and inferior to the lien of the Bank's Mortgage.
5. The Court specifically finds that service of process in each instance was properly made. The date when the last of the owners of the equity of redemption were served with summons or by publication was August 9, 2010 and the statutory right to reinstate, pursuant to 735 ILCS 5/15-1602, has or will expire on November 9, 2010.
6. The mortgaged real estate is not residential as defined in 735 ILCS 5/15-1219. Provided the real estate is "Residential," the redemption period shall expire the later of: (i) seven (7) months from the date the mortgagor was served by summons or publication, or (ii) three (3) months from the entry of this Judgment. Provided the real estate is "Not Residential," the redemption period shall expire the later of: (i) six (6) months from the date the mortgagor was served by summons or publication, or (ii) three (3) months from the date of entry of this Judgment.
7. The statutory rights of redemption, pursuant to 735 ILCS 5/15-1603, have been waived by the Mortgagor(s) under the terms of the Mortgage(s) and pursuant to 735 ILCS 5/15-1601(b).

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IT IS THEREFORE ORDERED AND DECREED BY THIS COURT AS FOLLOWS:

1. By consent of JCB 87th Street, LLC, an Illinois limited liability company and Stephen J. Livaditis, the Mortgage is hereby foreclosed in accordance with 735 ILCS 5/15-1402, and absolute title to the Subject Property, together with all improvements thereon and easements and appurtenances belonging thereto, is hereby vested in Heartland Bank and Trust Company, as Assignee of Federal Deposit Insurance Corporation in its capacity as Receiver for Western Springs National Bank and Trust, N.A. in full satisfaction of the indebtedness secured by the Mortgage and all amounts due under the Note, free and clear of all claims, liens (except liens of the United States of America, if any), and interest of JCB 87th Street, LLC, an Illinois limited liability company and Stephen J. Livaditis, including all rights of reinstatement and redemption, and of all rights of all other persons made parties in the foreclosure whose interests are subordinate to that of the mortgagee, including all UNKNOWN OWNERS and NON-RECORD CLAIMANTS given notice in accordance with 735 ILCS 5/15-1502(c)(2).

2. All defendants in the above-captioned matter, and all persons claiming by, through or under them, and each, any and all of them, shall be forever barred and foreclosed of any right, title, interest, claim or lien, or right to redeem in and to the Subject Property and any part thereof.

3. Heartland Bank and Trust Company, as Assignee of Federal Deposit Insurance Corporation in its capacity as Receiver for Western Springs National Bank and Trust, N.A. hereby waives any and every right it has to seek a personal deficiency judgment against Defendants JCB 87th Street, LLC, an Illinois limited liability company and Stephen J. Livaditis, and against all other persons liable for the indebtedness secured by the Mortgage for any amounts due under the Note.

ENTERED
 JUDGE MARGARET A. BRENNAN, 1846
 JUN 06 2011
 DORIS M. BROWN
 CLERK OF THE CIRCUIT COURT
 DEPUTY CLERK
 COOK COUNTY, IL

Dated: 6-6-11

Entered: [Signature]
 Judge

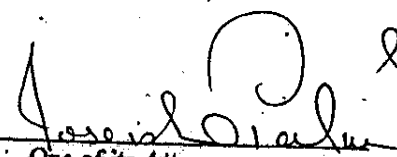
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Stipulated and Agreed on this 28th day of April, 2011:

HEARTLAND BANK AND TRUST
COMPANY, as Assignee of Federal
Deposit Insurance Corporation in its capacity
As Receiver for Western Springs National
Bank and Trust, N.A.

JCB 87th STREET, LLC, an Illinois limited
liability company

By: 
One of its Attorneys

By: 
One of its Attorneys

STEPHEN J. LIVADITIS, an individual

By: 
Stephen J. Livaditis

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