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Cook County Recorder of Deeds
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IN THE CIRCUIT COURT COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION

PARKWAY BANK AND TRUST
COMPANY,

Plaintiff,

v.

HARRIS BANK HINSDALE, N.A., not
individually, but as Trustee under Trust No. L
3150 dated April 14, 1993; ROOSEVELT
SECOND CORP., an Illinois corporation;
ILLINOIS PETROLEUM COMPANY, INC.,
an Illinois corporation, JOHN TERZAKIS, an
individual, UNKNOWN OWNERS and
NONRECORD CLAIMANTS, *et al.*,

Defendants.

Case No. 09 CH 42724

JUDGMENT OF FORECLOSURE BY CONSENT

UNOFFICIAL COPY**IN THE CIRCUIT COURT COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

PARKWAY BANK AND TRUST COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09 CH 42724
)	
HARRIS BANK HINSDALE, N.A., not)	
individually, but as Trustee under Trust No. L)	
3150 dated April 14, 1993; ROOSEVELT)	
SECOND CORP., an Illinois corporation;)	
ILLINOIS PETROLEUM COMPANY, INC., an)	
Illinois corporation, JOHN TERZAKIS, an)	
individual, UNKNOWN OWNERS and)	
NONRECORD CLAIMANTS, <i>et al.</i> ,)	
)	
Defendants)	

JUDGMENT OF FORECLOSURE BY CONSENT

THIS CAUSE HAVING BEEN HEARD by the Court upon the motion of Plaintiff, Parkway Bank and Trust Company ("Parkway Bank"), for entry of this Judgment of Foreclosure by Consent and upon the Stipulation for Consent Foreclosure, due notice having been given and the Court being fully advised in the premises, the Court finds that:

1. Plaintiff, Parkway Bank, filed its Verified Foreclosure Complaint in Chancery on October 30, 2009 (the "Verified Complaint"). The Verified Complaint is comprised of Three Counts. Count I is an action to foreclose a Mortgage dated November 20, 2000 and recorded with the Cook County Recorder of Deeds on December 4, 2000 as Document Number 00949260 against the real property commonly known as the 201-211 West Roosevelt Road, Maywood, IL 60153, which is more fully described in Exhibit A hereto (the "Property"). Counts II and III are actions for Breach of Guaranty against Illinois Petroleum Company, Inc. and John Terzakis.

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2. All of the Defendants in this cause (collectively, the “Defendants”) have been duly and properly brought before this Court, either through service of Summons and Complaint or Publication in the Law Bulletin, all in the manner provided by law, or have executed the Stipulation for Consent Foreclosure, and this Court now has personal jurisdiction over all the parties to this cause and the subject matter hereof.

3. Harris Bank Hinsdale, N.A., not individually, but as Trustee under Trustee No. L 3150 dated April 14, 1993 (“Trustee”) was served with the Verified Complaint on November 5, 2009. Trustee’s appearance and answer to the Verified Complaint were due to be filed thirty days after service of process, on or before December 7, 2009. To date, Trustee has neither appeared nor filed an answer.

4. Roosevelt Second Corp. was served with Summons and the Verified Complaint on November 9, 2009. Roosevelt Second Corp.’s appearance and answer to the Verified Complaint were due to be filed thirty days after service of process, on or before December 9, 2009. To date, Roosevelt Second Corp. has neither appeared nor filed a verified answer.

5. Illinois Petroleum Company, Inc. was served with Summons and the Verified Complaint on November 9, 2009. Illinois Petroleum Company, Inc.’s appearance and answer to the Verified Complaint were due to be filed thirty days after service of process, on or before December 9, 2009. To date, Illinois Petroleum Company, Inc. has neither appeared nor filed a verified answer.

6. John Terzakis was served with Summons and Complaint on December 22, 2009. John Terzakis’ appearance and answer to the Verified Complaint were due to be filed thirty days after service of process, on or before January 21, 2010. To date, John Terzakis has neither appeared nor filed a verified answer.

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7. The affidavit required to make Unknown Owners and Nonrecord Claimants parties to this action was duly filed and Unknown Owners and Nonrecord Claimants were subsequently served by publication in the Chicago Daily Law Bulletin during the weeks of June 4, 11, 18, 2010.

8. In accordance with the Affidavit of Publication, Unknown Owners and Nonrecord Claimants were to have filed their appearances and answers to the Verified Complaint on or before July 7, 2010. To date, no appearance or verified answer has been filed by any Unknown Owners or Nonrecord Claimants.

9. Parkway Bank, Trustee, Illinois Petroleum Company, Inc. and John Terzkais have executed a Stipulation agreeing to the entry by this Court of this Judgment of Foreclosure by Consent, pursuant to Section 15-1402 of the Illinois Mortgage Foreclosure Law, 735 ILCS 5/15-1402, satisfying the indebtedness evidenced by the relevant promissory note dated November 20, 2000 in the original principal amount of \$1,762,500.00, which was renewed on June 1, 2005 in the principal amount of \$468,932.16, which is secured by the Mortgage and Assignment of Rents and Guaranties at issue in Count I of Parkway Bank's Verified Complaint, such documents being attached to the Verified Complaint, by vesting absolute title to the Property in Parkway Bank, free and clear of all rights, title, interests, claims or liens, if any, of Trustee, Illinois Petroleum Company, Inc. and John Terzkais or any other person or entity who is or may be liable for the indebtedness evidenced by the Note, or obligations secured by the Mortgage.

10. In accordance with 735 ILCS 5/15-1402(c), Parkway Bank waives any right to a personal judgment for deficiency against defendants, or any other person or entity who is or may be liable for the indebtedness evidenced by the Note and/or Commercial Guaranties, or obligations secured by the Mortgages.

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11. The Mortgage appears on file in the office of the Recorder of Deeds, Cook County, Illinois as Document Number 00949260. The Property is legally described in Exhibit A attached hereto and hereby incorporated by reference.

12. The rights, title, interests, claims or liens, if any, in the Property of Trustee, Roosevelt Second Corp., Illinois Petroleum Company, Inc., John Terzkais and Unknown Owners and Nonrecord Claimants are inferior to the lien of Parkway Bank's Mortgages and are terminated by this Judgment.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED and judgment is hereby entered as follows:

(a) Absolute title to the Property as defined above and which is legally described in Exhibit A attached hereto is hereby vested in ~~Parkway Bank and Trust Company~~ free and clear of all rights, title, interests, claims or liens, if any, of Trustee, Roosevelt Second Corp., Illinois Petroleum Company, Inc., John Terzkais and Unknown Owners and Nonrecord Claimants; BBAUD!
1X, LLC

(b) The indebtedness evidenced by the Note and secured by the Mortgage is deemed satisfied;

(c) Parkway Bank and Trust Company is barred from obtaining a deficiency judgment Trustee, Roosevelt Second Corp., Illinois Petroleum Company, Inc., John Terzkais or any person or entity who is or may be liable for the indebtedness evidenced by the Notes or other obligations secured by the Mortgages;

(d) All rights of reinstatement and redemption are barred;

(e) Trustee, Roosevelt Second Corp., Illinois Petroleum Company, Inc., John Terzkais waive all rights to modify, vacate, set aside or appeal this Judgment; and

(f) Trustee's, Roosevelt Second Corp.'s, Illinois Petroleum Company, Inc.'s, John

*Parkway Bank and Trust
Company's Designee,
PB AND JIX, LLC,*

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Terzkais', Unknown Owners' and Nonrecord Claimants' rights, title, interests, claims or liens, if any, in the Property, are inferior to the lien of Parkway Bank and Trust Company's Mortgages and are terminated by this Judgment of Foreclosure by Consent.

ASSOC. JUDGE DARRYL A. SINKO

FEB 24 2011

Dated: _____

CIRCUIT COURT 1823
Judge

Prepared by:
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EXHIBIT A

Legal Description:

SUB-LOTS 11 TO 15, INCLUSIVE, IN STANNARD'S SUBDIVISION OF LOTS 5 AND 6 IN BLOCK 15 AND LOTS 5 AND 6 IN BLOCK 16 IN STANNARD'S SECOND ADDITION TO MAYWOOD, BEING A SUBDIVISION OF THE SOUTH $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Real Property Address:

201-211 West Roosevelt Road, Maywood, IL 60153

PIN No.:

15-14-330-019-0000

15-14-330-020-0000