

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

AMERICAN COMMUNITY)
BANK & TRUST,)

Plaintiff,)

vs.)

HELMUT DEMKE, MARIE DEMKE,)
MICHAEL WALKER, UNKNOWN OWNERS,)
UNKNOWN TENANTS and NON-RECORD)
CLAIMANTS,)

Defendants.)

No. 11 CH 19433



Doc#: 1201029043 Fee: \$46.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 01/10/2012 12:05 PM Pg: 1 of 6

13 Fee: \$4
RHSP Fee:
of Deeds
5 PM Pg: 1

CONSENT JUDGMENT OF FORECLOSURE

THIS CAUSE having been duly heard by this Court upon the record herein on the merits of the Complaint to Foreclosure filed by the Plaintiff and on Plaintiff's Motion for Entry of Consent Foreclosure Judgment (hereinafter referred to as "Judgment"), and Defendants, HELMUT DEMKE and MARIE DEMKE consenting, the Court FINDS:

1. **JURISDICTION:** The Court has jurisdiction over the parties hereto and the subject matter hereof.

2. **ALLEGATIONS PROVEN:** All the material allegations of the Complaint filed pursuant to 735 ILCS 5/15-1504 and 5/15-1402 (a) (2), those allegations being both required and those deemed alleged by virtue of subsection (c), are true and proven, that by entry of this Consent Judgment of Foreclosure, the Mortgage and Note and Assignment of Rents which is the subject matter of these proceedings is extinguished and merged into Judgment and default no longer exists, but has been replaced by Judgment, and that by virtue of the Mortgage and the evidence of indebtedness secured thereby alleged in the Complaint, there is due to the Plaintiff, and it has a valid subsisting lien on the property described hereafter for the following amounts:

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Unpaid principal	\$67,808.50
Accrued Interest through 10/21/11 (per diem at \$57.32)	\$3,035.82
Late Charges	\$3,457.73
Filing of Complaint	\$337.00
Service of Summons	\$154.00
Publication Fees	\$553.00
Recording Fees	\$48.00
Minutes of foreclosure search	\$351.00
Attorneys' Fees	\$1,640.00
TOTAL:	\$77,385.05

All the foregoing amounts have been accounted for in the Affidavit(s) filed by Plaintiff.

3. SUBORDINATE LIENS AND INTERESTS:

There have been no verified pleadings supported by affidavit filed by any defendant herein praying to be included in this Consent Judgment of Foreclosure. An order of default or summary judgment has been entered against all parties defendant.

4. ATTORNEY FEES: By its terms said Mortgage provides that the attorneys for the Plaintiff shall be entitled to an award of reasonable attorney fees herein, and that included in the above indebtedness are attorneys' fees in the sum of \$1,640.00.

5. COURT COSTS: Under the provision of said Mortgage, the costs of foreclosure are an additional indebtedness for which the Plaintiff should be reimbursed, and that such expenses incurred to date totaling \$1,443.00 are hereby allowed to the Plaintiff.

6. ADVANCES: That advances made in order to protect the lien of the Judgment and preserve the real estate, such as, but not limited to: real estate taxes or assessments, property inspections, property maintenance and insurance premiums incurred by the plaintiff and included in this judgment shall become an additional indebtedness secured by the Judgment lien and bear interest from the date of the advance at the mortgage rate of interest pursuant to 735 ILCS 5/15-1503 and 15-1603.

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7. **PROPERTY FORECLOSED UPON:** The Mortgage and Assignments of Rents described in the Complaint and hereby foreclosed appears of record in the Office of the Recorder and/or Registrar for Cook County, Illinois, as document number 0526939099, the property herein referred to and directed to be sold is described as follows:

THE SOUTH 2/3 OF LOT 13 AND THE NORTH 2/3 OF LOT 14 IN BLOCK 23 OF WEST PULLMAN BEING A SUBDIVISION IN THE NORTHWEST 1/4 AND WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Commonly known as 12030 S. Yale Ave, Chicago, IL 60628

P.I.N.: 25-28-210-026-0000

8. **MORTGAGE and NOTE:** The Mortgage and Assignment of Rents herein referred to secures one Note in the original sum of \$67,872.00 dated September 9, 2005 which has been duly accelerated pursuant to the terms of said Note and Executed by: Mortgagor HELMUT DEMKE and MARIE DEMKE.

9. **EXHIBITS:** True and correct copies of the original mortgage; note; and assignment of rents are attached to the Complaint filed herein.

10. **REDEMPTION AND WAIVER OF DEFICIENCY:** The owner(s) of the equity of redemption are the mortgagors, property owners and any other party defendant named in the Complaint with the statutory right of redemption, and any party dismissed by order of court.

- a. The Court has obtained jurisdiction over the owners of the right of redemption as set forth in the Certificate of Service filed in this cause.
- b. That the mortgagor(s) have waived any and all rights to redeem the mortgaged premises whether by statute or in equity pursuant to 735 ILCS 5/15-1601 (c).
- c. That in consideration of entry of this Judgment by Consent the plaintiff

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hereby waives any and all rights to a personal judgment for deficiency against the mortgagor(s), and against all other persons liable for the indebtedness or other obligations secured by the mortgage described herein. Any and all obligations under the following MORTGAGE, NOTE and ASSIGNMENT OF RENTS are therefore released and extinguished by the plaintiff:

MORTGAGE AND ASSIGNMENT OF RENTS recorded as document 0526939099 and marked Exhibit A to Plaintiff's Complaint to Foreclose Mortgage herein;

PROMISSORY NOTE dated July 1, 2010 and marked Exhibit B to Plaintiff's Complaint to Foreclose Mortgage herein;

This is pursuant to 735 ILCS 5/15-1402(c).

- d. That no party has filed an objection to entry of this Judgment by Consent, nor paid the amount required to redeem in accordance with 735 ILCS 5/15-1603.

IT IS HEREBY ORDERED AND ADJUDGED THAT:

1. **JUDGMENT:** A Consent Judgment of Foreclosure be entered pursuant to 735 ILCS 5/15-1506 and 735 ILCS 5/15-1402.
2. **VESTING TITLE:** Title to the real estate described herein is hereby vested absolutely in the Plaintiff AMERICAN COMMUNITY BANK & TRUST and title shall be free and clear of all claims, liens and interest of the mortgagor including all rights of reinstatement and redemption, and of all rights of all other persons made parties to the foreclosure whose interests are subordinate to that of the Plaintiff and all nonrecord claimants given notice in accordance with paragraph (2) of subsection (c) of Section 15-1502.
3. **TERMINATION OF SUBORDINATE INTERESTS:** The Court gained jurisdiction

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over all parties to the foreclosure as required by law; and no other objections to this consent judgment having been filed of record, then the defendants and all persons claiming by, through and under them, or any of them since the commencement of this suit are forever barred, and foreclosed of any right, title, interest, claim, lien or right to redeem in and to the mortgaged real estate.

- a. This Judgment and all orders entered pursuant to said judgment are valid as stated above. The inadvertent failure to name a subordinate record claimant will not invalidate this judgment. Plaintiff may take title and file a subsequent action to determine the redemptive rights of such party. Should such a claimant not exercise its redemptive rights within the stated time, they shall be forever barred and foreclosed of any right, title, interest, claim, lien of right to redeem or otherwise enforce its claim against the subject property.

4. TERMINATION OF MORTGAGOR'S OBLIGATIONS: In accordance with stipulations and agreement between the Plaintiff and certain Defendants set forth in Exhibit A to Plaintiff's Motion for Entry of Consent Foreclosure Judgment, any and all debt, guaranty or other obligations which may pertain against said certain Defendants under the terms and conditions of each instrument described in paragraph 10(d) above are hereby extinguished and hereafter unenforceable.

5. POSSESSION: The plaintiff or his or her legal representative or assigns be let into immediate possession of said premises, and that any of the parties to this cause who shall be in possession of said premises or any portion thereof, or any person who may have come into such possession under them or any of them since the commencement of this suit, shall upon the production of this Consent Judgment of Foreclosure and Sale surrender possession of said premises to said grantee or grantees, his or her representatives or assigns and without further order of court the Sheriff of Cook County is directed to evict and disposes HELMUT DEMKE, MARIE

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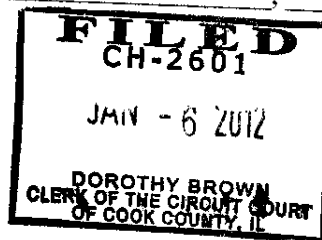
DEMKE, and MICHAEL WALKER from the premises commonly known as 12030 S. Yale Ave, Chicago, IL 60628.

6. **JURISDICTION:** The Court retains jurisdiction over the parties and subject matter of this cause for the purpose of enforcing this Judgment or vacating said Judgment.

7. **APPEALABILITY:** This is a final and appealable order and there is no just cause for delaying the enforcement of this judgment or appeal therefrom.

Dated: _____

Entered: _____



Judge
No.

Judge's

BEAULIEU LAW OFFICES, P.C. #41273
5339 W. Belmont Avenue
Chicago, Illinois 60641
(773) 545-9339

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