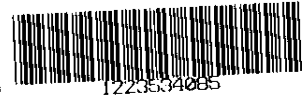


# UNOFFICIAL COPY



IN THE CIRCUIT COURT OF THE COOK JUDICIAL  
COOK COUNTY, ILLINOIS

Doc#: 1223534085 Fee: \$42.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 08/22/2012 02:59 PM Pg: 1 of 3

MORTON COMMUNITY BANK, )  
)  
Plaintiff, )  
)  
vs. )  
)  
)  
JAMES EQUITIES LAND FUND I, LLC, )  
JOHN R. BURNS, DAVID C. KLUEVER, )  
MAXFAR, LLC, AMERICAN THIESSEN )  
LLC, ASTRO BOOK COMPANY, )  
PRECISION DIE CUTTING AND )  
FINISHING COMPANY, INC., CITY )  
OF CHICAGO DEPARTMENT OF WATER )  
MANAGEMENT, UNKNOWN OWNERS )  
and NON-RECORD CLAIMANTS )  
)  
Defendants. )

CASE NO. 10-CH-23034

MORTGAGE FORECLOSURE

## AGREED CONSENT JUDGMENT OF FORECLOSURE

(Commercial Property – 2357-2373 N. Milwaukee Avenue, Chicago, Illinois)

Plaintiff, MORTON COMMUNITY BANK, by its attorneys, Husch Blackwell LLP and in support of the entry of a Consent Judgment of Foreclosure states as follows:

Plaintiff commenced this action by filing its Complaint to Foreclose Mortgage against Defendants JAMES EQUITIES LAND FUND I, LLC, JOHN R. BURNS, DAVID C. KLUEVER, MAXFAR, LLC, AMERICAN THIESSEN LLC, ASTRO BOOK COMPANY, PRECISION DIE CUTTING AND FINISHING COMPANY, INC., CITY OF CHICAGO DEPARTMENT OF WATER MANAGEMENT, UNKNOWN OWNERS and NON-RECORD CLAIMANTS. The affidavits required to make such unknown parties defendants to this action were duly filed and UNKNOWN OWNERS and NON RECORD CLAIMANTS have been duly and regularly made parties defendant to this action in the manner provided by law.

This cause now coming to be heard upon agreement of the parties for entry of a Consent Judgment of Foreclosure, and the Court being fully advised in the premises, finds as follows:

1. That all the material allegations of the Complaint are true and proven.
2. The present total amount due and owing Plaintiff herein exceeds \$3,893,873.86 with interest accruing at the rate of \$1,031.77 per day.
3. Pursuant to the subject Mortgage, Plaintiff has a valid and subsisting first lien on the subject property in the amount stated above.

NCS - 522354  
1 of 1

# UNOFFICIAL COPY

4. That the Mortgage described in the Complaint and hereby foreclosed appears of record in the Office of the Recorder of Deeds of Cook County, Illinois as document number 0722731080, and the property herein referred to is described as follows (the "Property"):

**LOTS 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25 IN SNOWHOOKS SUBDIVISION, BEING A SUBDIVISION IN THE EAST ½ OF THE NORTHWEST ¼ AND THE WEST 7.44 CHAINS OF THE NORTHEAST ¼ OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS RECORDED AUGUST 22, 1884 AS DOCUMENT NUMBER 569254 IN BOOK 19, PAGE 42, IN COOK COUNTY, ILLINOIS.**

**Permanent Parcel No. 13-36-103-002-0000, 13-36-103-003-0000, 13-36-103-004-0000, 13-36-103-005-0000, 13-36-103-006-0000, 13-36-103-007-0000, 13-36-103-021-0000.**

**Common address: 2357-2373 N. Milwaukee Avenue, Chicago, Illinois**

5. That the rights and interest of all the other parties to this cause in and to the property hereinbefore described are inferior to the lien of the Plaintiff heretofore mentioned.
6. That the rights and interests of Defendant AMERICAN THIESSEN LLC (which was served with Plaintiff's Complaint and failed to enter an appearance or answer) are hereby extinguished in all respects.
7. That the rights and interests of Defendant ASTRO BOOK COMPANY (which was served with Plaintiff's Complaint and failed to enter an appearance or answer) are hereby extinguished in all respects.
8. That the rights and interests of Defendant PRECISION DIE CUTTING AND FINISHING COMPANY, INC. (which was served with Plaintiff's Complaint and failed to enter an appearance or answer) are hereby extinguished in all respects.
9. That the rights and interests of Defendant CITY OF CHICAGO DEPARTMENT OF WATER MANAGEMENT (which was served with Plaintiff's Complaint and failed to enter an appearance or answer) are hereby extinguished in all respects.
10. That the rights and interests of all UNKNOWN OWNERS and NON-RECORD CLAIMANTS are hereby extinguished in all respects.
11. That this judgment shall vest absolute title to the Property in Morton Community Bank free and clear of all claims, liens (except liens of the United States, which cannot be foreclosed without judicial sale), and interests of the Defendants, including but not limited to the specific liens and interests listed below:

# UNOFFICIAL COPY

- a. Mortgage dated March 1, 2009 and recorded April 2, 2009 as document 0909245115 made by Mortgagor to MAXFAR, LLC, to secure an indebtedness in the amount of \$725,000.00.
12. That all liens or other interests expressed after Plaintiff recorded its Notice of Foreclosure (*Lis Pendens*) with regard to the Property on August 23, 2010, as Document Number 1023504039 are hereby extinguished and cleared from affecting title to the Property.
13. That the mortgage sought to be foreclosed was executed after 2006.
14. That Plaintiff specifically waives its right to seek any personal deficiency against Defendants in this cause.
15. That Plaintiff, by taking title to the subject property shall have received full value to be credited against the loan indebtedness secured by the subject mortgage.
16. That, Defendants herein, have filed with the Court their stipulation for the entry of a Consent Judgment of Foreclosure without right of redemption and vesting absolute title in the Plaintiff, as of this date, pursuant to 735 ILCS 5/15-1402.

NOW THEREFORE IT IS HEREBY ORDERED that absolute title to the real estate is vested in Plaintiff, free and clear of all claims, liens and interests of the mortgagors and of all persons claiming by, through or under the mortgagor and of all the Defendants in this cause, and other claims, liens, and interests as stated in this Judgment.

IT IS FURTHER ORDERED AND ADJUDGED that any in personam deficiency against mortgagors, JAMES EQUITIES LAND FUND I, LLC, JOHN R BURNS, and DAVID C KLUEVER, and any other person liable for the indebtedness or other obligations secured by the mortgage, if any, be and is hereby waived and released by Plaintiff. The conveyance made by this order is made in full satisfaction of all indebtedness evidenced by the note and secured by the subject mortgage and any and all related loan documents including, without limitation, the personal guarantees of John R. Burns and David C. Kluever.

The Court hereby retains jurisdiction of the subject matter of this cause and of all the parties hereto, for the purpose of enforcing this Judgment and expressly finds that there is no reason for delaying the enforcement of this Judgment or an appeal therefrom.

DATE: \_\_\_\_\_

ENTERED: \_\_\_\_\_

JUDGE: \_\_\_\_\_

<b>ENTERED</b> JUDGE JESSE REYES - 1753
JUN 25 2012
DOROTHY BROWN CLERK OF THE CIRCUIT COURT OF COOK COUNTY, IL DEPUTY CLERK