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3315 (Rev. 6/11/02) CCG 0015

Memorandum of Judgment

IN THE CIRCUIT COURT OF
COOK COUNTY, ILLINOIS

RPK Capital XVII, LLC

v.

ICE Development, LLC, et al.



Doc#: 1535116025 Fee: \$52.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 12/17/2015 11:55 AM Pg: 1 of 8

Recorder's Stamp

No. 13 CH 13934

MEMORANDUM OF JUDGMENT

On December 3, 2015, judgment was entered in this court
in favor of the plaintiff RPK Capital XVII, LLC
and against defendant Donzell Starks
whose address is 6826 S. Euclid Ave., Chicago, Illinois 60649
in the amount of \$ 2,128,570.66.

Judge Farrela McLean Meyerson

DEC 18 2015

Circuit Court - 2097

Judge

Judge's No.

Atty. No.: 38413

Name: M. Reas Bowman

Atty. for: RPK Capital XVII, LLC

Address: 65 E. Wacker Pl., Ste 2300

City/State/Zip: Chicago/Illinois/60601

Telephone: 312-236-0077

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

CCRD REVIEWER

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

RPK CAPITAL XVII, LLC,

Plaintiff,

v.

ICE DEVELOPMENT, LLC, an Illinois limited liability
company, DONZELL STARKS, ALISA STARKS,
UNKNOWN OWNERS, GENERALLY, AND NON-
RECORD CLAIMANTS,

Defendants.

) Calendar 56
)
)

) No: 13 CH 13934
)

) Property Address:
) 2300 W. 62nd Street
) Chicago, IL 60629
)
)
)

ORDER ON PERSONAL DEFICIENCY JUDGMENT AGAINST DEFENDANTS AND APPROVAL OF UPDATED FIFTH MORTGAGEE REPORT

This matter coming on the amount of the joint and several personal deficiency judgment to be entered in favor of plaintiff RPK Capital XVII, LLC ("RPK") against defendants ICE Development, LLC, Donzell Starks, and Alisa Starks (sometimes referred collectively herein as the "Defendants"), and for approval of RPK's updated fifth mortgagee report; this Court having entered, on November 2, 2015, an order approving the December 15, 2014 foreclosure sale; RPK having submitted its final judgment calculation, updated fifth mortgagee report, and affidavits of its counsels in support of RPK's reasonable attorneys' fees and costs since the Court's entry of judgment on November 3, 2014, and Defendants having objected to the updated fifth mortgagee report and RPK's attorneys' fee affidavits; due notice being given and argument being heard on the premises; it is hereby ordered:

1) RPK's reasonable attorneys' fees and costs of \$ 158,601.01
(~~\$80,000~~ for K+L Gates and ~~\$78,601.01~~ For Kleuver & Platt)
are hereby granted;

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2) Approval of the updated fifth mortgagee report of RPK is granted, and RPK's *management* fees of \$ 1,812.50 and costs of \$ 193,009.72 are hereby approved;

3) RPK is hereby discharged from the obligations of the mortgagee in possession order due to the Court having entered this final order in this matter;

4) A personal deficiency judgment is hereby entered jointly and severally against defendants ICE Development, LLC, Donzell Starks, and Alisa Starks in the amount of \$ 2,128,570.66, and the November 2, 2015 order approving the December 15, 2014 foreclosure sale is hereby modified accordingly.

5) *This is a final Order.*

ENTER:

Judge Pamela McLean Meyerson

DEC 03 2015

Circuit Court - 2097



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Barrett Howell
Attorney No. 6319805
Greg Sapire
Attorney No. 6319806
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Dallas, TX 75201
Counsel for RPK Capital XVII, LLC

M. Reas Bowman
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Attorney No. 38413
Local Counsel for RPK Capital XVII, LLC

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

RPK CAPITAL XVII, LLC,

Plaintiff,

v.

ICE DEVELOPMENT, LLC, an Illinois limited liability company, DONZELL STARKS, ALISA STARKS, UNKNOWN OWNERS, GENERALLY, AND NON-RECORD CLAIMANTS,

Defendants

Case: 13 CH 13934

Cal.# 56

Property: 2300 W. 62nd Street
Chicago, IL 60629

**ORDER APPROVING REPORT OF SALE AND DISTRIBUTION;
CONFIRMING JUDICIAL SALE; FOR POSSESSION;
AND FOR PERSONAL DEFICIENCY JUDGMENT AGAINST DEFENDANTS**

This cause comes to be heard on plaintiff RPK Capital XVII, LLC's (sometimes referred herein as "Plaintiff") motion for order approving report of sale and distribution; for confirmation of the judicial sale; for possession of the mortgaged real estate that is the subject of the above-captioned matter and described below; and for a personal deficiency judgment against defendants ICE Development, LLC, Donzell Starks, and Alisa Starks (sometimes referred collectively herein as "Defendants"), jointly and severally:

LEGAL DESCRIPTION

PARCEL 1:

LOT 3 IN TONY, MIKE, CRISTINA AND JIM'S RESUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, PER PLAT THEREOF RECORDED FEBRUARY 19, 1997 AS DOCUMENT 97113722 AND CORRECTED BY CERTIFICATE OF CORRECTION RECORDED FEBRUARY 21, 1997, AS DOCUMENT NUMBER 97121930, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

PARCEL 2A: ROADWAY EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS SET FORTH AND DEFINED IN DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS MADE BY AMERICAN NATIONAL CAN COMPANY AND MARQUETTE NATIONAL BANK AS TRUSTEE UNDER TRUST NO. 13045 AND SOUTHWEST DEVELOPMENT L.L.C. DATED SEPTEMBER 20, 1996 RECORDED SEPTEMBER 24, 1996 AS DOCUMENT NUMBER 96729764, AS AMENDED BY FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTION AND EASEMENTS DATED JANUARY 30, 1997, RECORDED FEBRUARY 20, 1997 AS DOCUMENT 97116437, DESCRIBED AS FOLLOWS:
(NORTH PORTION) THE EAST 280.00 FEET OF THE WEST 330.00 FEET OF THE SOUTH 24.00 FEET OF THE NORTH 769.91 FEET OF THE SOUTHWEST 1/4 OF SECTION 18,

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TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

AND:

(SOUTH PORTION) THE EAST 290.00 FEET OF THE WEST 340.00 FEET OF THE SOUTH 14.00 FEET OF THE NORTH 783.91 FEET OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2B: ACCESS TO ROADWAY EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS SET FORTH AND DEFINED IN DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS MADE BY AMERICAN NATIONAL CAN COMPANY AND MARQUETTE NATIONAL BANK AS TRUSTEE UNDER TRUST NO. 13045 AND SOUTHWEST DEVELOPMENT L.L.C. DATED SEPTEMBER 20, 1996 RECORDED SEPTEMBER 24, 1996 AS DOCUMENT NUMBER 96729764, AS AMENDED BY FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTION AND EASEMENTS DATED JANUARY 30, 1997, RECORDED FEBRUARY 20, 1997 AS DOCUMENT 97116437.

PARCEL 3: A PERPETUAL NON-EXCLUSIVE PARKING EASEMENT FOR THE BENEFIT OF PARCEL 1 AS SET FORTH AND DEFINED ON EXHIBIT "E" TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS MADE BY AMERICAN NATIONAL CAN COMPANY AND MARQUETTE NATIONAL BANK AS TRUSTEE UNDER TRUST NO. 13045 AND SOUTHWEST DEVELOPMENT L.L.C. DATED SEPTEMBER 20, 1996 RECORDED SEPTEMBER 24, 1996 AS DOCUMENT NUMBER 96729764, AS AMENDED BY FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTION AND EASEMENTS DATED JANUARY 30, 1997, RECORDED FEBRUARY 20, 1997 AS DOCUMENT 97116437.

PARCEL 4: A PERPETUAL NON-EXCLUSIVE PYLON SIGN EASEMENT FOR THE BENEFIT OF PARCEL 1 AS SET FORTH AND DEFINED ON EXHIBIT "G" TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS MADE BY AMERICAN NATIONAL CAN COMPANY AND MARQUETTE NATIONAL BANK AS TRUSTEE UNDER TRUST NO. 13045 AND SOUTHWEST DEVELOPMENT L.L.C. DATED SEPTEMBER 20, 1996 RECORDED SEPTEMBER 24, 1996 AS DOCUMENT NUMBER 96729764, AS AMENDED BY FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTION AND EASEMENTS DATED JANUARY 30, 1997, RECORDED FEBRUARY 20, 1997 AS DOCUMENT 97116437.

PARCEL 5: A PERPETUAL NON-EXCLUSIVE UNDERGROUND UTILITY AND CONSTRUCTION EASEMENT FOR THE BENEFIT OF PARCEL 1 AS SET FORTH AND DEFINED ON EXHIBIT "H" TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS MADE BY AMERICAN NATIONAL CAN COMPANY AND MARQUETTE NATIONAL BANK AS TRUSTEE UNDER TRUST NO. 13045 AND SOUTHWEST DEVELOPMENT L.L.C. DATED SEPTEMBER 20, 1996 RECORDED SEPTEMBER 24, 1996 AS DOCUMENT NUMBER 96729764, AS AMENDED BY FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTION AND EASEMENTS DATED JANUARY 30, 1997, RECORDED FEBRUARY 20, 1997 AS DOCUMENT 97116437.

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P.I.N. 20-18-300-032-0000, 20-18-300-034-0000

COMMON ADDRESS: 2300 W. 62nd Street, Chicago, IL 60629

The real property, more fully described above, that is the subject matter of this proceeding is a commercial property.

That movant or movant's agent last inspected the real property: September 24, 2015.

Due notice of the motion having been given, the Court having examined the report and being fully advised in the premises, FINDS:

That the periods of redemption and reinstatement were waived for this commercial property under the subject mortgages;

That the amount of deficiency due and owing to Plaintiff will be determined by separate order;

That this Court obtained personal jurisdiction over ICE Development, LLC, Donzell Starks, and Alisa Starks;

The commercial property is not subject to a special right of redemption pursuant to 735 ILCS 5/15-1604, because it is not residential real estate;

That all notices required by 735 ILCS 5/15-1507(c) were given, as detailed in the Court's Order entered on October 30, 2015;

That the sale was fairly and properly conducted;

That Intercounty Judicial Sales Corporation, hereinafter "Sale Officer," proceeded in accordance with the terms of this Court's Judgment of Foreclosure, dated November 2, 2015;

That the holder of the certificate of sale is entitled to a deed of conveyance and possession of the mortgaged real estate and that justice was done;

IT IS THEREFORE ORDERED:

That the sale of the mortgaged real estate and the Report of Sale and Distribution filed by the Selling Officer are confirmed;

That the amount of Plaintiff's advances, fees and costs arising between the entry of the Judgment of Foreclosure and Sale will be ruled upon by separate order of this Court; and

That Plaintiff's entitlement to a personal deficiency judgment against Ice Development, LLC, Donzell Starks, and Alisa Starks, jointly and severally, was granted by separate order, dated October 30, 2015, but the amount of the personal deficiencies against the Defendants will be ruled on in a separate order;

That upon confirmation and subsequent request by the holder of the certificate of sale, and having found that all required payments have been made pursuant to 735 ILCS 15-1509(a), the Selling Officer

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shall execute and deliver a deed sufficient to convey title to RPK Capital VII, LLC, as the successful bidder, its successors or assigns, or the Certificate Holder.

IT IS FURTHER ORDERED:

That the holder of the certificate of sale, RPK Capital XVII, LLC, and its successors and assigns, shall be the owner and remain in possession of the then-mortgaged real estate, due to mortgagee being placed in possession of the subject property on August 8, 2014;

That in the event possession is withheld, the Sheriff of Cook County is directed to evict and dispossess, no sooner than 30 days from the entry of this Order, ICE Development, LLC, Donzell Starks, and Alisa Starks from the foreclosed upon real estate commonly known as 2300 W. 62nd Street, Chicago, IL 60629 without further Order of Court;

That the Municipality or County may contact the below with concerns about the real property:

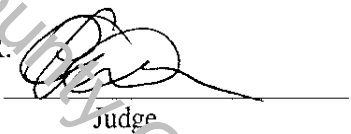
Grantee Name/ Mail Tax bills to:

RPK Capital XVII, LLC
200 N. LaSalle Street, Suite 2350
Chicago, Illinois 60601

This Order will become final and appealable upon entry of the order setting the amount of the personal deficiency.
Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order.

A copy of this order shall be mailed to the borrower(s) at his/her last known address within seven (7) days.

Judge Pamela McLean Meyerson ENTER.



Judge

NOV 02 2015

Dated: _____ Circuit Court -- 2097

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