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Doc# 1824149096 Fee \$46.00

KAREN A. YARBROUGH
COOK COUNTY RECORDER OF DEEDS
DATE: 08/29/2018 11:34 AM PG: 1 OF 5

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

Board of Managers 100-04 South Austin)	
Condominium Association and 100-04)	
South Austin Condominium Association,)	No. 12 CH 41518
Plaintiffs,)	
v.)	
Joe F. McCarthy and Katie Birge,)	
Defendants)	

**ORDER
(JUDGMENT)**

PREPARED BY:
Yearwood and Associates, Ltd
636 South River Road, Suite 104
Des Plaines, IL 60016

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

**BOARD OF MANAGERS 100-04 SOUTH AUSTIN)
CONDOMINIUM ASSOCIATION and 100-04)
SOUTH AUSTIN CONDOMINIUM ASSOCIATION,)**

Plaintiffs,)

v.)

JOE F. MCCARTHY and KATIE BIRGE,)

Defendants.)

**12 CH 41518
Hon. Kathleen M. Pantle**

ORDER

On November 29, 2017, this Court granted Plaintiffs' Petition for Attorney Fees and awarded Plaintiffs the sum of \$29,500.40. The Court also directed Plaintiffs to file a petition for attorney fees incurred in connection with the Petition for Attorney Fees. Plaintiffs have done so and filed the Association's Second Petition for Fees, Costs, and Expenses. Defendants filed a Response.

Plaintiffs ask this Court to determine the damages owed by Defendants in the form of fees, costs, and expenses incurred by Plaintiffs in the post-trial litigation, *i.e.* since May 19, 2017. Plaintiffs also ask the Court to estimate fees, costs, and expenses after December 14, 2017.

The Court will not estimate fees, costs, and expenses. Such a procedure would be in derogation of well-established case law instruction fee petitioners to present a court with detailed records. *Mercado v. Calumet Federal Sav. & Loan Ass'n*, 196 Ill. App. 3d 483, 493 (1st Dist. 1990); *Kaiser v. MEPC American Properties, Inc.*, 164 Ill. App. 3d 978, 984 (1st Dist. 1987).

Defendants point out that it is not their job or the Court's job to "plow through the plaintiff's counsel's bills, attempt to find pertinent entries, calculate same, and then award plaintiff the amount thus determined." (Rcsp. pp. 2-3). The Court understands that attorney fees can be awarded in connection with the preparation of the attorney fee petition (*Rackow v. Ill. Human Rights Comm'n*, 152 Ill. App.3d 1046, 1064 (2d Dist. 1987)), but declines to do so here because Defendants are correct. Even if the Court were to "plow through" the entries in an attempt to determine the fees related to the attorney fee petition, the fact remains that it would be doing so without input from either side. This would not be fair to Defendants who would have

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no opportunity to object to the inclusion of certain fee awards. Also, Plaintiffs would not have had the opportunity to respond to any objection.

Finally, the Court needs to assess the damages amount. At closing arguments, Plaintiffs specifically prayed for the amount of \$24,000.00 and acknowledged that Defendants were entitled to a credit of \$2000.00. The basis for the \$24,000.00 is what Defendant Joe McCarthy owed in assessments throughout the years, *i.e.* \$200/month for 105 months and \$250/month for 12 months. The Court finds that these amounts were proved by Plaintiffs. Joint and several liability will be imposed on both Defendants.

Conclusion

Final Judgment against Defendants Joe McCarthy and Katie Birge is entered as follows:

- (1) \$22,000.00 in actual damages; and
- (2) \$29,300.40 as for attorney fees (in accordance with the Order of November 29, 2017).

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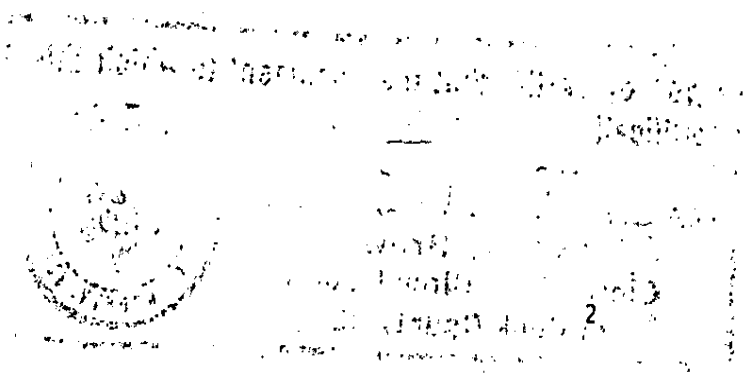
This is a final Order disposing of all matters in this litigation.

DATE: May 15, 2018

ENTERED
 JUDGE KATHLEEN M. PANTLE-1775
 MAY 15 2018
 DOROTHY BROWN
 CLERK OF THE CIRCUIT COURT
 OF COOK COUNTY, ILL.
 DEPUTY CLERK

Kathleen M. Pantle
 Kathleen M. Pantle

1775



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I hereby certify that the document to which this
certification is affixed is a true copy.
Date **DOROTHY BROWN** AUG 27 2018
Dorothy Brown
Clerk of the Circuit Court
of Cook County, IL



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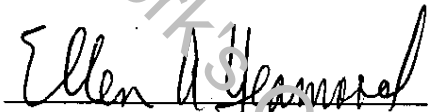
CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that she caused a copy of the foregoing "Order (Judgment)" to be served upon the below named parties by depositing the same in the U.S. mail, ~~with a return receipt requested~~, at Des Plaines, Illinois this 31st day of August, 2018:

Joe F. McCarthy
5814 W. Ohio
Chicago, IL 60644

Katie Birge
102 S. Austin, Unit 102-2
Oak Park, IL 60302

John R. O'Brien, P.C.
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