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Date: 02/04/2021 09:03 AM Pg: 1 of 3

After recording leturn to: Gus A. Paloian, Esq Seyfarth Shaw LLP 233 S. Wacker Drive, Suite 8000 Chicago, Illinois 60606

Dr. Coot Collus JMMARY JUDGEIVI...
This page is for recording purposes only. TITLE: SUMMARY JUDGEMENT ORDER

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Case 19-00066 Doc 214 Filed 06/30/20 Entered 06/30/20 15:23:18 Desc Main Document Page 1 of 2 Document Page 1 of 2 Document NORTHERN DISTRICT OF ILLINOIS

Eastern Division

In Re: ROBERT M. KOWALSKI) BK No.: 18-09130
		Chapter: 7
) Honorable Jacqueline P Cox
Debtor(s) GUS A. PALOIAN, not individually, but solely as the))) Adv. No.: 19-00066
Chapter 7 Trustee of the Estate of Robert M. Kowalski)
	Plaintiff(s))
JAN KOWALSKI	,,)
0/%	Defendant(s))

SUMMARY JUDGMENT ORDER

This matter coming to the Court on Plaintiff's Motion for Partial Summary Judgment on Counts I-IV of the Complaint, due and proper novel being provided and the Court being advised in the premises, the Plaintiff's Motion for Partial Summary Judgment is GRANTED as provided herein: The Court hereby find as follows:

- (1) With respect to Counts I and III of the Complaint, the Court finds that there is no genuine issue of material fact that the thirty-six (36) cashier's checks identified in the Complaint in the total amount of \$352,166.35 ("Cashier's Checks"), were property of the Estate and Defendant had custody, control and possession of the Cashier's Checks during the bankruptcy case but despite knowledge of the bankruptcy case failed to turnover the Cashier's Checks to the Trustee.
- (2) With respect to Counts II and IV of the Complaint, the Court finds that there is no genuine issue of material fact that real property commonly known as Unit 1, 1918 W. Cerrank Ave., Chicago, IL ("Cermak Property") is property of the Estate and the Defendant has no legal or equitable interest in the Cermak Property or in the proceeds of its sale. Further, the Commercial Lease incutified in the Complaint ("Lease") fails to provide the Defendant with any legal or equitable interest and the Lease is a fabricated document.

Accordingly, the Court hereby ORDERS:

- 1) Declaratory Judgment is entered in favor of the Trustee and against the Defendant on Count I of the Complaint that the Cashier's Checks are property of the estate under Section 541 of the Bankruptcy Code.
- 2) Judgment is entered in favor of the Trustee and against the Defendant on Count II of the Complaint in the amount of \$352,166.35, representing the value of the Cashier's Checks that Defendant has failed to turnover.
- 3) Declaratory Judgment is entered in favor of the Trustee and against the Defendant on Count III of the Complaint that the Defendant does not have any legal or equitable interest in the Cermak Office and that the Lease offered by the Defendant is a fabricated document.
- 4) Judgment is entered in favor of the Trustee and against the Defendant on Count IV of the Complaint that the Defendant shall immediately turn over possession of the Cermak Office to the Trustee.

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Enter:

Jagualine P. Cox

Honorable Jacqueline P. Cox

Dated: June 30, 2020 United States Bankruptcy Judge

Prepared by:

Devvrat Sinha (6314007) SEYFARTH SHAW LLP 233 S. Wacker Drive, Suite 8000 Chicago, Illinois 60606 2) 46. Phycom

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