

# UNOFFICIAL COPY

Minute Order Form  
(rev. 2/85e)

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UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Name of Assigned Judge	JUDGE MORAN	Sitting Judge if Other Than Assigned Judge	
Case Number	86 C 2707	Date	September 25, 1986
Case Title	Home Savings of America, F. A. J. Archie Hargraves, et al.		

**MOTION:** (In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3d-party plaintiff, and (b) state briefly the nature of the motion being presented.)

FISHER AND FISHER, ATTORNEYS AT LAW, P.C.

Consent to Decree  
Consent Judgment of Foreclosure  
Sent Notice to: All Defendants

**DOCKET ENTRY:** (The balance of this form is reserved for notations by court staff.)

(1)  Judgment is entered as follows: (2)  (Other docket entry:)

IT IS HEREBY ORDERED that the judgment of this Court entered August 7, 1986 is hereby vacated. Enter Consent Judgment of Foreclosure and Sale pursuant to 110 IRS 12-127.

(3)  Filed motion of (use listing in "MOTION" box above)

(4)  Brief in support of motion due \_\_\_\_\_

(5)  Answer brief to motion due \_\_\_\_\_ Reply to answer brief due \_\_\_\_\_

(6)  Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_

(7)  Ruling \_\_\_\_\_

(8) Status hearing  held  continued to  set for  re-set for \_\_\_\_\_ at \_\_\_\_\_

(9) Pretrial conference  held  continued to  set for  re-set for \_\_\_\_\_ at \_\_\_\_\_

(10) Trial  set for  re-set for \_\_\_\_\_ at \_\_\_\_\_

(11)  Bench trial  Jury trial  Hearing held and continued to \_\_\_\_\_ at \_\_\_\_\_

(12) This case is dismissed  without  with prejudice and without costs  by agreement  pursuant to  FRCP 4(j) (failure to serve)  General Rule 21 (want of prosecution)  FRCP 41(a)(1)  FRCP 41(b)(2)

(12)  (For further detail see  order on the reverse of  order attached to the original minute order form.)

BOX 50

86-557783

<input checked="" type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail CIV-31 form.	COURT 90-11 A 92 33 986 FILED - EDS	number of notices date typed envelopes date docketed date mid. notices mailing dpty. initials	Document #
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<input type="checkbox"/> courtroom deputy's initials <i>[Signature]</i>	Date/time received in central Clerk's Office	<i>[Signature]</i> SEP 26 1986 <i>[Signature]</i>	

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Home Savings of America, F.A. )  
as successor in interest to )  
Hyde Park Federal Savings & Loan )  
Assn. of Chicago )  
Plaintiff, )

vs. )

J. Archie Hargraves, Inez B. )  
Hargraves, The Narragansett Condo )  
Assn. & United States of America )  
Defendants. )

Case No. 86 C

2707  
**DOCKETED**  
SEP 26 1986

### ORDER

This matter coming on to be heard on Plaintiff's motion and for its motion to enter an order vacating the Judgment entered on August 7, 1986. The Court being fully advised that the Plaintiff has received from the Defendant a consent to Judgment.

IT IS HEREBY ORDERED that the Judgment of this Court entered August 7, 1986 is hereby vacated.

ENTER:

*Jane B. [Signature]*

DATE: 9/25/86

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*[Handwritten mark]*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Home Savings of America, F.A. )  
as successor in interest to Hyde )  
Park Federal Savings & Loan )  
Assn. of Chicago Plaintiff, )

Case No.

2707  
86 C 288  
Judge Moran

v. )  
J. Archie Hargraves, Inez B. Hargraves )  
The Narragansett Condo. Assn. & United )  
States of America )  
Defendants. )

DOCKETED  
SEP 28 1986

CONSENT JUDGMENT OF FORECLOSURE AND SALE  
PURSUANT TO 110 IRS 12-127

This cause having been duly heard by this Court upon the record herein, the Court FINDS:

1. That it has jurisdiction of the parties hereto and the subject matter hereof.
2. That all the material allegations contained in said Complaints are true and proven.
3. The date when the last of the owners of the equity of redemption were served with summons or by publication was 4/23/86.
4. That by virtue of the mortgage and the evidence of the indebtedness secured thereby, there is due from the mortgagors to the Plaintiff and the Plaintiff has a valid lien upon the hereinafter described property, as follows:

Unpaid principal	\$50,715.01
Accrued interest on unpaid principal	5,252.64
Advances by Plaintiff	411.18
Costs of Suit	663.00
Plaintiff's Attorney's Fees	550.00

TOTAL DECREE INDEBTEDNESS \$57,601.83

5. The rights and interest of all the other parties to his cause to the property hereinafter described, are inferior and subordinate to the lien of the Plaintiff.

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6. The mortgage described in the complaint hereby foreclosed appears of record in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. 25264700 and the subject property is legally described as follows:

SEE ATTACHED RIDER

7. That the sum of \$ 550.00 is the usual and customary fee for such services as were performed by attorney for Plaintiff, and that the other charges and expenses herein are reasonable, usual and customary.

8. The Court further finds that neither mortgagor nor his successor in interest, if any, in such mortgaged property, has made any payment to the Plaintiff as provided by Illinois Revised Statutes, Chapter 95, Section 57, prior to the date of this Judgment as therein provided.

9. The Court further finds that the mortgagor, J. Archie Hargraves & Inez B. Hargraves, has expressly consented to the entry of a Decree pursuant to the provisions of Illinois Revised Statutes, Chapter 110, Paragraph 12-127.

10. The Court further finds that all defendants named herein have been properly served with notice of Plaintiff's motion for the entry of this judgment by consent of the mortgagor J. Archie Hargraves & Inez B. Hargraves, and have been advised that they may within three (3) months from the entry of this judgment redeem the mortgaged property by paying to the judgment creditor, his executors or assigns, the sum of money therein found due for the mortgage debt, with interest thereon at the legal rate and costs.

11. That the Court further finds that Narragansett Condominium Association has an interest in the proerty by reason (a) that defendant has appeared herein and has filed an answer and affirmative defenses to plaintiff's claims of priority; (b) That as a result of discussions between counsel for plaintiff and Narragansett Condominium Association, an accord has been reached regarding the claims and rights of t Condominium Association, and they are as follows: 1. That the plaintiff agrees to make any and all payments to the Condo. Assn. of the common expenses when due on the first of each month which represent the proportionate share of said premises to the whole monthly common expense, which became due and payable subsequent to the date plaintiff either takes possission of the Unit, accepts a conveyance of any interest in the Unit Ownership or upon the appointment of a reveiver; and 2. That the Condo. Assn. rights of first refusal on sale are not affected by this action. (c) That the amount of the line currently on file against said unit by the condo. assn. on April 8, 1986, is as reflected on its face to be \$1,470.54, which lien is subservient and subordinate to the lien of the plaintiff.

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Legal Rider #14107

Unit #2-B as delineated on survey of the following described parcel of real estate:  
(hereinafter referred to as parcel):

The West 75 feet of the East 200 feet of the South 125 feet of Blok 2 in Chicago Beach Addition, a subdivision of Lot A in Beach Hotel Company's Consolidation of certain tracts in Fractional Section 11, and Fractional Section 12, Township 38 North, Range 14, East of the Third Principal Meridian, which survey is attached as Exhibit A to Declaration made by Chicago Title & Trust Company, as Trustee under Trust no. 49515 and recorded in the Office of the Recorder of Cook County, Illinois as Document #20032198, and as amended by Document #20360068 and #20664806 together with an undivided 1.512 percent interest in said parcel (excepting from said parcel all the property and space comprising all the units thereof as defined and set forth in said Declaration and survey) in Cook County, Illinois.  
c/k/a: 1640 E. 50th St. Unit #2-B, Chgo, IL 60615  
Tax ID# 20-12-103-010-1022

1/a.

Cook County Clerk's Office

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Lien # 141

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12. That the Court further finds that the United States of America has an interest in the property by reason of Federal Tax Lien filed by the District Director of Internal Revenue at Chicago, Illinois, on December 15, 1983 and recorded in the Office of the Recorder of Deeds of Cook County, Illinois, as Document #26899372 against J. Archie Hargraves & Inez B. Hargraves whose address is shown to be 1640 E. 50th Street U-it 2-B, Chicago, IL 60615 in the amount of \$107,964.90, which lien subservient and subordinate to the lien of the plaintiff.

Property of Cook County Clerk's Office

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT:

1. THAT this decree does hereby satisfy the mortgage indebtedness by vesting absolute title to the mortgaged property in the mortgagee, free and clear of all claims, liens and interest of the mortgagor and of all persons claiming by, through or under the mortgagor, and free and clear of all rights to redeem.

2. THAT unless any Defendant, his heirs, executors or assigns or any person interested in the premises through or under the Defendant does within three (3) months from the date of the entry of this decree redeem the mortgage property by paying to the decree creditor, his executors or assigns, the sum of money herein found due for the mortgage debt with interest thereon at the legal rate and costs;

THEN in default of which all rights and equity in redemption in and to the mortgaged property is barred and foreclosed; and

3. THAT leave be and the same is hereby given to the Plaintiff to withdraw the original exhibits in evidence and to substitute photocopies thereof.

4. THAT the Court hereby retains jurisdiction of the subject matter of this cause and of all the parties hereto for the purpose of enforcing this decree.

5. THAT there is no just reason for delay in enforcement of or appeal from the terms of this decree.

DATED:

ENTER:

9/25/86

James B. Moran  
Judge

FISHER AND FISHER  
Attorney for Plaintiff  
30 N. LaSalle Street  
Chicago, Illinois 60602  
312/ 372-4784

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DEPT-01 RECORDING  
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COOK COUNTY RECORDER

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