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STATE OF WISCONSIN

CIRCUIT COURT

SAUK COUNTY

THE BARABOO NATIONAL BANK,
a national banking corporation,

JUDGMENT

Plaintiff,

vs.

Case No: 85 CV 483

JOHN OBROCHTA; STELLA OBROCHTA;
DELLS LUMBER and CONSTRUCTION, INC., a/k/a DELLS
LUMBER & CONSTRUCTION, a Wisconsin corporation;
SCHADDE PLUMBING & HEATING, INC., a Wisconsin
corporation; RYAN CONSTRUCTION COMPANY, INC.,
a/k/a RYAN CONSTRUCTION CO., INC., a Wisconsin
corporation; POINTON HEATING & AIR CONDITIONING,
INC., a Wisconsin corporation; BARABOO - SYSCO
FOOD SERVICES, INC., a/k/a BARABOO SYSCO FOOD
SERVICES, INC., a Wisconsin corporation; REINHART
INSTITUTIONAL FOODS, INC., a Wisconsin corporation;

The above entitled action having on for hearing before the Court without a jury on January 7, 1986, the Honorable Robert F. Curtin, Circuit Judge presiding, on plaintiff's Motion for Summary Judgment as to defendants John Obrochta, Stella Obrochta, Ryan Construction Company, Inc.; Schadde Plumbing & Heating, Inc., Pointon Heating & Air Conditioning, Inc., Baraboo - Sysco Food Services, Inc. and Reinhart Institutional Foods, Inc. and on plaintiffs Motion for Default Judgment as to defendant Dells Lumber and Construction, Inc., the plaintiff appearing by Greg L. Lindner, Executive Vice-President, and Cross, Mercer and Maffei, by Karen A. Mercer, its attorneys; all defendants except Creslaw Styrzczula having been duly served with the Summons and

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NAME: JOHN AND STELLA O'BROCHTA

LEGAL DESCRIPTION OF PROPERTY:

Lot 20 and west 5 feet of Lot 19 in Block 16 in Hawthorne Land and Improvement Company's Addition to Morton Park, being the east half of the Northwest Quarter of Section 28, Township 39 North, Range 13 East of the 3rd Principal Meridian in Cook County, Illinois

16-28-102-004 *sk*

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Complaint as appears by the Certificate of Service of file herein; the defendants except, Creslaw Stryczula, also having been served with plaintiff's Motions for Summary and Default Judgment as appears by the Affidavit of Mailing herein; and the Court having filed its Findings of Fact and Conclusions of Law directing entry of Judgment of foreclosure and sale in the usual form and in accordance with the provisions of §846.10 of the Wisconsin Statutes; it appearing that the plaintiff The Baraboo National Bank is a national banking corporation with its principal office and place of business in the City of Baraboo, Sauk County, Wisconsin; the defendants John Obrochta and Stella Obrochta are husband and wife; the defendant John Obrochta is an adult resident of the Village of Lake Delton, Sauk County, Wisconsin, with a post office address of P. O. Box 497 Lake Delton, Wisconsin 53940; the defendant Stella Obrochta is an adult resident of the Village of Lake Delton, Sauk County, Wisconsin, with a post office address of P. O. Box 497 Lake Delton, Wisconsin 53940 and their occupations are operators of a motel and restaurant; the defendant Dells Lumber and Construction, Inc., is a corporation duly organized and existing under the laws of the State of Wisconsin, with a principal place of business at 931 Michigan Avenue, Wisconsin Dells, Wisconsin; the defendant Schadde Plumbing and Heating, Inc., is a corporation duly organized and existing under the laws of the State of Wisconsin, with a principal office and place of business at 900

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Eighth Street, Baraboo Wisconsin 53913; the defendant Ryan Construction Company, Inc., is a corporation duly organized and existing under the laws of the State of Wisconsin, with a principal office and place of business located at Route 3, Baraboo, Wisconsin 53913; the defendant Pointon Heating & Air Conditioning, Inc., is corporation duly organized and existing under the laws of the State of Wisconsin, with a principal office and place of business located at 601 South Blvd., Baraboo, Wisconsin 53913; the defendant Baraboo - Sysco Food Services, Inc., is a corporation duly organized and existing under the laws of the State of Wisconsin, with a principal office and place of business located at 901 Sauk Avenue, Baraboo, Wisconsin 53913; the defendant Reinhart Institutional Foods, Inc., is a corporation duly organized and existing under the laws of the State of Wisconsin with a principal office and place of business located at 1500 St. James St., LaCrosse, Wisconsin;

NOW THEREFORE, on motion of Cross, Mercer and Maffei, attorneys for the plaintiff and pursuant to the direction of the Court for Judgment:

1. IT IS HEREBY ORDERED AND ADJUDGED that there is now due and owing to the plaintiff under the Note and Mortgage executed by defendants John Obrochta and Stella Obrochta on September 8, 1983, constituting plaintiff's First Cause of Action herein the following sums:

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Principal:	8 6 3 \$650,000.00
Interest as of 1/7/86:	\$106,008.60
Disbursements:	\$ 276.97
Attorneys' Fees:	\$ <u>2,844.00</u>
Total:	\$759,129.57

plus interest on all of said sums at the rate of floating prime plus 3% per annum from January 7, 1986.

2. IT IS HEREBY ORDERED AND ADJUDGED that there is now due and owing to the plaintiff under the Note and Mortgage obligation executed by defendants John Obrochta and Stella Obrochta on May 30, 1984, and September 8, 1983, respectively constituting plaintiff's Second Cause of Action herein the following sums:

Principal:	\$ 20,000.00
Interest as of 1/7/86:	\$ <u>2,531.81</u>
Total:	\$ 22,531.81

plus interest on all of said sums at the rate of floating prime plus 3% per annum from January 7, 1986.

3. IT IS HEREBY ORDERED AND ADJUDGED that there is now due and owing to the plaintiff under the Note and Mortgage obligation executed by defendants John Obrochta and Stella Obrochta on September 30, 1984, and September 8, 1983, respectively, constituting plaintiff's Third Cause of Action herein the following sums:

Principal:	\$ 66,687.61
Interest as of 1/7/86:	\$ <u>3,230.20</u>
Total:	\$ 69,917.81

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plus interest on all of said sums ^{8 6 3 5 5 0 3 7} at the rate of floating prime plus 3% per annum from January 7, 1986.

4. IT IS HEREBY ORDERED AND ADJUDGED that the whole of the mortgage premises be sold at public auction in the County of Sauk, State of Wisconsin, by and under the direction of the Sheriff of Sauk County, at any time after twelve (12) months from the date of entry of this judgment, unless previous to such sale, said premises and judgment shall be redeemed in the manner provided by law, by the payment of the amount of such judgment and any subsequent costs and attorneys fees incurred herein by plaintiff and any additions to such judgment by reason of insurance, necessary repairs and taxes paid by plaintiff, together with interest accruing thereon; interest shall accrue from the date of entry of this judgment on principal and interest owing to plaintiff as of January 7, 1986, as to plaintiff's First Cause of Action, namely \$756,008.60, plus disbursements of \$276.97 and \$2,844.00 attorneys' fees at the rate of floating prime plus 3% per annum; interest shall accrue from the date of entry of this judgment on principal and interest owing plaintiff as of January 7, 1986, as to plaintiff's Second Cause of Action, namely \$22,531.81 at the rate of floating prime plus 3% per annum; interest shall accrue from the date of entry of this judgment on principal and interest owing plaintiff as of January 7, 1986, as to plaintiff's Third Cause of Action, namely \$69,917.81 at the rate of floating prime plus 3% per

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annum; interest shall accrue on ~~and~~ ^{by} ~~additions~~ ^{to} ~~such~~ judgment by reason of insurance, necessary repairs and taxes paid by plaintiff at the rate of floating prime plus 3% per annum from the date of payment by plaintiff; said mortgaged premises all located in Sauk County, Wisconsin, are described as follows:

Lots One (1) through Eight (8), inclusive, Block Two (2); Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Ten (10), Block Eighteen (18); That part of the alley lying South of Lot Three (3) and North of Lot Ten (10) in said Block Eighteen (18); vacated North Terrace Street lying between said Blocks Two (2) and Eighteen (18); that part of vacated Ravine Street described as: commencing at the Southeast corner of Lot One (1), Block Eighteen (18), thence East 41.25 feet to the centerline of vacated Ravine Street, thence North along the centerline of vacated Ravine Street to a point 41.25 feet East of the Northeast corner of Lot One (1), Block Two (2), thence West to the Northeast corner of said lot One (1), thence South along the East line of Blocks Two (2) and Eighteen (18) to the point of beginning. All in the Village of Lake Delton.

5. IT IS FURTHER ORDERED AND ADJUDGED that in case of sale pursuant hereto, said Sheriff shall give public notice of the time and place of said sale and the manner provided by law, and that publication of such notice be made in the "Baraboo News Republic", a newspaper published in the City of Baraboo, Sauk County, Wisconsin; that the parties to this action may purchase at such sale, that the Sheriff shall file with the Clerk of this Court his report of said sale; and shall immediately after such sale deposit with said clerk the proceeds thereof, after deducting the costs and expenses of the sale, unless otherwise ordered by the Court; except that

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if plaintiff be the successful bidder at such sale the Sheriff may take the receipt of the plaintiff in lieu of said cash payment; that the Sheriff, upon compliance on the part of the purchaser with the terms of such sale as required by law, shall make and execute to said purchaser a deed to the premises and bill of sale for the personal property so sold as herein described stating the price paid therefore, and forthwith deliver such deed and bill of sale to the Clerk of the Court to be held by said Clerk until the confirmation of said sale, that upon the confirmation thereof the Clerk shall deliver said deed and bill of sale to the purchaser upon compliance by said purchaser with the terms of such sale and the payment by him of any balance of the sale price to be paid; the Clerk shall thereupon pay to the plaintiff from the proceeds of sale the amount of this judgment as herein set forth, together with the amount of interest which has accrued thereon at the interest rate as provided herein above, together with any subsequent costs and attorneys' fees incurred herein by plaintiff, and any additions to such judgment by reason of insurance, necessary repairs and taxes paid by plaintiff, together with interest thereon at the rate as provided herein, or so much thereof as money derived from the sale of said premises will pay and take receipts therefore; that the surplus money, if any, shall be subject to the further order of the Court.

6. IT IS FURTHER ORDERED AND ADJUDGED that upon confirmation of sale of the said mortgaged premises, the said purchaser or purchasers or his or their heirs, representa-

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tives or assigns, be let into possession of the premises sold upon production of the sheriff's deed thereto or a duly authenticated copy thereof; that each and every one of the parties to this action who may be in possession of said premises, and every other person who since the filing of notice of pendency of this action has come into possession of same or any part thereof under them or either of them, shall deliver to such grantee or grantees named in such deed possession of the mortgaged premises, and that a writ of assistance issue if necessary to secure possession.

7. IT IS FURTHER ORDERED AND ADJUDGED, that plaintiff is entitled to the immediate possession of the property described in the General Business Security Agreement which is the subject of this action. Plaintiff may use said personal property under the Order Appointing Receiver entered in this action on today's date; said personal property shall be sold with the mortgaged premises, the sale of said premises to include the mortgaged real estate as well as all personal property covered by the General Business Security Agreement; provided, however, that in the event the premises are redeemed by defendants John Obrochta and Stella Obrochta, prior to 12 months from the entry of this judgment, full right, title and interest in such personal property shall be restored to said defendants John Obrochta and Stella Obrochta.

8. IT IS FURTHER ORDERED AND ADJUDGED, that the interest of John Obrochta and Stella Obrochta as Lessors,

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under a Lease dated September 17, 1979, ^{8, 6, 7, 5} between John Obrochta and Stella Obrochta, Lessors, and Tommy Bartlett, Inc., as Lessees, assigned to the plaintiff, for security purposes by John Obrochta and Stella Obrochta on September 8, 1983, shall be included as part of the sale conducted by the Sheriff for Sauk County, Wisconsin, said sale to include the mortgaged premises as well as the Lessors' interest in said Lease; provided, however, that in the event the mortgaged premises are redeemed by defendants John Obrochta and Stella Obrochta prior to 12 months from the entry of this judgment, said defendant shall be restored to full right, title and interest in said lease.

9. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the proceeds of sale be first applied to the payment of the note, constituting plaintiff's First Cause of Action, so far as to money arising out of sale will pay the same; that the proceeds of sale be next applied to the payment of the note constituting plaintiff's Second Cause of Action, so far as they pay the same, and that the proceeds of sale be thereafter applied to the payment of the Note constituting plaintiff's Third Cause of Action so far as the proceeds of sale will pay the same.

10. IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the plaintiff may have judgment in execution for any deficiency remaining unpaid after applying the proceeds of said sale thereon as provided above, against defendants John

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Obrochta and Stella Obrochta, who are ³jointly, severally and personally liable for the payment of the Notes constituting plaintiff's First, Second and Third Causes of Action.

11. IT IS FURTHER ORDERED AND ADJUDGED that the defendants, their heirs, successors and assigns, and all persons claiming under them after the filing of notice of the pendency of this action be forever barred and foreclosed of all right, title, interest and equity of redemption in said mortgaged premises, except the right to redeem the same before sale as provided by law.

12. IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff may at any time before confirmation of sale advance sums for insurance, necessary repairs and taxes accruing against the mortgaged premises, and in such event the plaintiff may obtain an Order directing that the sums so paid, with interest, be added to the Judgment and paid from the proceeds of the sale or redemption of said mortgaged premises.

13. IT IS FURTHER ORDERED AND ADJUDGED that the defendants and all persons claiming under them, and they are hereby enjoined from committing waste upon said mortgaged premises and from doing any other act that may impair the value of the same, unless meanwhile said premises shall have been duly redeemed as provided by law.

Dated: January 13, 1986.

BY THE COURT:

/s/ Virginia Toudot, by Rebecca L. Dyslin
Clerk Deputy Clerk

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County of Cook } 88

This document, having been compared to the original, is a true and correct copy of said original.

Dated: January 13, 1986

Virginia Toudot
Virginia Toudot, Clerk of Circuit Court,

By Rebecca Dyslin
Deputy Clerk

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ATTN: Kim G. Kaepp

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Bonabeo, IL

P.O. Box 50

The Bonabeo National Bank

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COOK COUNTY RECORDER

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