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PLACITA JUDGMENT

8 3 3 5 7 0 1 1 (10-84) CCDCH-6

UNITED STATES OF AMERICA

88359011

STATE OF ILLINOIS,
COUNTY OF COOK } ss.

PLEAS, before the Honorable Kenneth L. Gillis
one of the Judges of the Circuit Court of Cook County, in the State of Illinois, holding a branch Court of said
Court, at the Court House in said County, and State, on July 12,
in the year of our Lord, one thousand nine hundred and 88, and of the Independence
of the United States of America, the two hundredth and thirteenth

PRESENT: The Honorable Kenneth L. Gillis
Judge of the Circuit Court of Cook County.

RICHARD M. DALEY, State's Attorney
JAMES E. O'GRADY
~~RICHARD M. DALEY~~, Sheriff

Attest: MORGAN M. FINLEY, Clerk.

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. DEPT-01 RECORDING \$17.00
. T42222 TRAN 3608 08/09/88 14:56:00
. #2051 B *-88-359011
. COOK COUNTY RECORDER

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STATE OF ILLINOIS)
)SS
COUNTY OF C O O K)

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

AVENUE BANK AND TRUST COMPANY)
OF OAK PARK,)
 Plaintiff,)

-vs-

AVENUE BANK AND TRUST COMPANY)
OF OAK PARK, as Trustee under)
Trust Agreement dated March 24,)
1981 and known as Trust No.)
2767, et al.,)
 Defendants.)

NO. 87 CH 1997

CONSENT JUDGMENT OF FORECLOSURE

This day came the plaintiff, AVENUE BANK AND TRUST COMPANY OF OAK PARK, by RIGHEIMER MARTIN BRIDEWELL & CINQUINO P.C., its attorneys, and AVENUE BANK AND TRUST COMPANY OF OAK PARK, as Trustee under Trust Agreement dated March 24, 1981 and known as Trust No. 2767 and LINDA L. CLARK, Independent Executor of the Estate of James S. Clark appearing by Lupel and Bunn and filing their Consent to Judgment Without Right of Redemption and all other defendants having failed to appear or otherwise make answer to the complaint filed herein and a Default Order having been entered against said defendants; and this cause coming on now to be heard upon this Complaint, this Court FINDS:

1. That it has jurisdiction of the parties to and the subject matter of this action.

2. That defendant AVENUE BANK AND TRUST COMPANY OF OAK PARK, as Trustee under Trust Agreement dated March 24, 1981 and known as Trust No. 2767, the owner of the equity of redemption in this cause was served personally on March 9, 1987.

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3. That all material allegations to Count I of the Complaint are true and proven, and that the allegations are supported by the requisite affidavit filed under Ill. Rev. Stat., Ch. 110, §15-201 (1987), which affidavit was made and sworn to by ROGER NEVILLE, Senior Vice President for the plaintiff, and that the evidence of the indebtedness referred to in the Complaint has been exhibited in open court and has been marked, "Plaintiff's Exhibit 'A'", and that the security foreclosed on referred to in the Complaint has likewise been exhibited in open court and has been marked, "Plaintiff's Exhibit 'B'"; that copies of the aforesaid evidence of indebtedness and security foreclosed have been and are attached to the Complaint, and leave has been given to withdraw the originals of said note and mortgage and to substitute therefor said copies.

4. That the material allegations in Count I of said Complaint herein filed are true and proven; that the equities of this cause are with the complainant, and that there is at this date due to said plaintiff upon the note and mortgage security, each of which has been in Count I of said Complaint described, the following amount:

Unpaid principal balance	\$133,359.68
Accrued unpaid interest as of 6/24/88 with per diem of \$59.27 thereafter	\$ 34,063.49
Late charges	\$ 1,594.78
MORTGAGE BALANCE	\$169,017.95
Attorney's Fees	\$ 10,000.00
Title Insurance	\$ 250.00
Estimated Title Charges	\$ 75.00
Costs of Suit	\$ <u>449.60</u>
TOTAL	<u>\$179,792.55</u>

all of which have been accounted for in the affidavit heretofore filed in this cause by the complainant.

5. That all material allegations to Count II of the Complaint are true and proven, and that the allegations are supported by the requisite affidavit filed under Ill. Rev. Stat., Ch. 110, §15-201 (1987), which affidavit was made and

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sworn to by ROGER NEVILLE, Senior Vice President for the plaintiff, and that the evidence of the indebtedness referred to in the Complaint has been exhibited in open court and has been marked, "Plaintiff's Exhibit 'C'", and that the security foreclosed on referred to in the Complaint has likewise been exhibited in open court and has been marked, "Plaintiff's Exhibit 'D'"; that copies of the aforesaid evidence of indebtedness and security foreclosed have been and are attached to the Complaint, and leave has been given to withdraw the originals of said note and mortgage and to substitute therefor said copies.

6. That the material allegations in Count II of said Complaint herein filed are true and proven; that the equities of this cause are with the complainant, and that there is at this date due to said plaintiff upon the note and mortgage security, each of which has been in Count II of said Complaint described, the following amount:

Unpaid principal balance	\$131,768.21
Accrued unpaid interest as of 6/24/88 with per diem of \$58.56 thereafter	\$ 33,908.27
Late charges	<u>\$ 1,565.62</u>
MORTGAGE BALANCE TOTAL	<u>\$167,242.10</u>

7. That in said mortgages herein sought to be foreclosed, it is provided that the attorneys for the plaintiff are entitled to reasonable attorneys' fees, and the Court being advised that the sum of \$10,000.00 has been included in the above indebtedness, and that said sum is the usual, customary, and reasonable charge made by the attorney in like causes, and the Court orders that it be duly allowed.

8. That under the provisions of said mortgages herein sought to be foreclosed the costs of the foreclosure are an additional indebtedness for which the plaintiff should be reimbursed, and that such expenses are hereby allowed to the plaintiff.

9. That the total amount owed to AVENUE BANK AND TRUST COMPANY OF OAK PARK under Counts I and II of said Complaint is \$347,034.65.

10. That the lien of the plaintiff's mortgages are prior and superior to all rights and interests of all other parties to this cause and to any and all other claims, rights, interest or liens upon the real estate hereinafter described.

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11. That pursuant to the Consent to Judgment without Right of Redemption filed with this Court, AVENUE BANK AND TRUST COMPANY OF OAK PARK, as Trustee under Trust Agreement dated March 24, 1981 and known as Trust No. 2767, Mortgagor, and LINDA L. CLARK, Independent Executor of the Estate of James S. Clark herein, expressly consent to entry of an order in this foreclosure case providing that this Judgment shall vest absolute title to the mortgaged property in the mortgagee, free and clear of all claims, liens, and interests of the mortgagor and LINDA L. CLARK, Independent Executor of the Estate of James S. Clark and all of persons claiming by, through or under the mortgagor and LINDA L. CLARK, Independent Executor of the Estate of James S. Clark, and free and clear of all rights to redeem pursuant to Ill. Rev. Stat. Ch. 110, §12-127 (1985), and AVENUE BANK AND TRUST COMPANY OF OAK PARK has agreed to forego any deficiency judgment against mortgagor or LINDA L. CLARK, Independent Executor of the Estate of James S. Clark.

12. The Court further finds there is no just reason for delaying the enforcement of or appeal from the Judgment.

13. IT IS THEREFORE ORDERED AND ADJUDGED that Judgment is entered on Counts I and II of the Complaint in favor of Plaintiff and against defendant AVENUE BANK AND TRUST COMPANY OF OAK PARK, as Trustee under Trust Agreement dated March 24, 1981 and known as Trust No. 2767 and LINDA L. CLARK, Independent Executor of the Estate of James S. Clark in the total amount of \$347,034.65.

14. IT IS FURTHER ORDERED AND ADJUDGED that title to the property legally described as:

Lots 1 and 2 (except the East 1 Vigintillionth part thereof) and all of Lots 3 to 8 in Block 6 in Craft's Addition to Austinville, being Craft's Subdivision of the West 36 1/4 Acres of the South 43 3/4 Acres of the West 1/2 of the South West 1/4 of Section 9, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois, Permanent Tax Index No. 16-09-318-001-0000, commonly known as 5521-5537 West Washington and 45-63 North Central Avenue, Chicago, Illinois 60644;

shall vest in Plaintiff AVENUE BANK AND TRUST COMPANY OF OAK PARK free and clear of all liens, claims, and interests of AVENUE BANK AND TRUST COMPANY OF OAK PARK, as Trustee under Trust Agreement dated March 24, 1981 and known as Trust No. 2767 and LINDA L. CLARK, Independent Executor of the Estate of James S. Clark, and of all persons claiming by, through or under AVENUE BANK AND TRUST COMPANY OF OAK PARK, as Trustee under Trust Agreement dated March 24, 1981 and known as Trust

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No. 2767 and LINDA L. CLARK, Independent Executor of the Estate of James S. Clark, and free and clear of all rights to redeem.

15. IT IS FURTHER ORDERED AND ADJUDGED that upon title vesting in AVENUE BANK AND TRUST COMPANY OF OAK PARK, the Judgment in favor of plaintiff against AVENUE BANK AND TRUST COMPANY OF OAK PARK, as Trustee under Trust Agreement dated March 24, 1981 and known as Trust No. 2767 and LINDA L. CLARK, Independent Executor of the Estate of James S. Clark, are fully satisfied and that no personal deficiency exists.

16. IT IS FURTHER ORDERED AND ADJUDGED that there is no just reason for delaying the enforcement of or appeal from this Judgment.

AVENUE BANK AND TRUST COMPANY OF OAK PARK

Righeimer Martin Bridewel & Cinquino P.C.
By *Frank R. Martin*
Its Attorneys

AVENUE BANK AND TRUST COMPANY OF OAK PARK, as Trustee under Trust Agreement dated 3/24/81 and known as Trust No. 2767

By *William E. Sebring*
Assistant Vice-President

LINDA L. CLARK, Independent Executor of the Estate of James S. Clark

By *Linda L. Clark*

Executed and delivered by Avenue Bank and Trust Co. of Oak Park not in its individual capacity, but solely in its capacity of trustee for the purpose of enforcing the trust agreement herein, and subject to the terms and conditions of the Trust Agreement dated March 24, 1981, and known as Trust No. 2767, and Trust Company of Oak Park.

DATE:

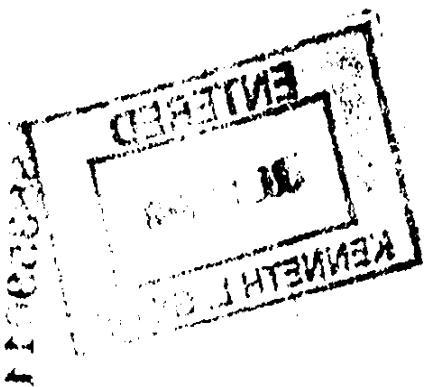
ENTER:

ENTERED
JUL 12 1988
KENNETH L. GILLIS
98359011

Frank R. Martin
Elizabeth McGrail
RIGHEIMER MARTIN BRIDEWEL
& CINQUINO P.C.
135 S. LaSalle Street, #1460
Chicago, Illinois 60603
(312) 726-5646
Attorney No. 90683

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STATE OF ILLINOIS,
COUNTY OF COOK

ss.

I, MORGAN M. FINLEY, Clerk of the Circuit Court of Cook County, in and for the State of Illinois,
and the keeper of the records, files and seal thereof, do hereby certify the above and foregoing to be true, perfect
and complete **COPY OF A CERTAIN JUDGMENT MADE AND ENTERED OF RECORD IN SAID COURT:**

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.....

in a certain cause lately pending in said Court, between

AVENUE BANK AND TRUST COMPANY OF OAK PARK

..... plaintiff/petitioner

and AVENUE BANK AND TRUST COMPANY OF OAK PARK

..... defendant/respondent.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed

the seal of said Court, in said County, this 12th

day of July, 1988 .

Morgan M. Finley Clerk

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11-11-2020