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

Name of Assigned Judge	Moran	Sitting Judge if Other Than Assigned Judge	
Case Number	88 C 8060	Date	June 28, 1989
Case Title	Imperial Savings Association v. David D. Hawes, 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.)

Plaintiff's Attorney, SHAPIRO & KREISMAN

MOTION FOR ENTRY OF AN ORDER APPROVING THE REPORT OF SALE AND DISTRIBUTION AND ORDER OF POSSESSION

Sent for Microfilming

JUN 29 1989
JUN 30 1989
Filed on

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

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

Enter Order Approving Report of Sale and Distribution and Order of Possession.

(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) Status hearing held continued to set for re-set for _____ at _____

(8) Pretrial conference held continued to set for re-set for _____ at _____

(9) Trial set for re-set for _____ at _____

(10) Bench trial jury trial Hearing held and continued to _____ at _____

(11) 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(a)(2)

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

<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 AO 450 form.	ED-1 RECEIVED FOR DOCKETING JUN 29 1989 89 JUN 28 PM 12:29 UMS	number of notices date docketed docketing dpty. initials date mail notices mailing dpty. initials	Document #
			26
courtroom deputy's initials [Signature]	Date/time received in central Clerk's Office		

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

Imperial Savings Association)
)
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PLAINTIFF,)
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-v-)
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)
)
)
David D. Hayes, Jr., Yvonne V.)
Hayes a/k/a Yvonne V. Stewart,)
Leonard D. Wallberg)
)
)
)
)
DEFENDANTS.)

89334685

NO. 88 C 8060
Judge Moran

BOOKETED
JUN 29 1989

ORDER APPROVING
REPORT OF SALE AND DISTRIBUTION
AND ORDER OF POSSESSION

This cause coming to be heard on Plaintiff's motion for the
entry of an order approving the Report of Sale and Distribution
filed by the duly appointed Special Commissioner of this Court.

The Court having examined said report finds that the Special
Commissioner has in every respect proceeded in accordance with the
terms of this Court's Judgment, and that said sale was fairly and
properly made, and that the proceeds derived therefrom were
properly distributed, but were not sufficient to pay in full the
amount due the Plaintiff, leaving a deficiency of \$9,199.11,
together with interest thereon at the rate of nine percent per
annum from the date of sale.

IT IS ORDERED that the sale of the premises involved herein
by said Commissioner, the distribution by him of the proceeds of
sale, issuance of the Commissioner's Certificate of sale and his
Report of Sale and Distribution of proceeds of sale, be and the
same are hereby approved and confirmed.

That the mortgagee's fees and costs arising between the entry
of the judgment of foreclosure and the date of the special
commissioner's sale are approved, ratified and confirmed.

That the Special Commissioner shall execute and deliver to
successful bidder, pursuant to Chapter 110, Paragraph 15-1508 a
certificate of sale and a duplicate thereof to be recorded with

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the Recorder of Deeds of Cook County, Illinois.

It is further ordered that upon request by the successful bidder, the Special Commissioner shall execute and deliver to the successful bidder, a deed sufficient to convey title provided that all required payments have been made pursuant to Illinois Revises Statutes Chapter 110, Section 15-1509.

That the Veterans Administration, as assignee of the bidder, is entitled to possession of the premises, commonly known as:

Lot 49 and the North 13 Feet of Lot 50 in M.E. Dorman Subdivision of Lots 25 to 28 in the Subdivision of the Southwest 1/4 of Section 7, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois. Commonly known as 5400 South Hoyne, Chicago, Illinois 60609.

Permanent Index No. 20-07-319-025 (Lot 49)
20-07-319-041 (North 13 feet of Lot 50),
Vol. 417

effective upon the entry of this order; that said Sheriff of County of Cook is directed to evict and dispossess, David D. Hawes, Jr., Yvonne V. Hawes a/k/a Yvonne V. Stewart, Leonard D. Walberg and any unknown occupants claiming through them from the subject premises.

IT IS FURTHER ordered that said property is subject to a special right of redemption for 30 days hereafter the entry of this order. That if said redemption occurs there will remain an in rem deficiency against said property in the amount of \$9,199.11 with the same lien priorities as to the underlying mortgage herein foreclosed without any rights of homestead.

IT IS FURTHER ordered that a Judgment In Personam shall be entered in favor of Plaintiff for the amount of \$9,199.11 against the following named persons, if any David D. Hawes, Jr., and a memorandum of Judgment shall issue without the right of homestead.

That there is no just cause for delay in the enforcement of or appeal from this order.

ENTER: _____

James B. Moran
JUDGE

DATED: _____

6/28/89

SHAPIRO & KREISMAN
Attorneys for Plaintiff
1161 A Lake Cook Road
Deerfield, Illinois 60015
(312) 945-6040

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