

# UNOFFICIAL COPY

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14-05-205-024-000-472

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

AUSTIN BANK OF CHICAGO, successor )  
in interest to National Bank of )  
Austin, not individually, but )  
as Trustee u/t/a dated April 17, )  
1972 and known as Trust No. 5177; )  
AUSTIN BANK OF CHICAGO, successor )  
in interest to National Bank of )  
Austin, not individually, but as )  
Trustee u/t/a dated September 14, )  
1970 and known as Trust No. 4724, )

Plaintiffs,

v.

CAPITAL BANK AND TRUST, not )  
individually, but as Trustee )  
u/t/a dated May 16, 1988 and )  
known as Trust No. 1506; )  
SUTTON LAKES JOINT VENTURE, an )  
Illinois joint venture, )  
FORUM DEVELOPMENT GROUP, INC., )  
an Illinois corporation and )  
PHILLIP ORZECH, as joint venture )  
partners of Sutton Lakes Joint )  
Venture; PHILLIP ORZECH and )  
HOWARD GAGLIANO, )

Defendants.

DEPT-01 RECORDING \$20.2  
T#5555 TRAN 9697 05/03/91 15:31:00  
#3712 E \*-91-209155  
COOK COUNTY RECORDER

Case No. 89 L 10522

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ORDER OF JUDICIAL LIEN

This cause coming on to be heard on the return of a citation to discover assets heretofore issued from this Court to the Defendant-Respondent, Phillip Orzech and to Respondent Capital Bank and Trust individually and as Trustee under a Trust Agreement dated February 17, 1989, known as Trust No. 1704 ("Capital"); and the Respondent Capital individually and as Trustee as aforesaid, appearing personally and by and through their respective attorneys, and the Court having heard the testimony of witnesses, and the exhibits offered on behalf of the parties to the supplementary

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proceedings, and being now fully advised in the premises, FINDS:

1. That on August 20, 1990, a judgment was entered in this Court by and on behalf of the Plaintiffs, AUSTIN BANK OF CHICAGO, successor in interest to National Bank of Austin, not individually, but as Trustee u/t/a dated April 17, 1972 and known as Trust No. 5177; AUSTIN BANK OF CHICAGO, successor in interest to National Bank of Austin, not individually, but as Trustee u/t/a dated September 14, 1970 and known as Trust No. 4724, and against Defendant-Respondent, Phillip Orzech, in the sum of \$198,958.47; that on October 9, 1990, a citation to discover assets was issued from this Court to Defendant-Respondent Phillip Orzech and to Respondent Capital requiring them to disclose to this Court any and all assets in their possession belonging to the Defendant-Respondent, Phillip Orzech.

2. That on February 17, 1989, Capital, the Respondent herein, accepted, as Trustee, a certain Trust Agreement dated February 17, 1989, and known as Trust No. 1704, which holds the real estate located in Cook County, Illinois, legally described as follows:

LOTS 22, 23 AND 24 IN BLOCK 6 IN COCHRAN'S SECOND ADDITION TO EDGEWATER, BEING A SUBDIVISION OF THE EAST FRACTIONAL 1/2 OF SECTION 5, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE WEST 1320 FEET OF THE SOUTH 1913 FEET THEREOF AND THE RIGHT-OF-WAY OF THE CHICAGO, EVANSTON & LAKE SUPERIOR RAILROAD.

That by and under the provisions of the said Trust Agreement the Defendant-Respondent, Phillip Orzech, was acknowledged to be the owner of one hundred percent (100%) of the beneficial interest created and established by and under the Trust Agreements; that the

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said Defendant-Respondent, Phillip Orzech remains and is now the owner of one hundred percent (100%) of the beneficial interest under the said Trust Agreement subject to a prior Collateral Assignment of Beneficial Interest and Power of Direction giving a security interest in said trust to First Nationwide Bank, a Federal savings bank on or about March 7, 1989 (the "Collateral Assignment").

3. That Phillip Orzech's beneficial interest, subject to the rights of third parties, is and should be subject to the payment of the debts and obligations of the Defendant-Respondent, Phillip Orzech, and is, by virtue of the service of the writ of citation, subject to and impressed with a lien in favor of the Plaintiffs for the payment of the judgment entered in favor of the Plaintiffs and against the Defendant-Respondent above described subject to the rights of third parties.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

A. That a Judicial Lien is imposed quasi pro tunc October 12, 1990, in the amount of \$198,958.47 plus interest and costs remaining unpaid against Capital Bank and Trust No. 1704, dated February 17, 1989;

~~B. IT IS FURTHER ORDERED, that the judgment debtor Phillip Orzech, be restrained and enjoined from making or permitting any transfer, hypothecation or other disposition of the beneficial interest in the Trust herein identified, and that Capital Bank and Trust, as such Trustee, is enjoined and restrained from permitting or allowing the debtor to effect any transfer or hypothecation of~~

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the judgment debtor's beneficial interest in the Trust identified herein and from accepting any assignment of matters affecting the said beneficial interest, all until the further Order of the Court;

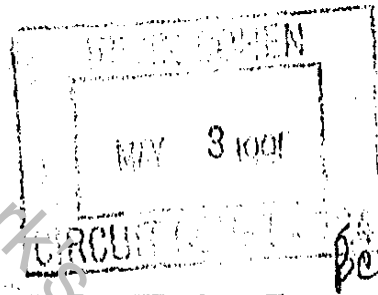
C. IT IS FURTHER ORDERED, that the judgment creditor in this proceeding has an interest in the debtor's beneficial interest for the amount of the judgment, interest and costs remaining unpaid, but subject to the rights of third parties and to the exercise of any power of direction under the Trust held by parties other than the debtor, and this Order shall not restrict the exercise of any rights and powers by such parties; and

D. IT IS FURTHER ORDERED, that subject to the provisions of this Order, Capital Bank and Trust, as Trustee under Trust Number 1704, be, and hereby is, dismissed from this proceeding.

Dated: \_\_\_\_\_

ENTER: \_\_\_\_\_

JUDGE



Attorney I.D. No. 91041  
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MAIL TO:

LEVENSTEIN + RESNICK  
350 W. HUBBARD  
SUITE 300  
CHICAGO, IL 60610

I HEREBY CERTIFY THE ABOVE TO BE CORRECT.

MAY 08 1991

DATE \_\_\_\_\_  
*Aurelia P. Parnicki*  
CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILL.

THIS ORDER IS THE COMMAND OF THE CIRCUIT COURT AND VIOLATION THEREOF IS SUBJECT TO THE PENALTY OF THE LAW.