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Attorney No. 71302

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

ELISITA B. MENDOZA,)
)
Plaintiff,)

vs.)

No. 90 CH 5910

CONCEPCION D. DE GUZMAN, DELFIN)
P. TIANGCO, a/k/a DELFIN P.)
TIANGCO, CHICAGO TITLE & TRUST)
CO., As Trustee; WALTER LEJA,)
and JOAN LEJA, his wife; and)
UNKNOWN OWNERS AND ALL WHOM IT)
MAY CONCERN,)
)
Defendants)

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ORDER

This matter coming on to be heard on the Court's set date for trial, the Court having jurisdiction of the parties and subject matter and being advised of the premises, Defendants being given due notice hereof and having failed to appear or plead, the Court having held Plaintiff to Trial on her Verified Complaint and having heard the testimony and considered the evidence, the COURT FINDS:

1. That the names of Defendants, CONCEPCION DE GUZMAN ("DE GUZMAN") and DELFIN TIANGCO ("TIANGCO") are of record as owners of 4209 West Walton, Chicago, Illinois, legally described as follows:

Lot 4 in Block 2 in Edward T. Noonan's Subdivision of the East Half of the North Half of the South West Quarter of the South East Quarter of Section 3, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.
PIN: 16-03-419-020-000. ("Property")

2. That DE GUZMAN and TIANGCO were named as owners as a convenience to Plaintiff; that it was never intended between the parties that they form a partnership or other joint arrangement for ownership of the Property, or that the said Defendants would hold title as anything more than as Plaintiff's nominees and as a convenience to Plaintiff.

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3. That except for payments of insignificant amounts by DE GUZMAN and TIANGCO, all payments for the Property, including the purchase price, insurance, taxes, mortgage, maintenance and repairs, utilities, etc. were paid by Plaintiff.

4. That despite Plaintiff's requests to DE GUZMAN and TIANGCO to pay a fair share of the routine maintenance, utilities and other day-to-day costs and expenses, DE GUZMAN and TIANGCO have failed and refused to do so, and continue in their refusal.

5. That any alleged agreement by DE GUZMAN and TIANGCO to pay costs, maintenance, etc., was a misrepresentation and fraud upon Plaintiff.

6. That DE GUZMAN and TIANGCO did not have and never had any interest in the Property.

7. That equity demands that title to the said premises is in Plaintiff.

8. That title to the Property should be in Plaintiff only.

9. That DE GUZMAN and TIANGCO lived in the Property as tenants for diverse periods of time without payment of rents.

10. That DE GUZMAN and TIANGCO should pay reasonable rental for the Property.

11. That \$400.00 per month is a reasonable rental for the Property, which amount should be divided between DE GUZMAN and TIANGCO during their respective periods of residence.

12. That DE GUZMAN resided in the Property during a period of ten (10) months and owes \$2,000.00 in rental; that TIANGCO resided in the Property for a period of 26 months and owes a total of \$6,200.00 in rental.

13. That subsequent to the withdrawal of DE GUZMAN's and TIANGCO's attorneys on January 22, 1991, DE GUZMAN and TIANGCO failed to file Supplemental Appearances by themselves or by their attorneys.

14. That DE GUZMAN and TIANGCO have been given due notice of these proceedings.

15. That DE GUZMAN and TIANGCO failed to deny certain Requests to Admit Facts served upon them, and those facts are therefore taken as admitted.

16. That a Default Order was already entered by this Court in this Cause against these Defendants.

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THE COURT ORDERS, ADJUDGES and DECREES as follows:

1. That DE GUZMAN and TIANGCO's Counterclaim is stricken and dismissed.

2. Plaintiff, ELISITA B. MENDOZA is the sole owner of the Property, legally described as:

Lot 4 in Block 2 in Edward T. Noonan's Subdivision of the East Half of the North Half of the South West Quarter of the South East Quarter of Section 3, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

PIN: 16-03-419-020-000.

and commonly known as 4209 West Walton, Chicago, Illinois.

3. That DE GUZMAN and TIANGCO have no right, title or interest in the said Property ab initio to the date of the purchase of this Property on April 24, 1989.

4. Judgment is entered in favor of the Plaintiff and against Defendant DE GUZMAN, for rental due to Plaintiff in the amount of \$2,000.00 plus costs of this action.

5. Judgment is entered for Plaintiff and against Defendant TIANGCO for rental due to Plaintiff in the amount of \$6,200.00 plus costs of this action.

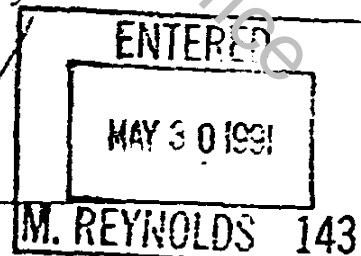
6. That the mortgagee, WALTER LEJA and JOAN LEJA are directed to accept mortgage payments from or on behalf of Plaintiff ELISITA B. MENDOZA only.

7. This cause is dismissed instanter.

8. That no just cause exists to delay the entry of this Judgment; this is a final and appealable judgment

ENTER:

/s/
JUDGE



11287479

Date: _____

J. DANIEL AZULAY, #71302
AZULAY & AZULAY, P.C.
35 E. Wacker Drive, #3300
Chicago, Illinois 60601
(312) 236-6965

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48518 * E * -91-267479
COOK COUNTY RECORDER

I Darned Audrey
55 E. Wacker
Chicago, IL 60601
3360
Sgt



I HEREBY CERTIFY THE ABOVE TO BE CORRECT.

DATE 5/30/91 [Signature]

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.

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