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91306895 Firm No. 91306895

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

Board of Directors of the
2020 Lincoln Park West
Condominium Association,

Plaintiff,

v.

Case No. 90 CH 04263

First National Bank of
Blue Island as Trustee
u/t/a Dated February 1,
1988 and known as Trust
No. 88026. et al.

Defendants.

First National Bank
of Blue Island by virtue of
Trust Deed dated February 20,
1988 and recorded March 16,
1988 as Document No.
88100697,

Counterplaintiff,

v.

Board of Directors of the
2020 Lincoln Park West
Condominium Association,
First National Bank of Blue
Island as Trustee u/t/a
dated February 1, 1988 and
known as Trust No. 88026;
James A. Blazina; John E.
Blazina; Thomas R. Frawley;
Richard P. Brandstatter;
unknown others and non-
record claimants,

Counterdefendants.)

DEPT-01 RECORDING 119.00
143273 TRUST 4106 06/25/91 10:30:00
40834 & C 4-91-3106895
COOK COUNTY RECORDER

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Amended Verified Counterclaim to Foreclose Trust Deed

Counterplaintiff, First National Bank of Blue Island by
virtue of Trust Deed dated February 20, 1988 and recorded
March 9, 1988 as Document No. 88100697 (hereinafter "Bank"), by



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its attorneys Seyfarth, Shaw, Fairweather & Geraldson, for its Amended Verified Counterclaim for foreclosure of trust deed, states as follows:

1. Bank files its Counterclaim to foreclose the Trust Deed hereinafter described and joins the following persons as Counterdefendants: Board of Directors of the 2020 Lincoln Park West Condominium Association; First National Bank of Blue Island as Trustee u/t/a dated February 1, 1988 and known as Trust No. 88026; James A. Blazina; John E. Blazina; Thomas R. Frawley; Richard P. Brandstatter; unknown others and non-record claimants (hereinafter "Counterdefendants").

2. Attached hereto as Exhibit "A" is a copy of the Trust Deed and as Exhibit "B" is a copy of the Installment Note secured thereby.

3. Information concerning mortgage:

- a. Nature of instrument: Trust Deed;
- b. Date of mortgage: February 20, 1988;
- c. Name of mortgagor: First National Bank of Blue Island as Trustee u/t/a Trust No. 88026;
- d. Name of mortgagee: First National Bank of Blue Island;
- e. Date and place of recording: March 9, 1988, Cook County, Illinois;

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f. Identification of recording: Document No.
88100697;

g. Interest subject to the mortgage: Fee simple;

h. Amount of original indebtedness, including
subsequent advances made under the mortgage:
\$67,500.00;

i. Legal description of the mortgage premises and
the common address or other information
sufficient to identify it with reasonable
certainty:

(1) Unit 20C in 2020 Lincoln Park West
Condominium, as delineated on a survey of
the following described real estate:
Certain Lots and parts of Lots in Kuhn's
Subdivision of the East 1/2 of Lot 7 in
Block 31 in Canal Trustees' Subdivision
and in Jacob Rehn's Subdivision of
certain Lots in Kuhn's Subdivision
aforesaid, together with certain parts of
vacated alleys adjoining certain of said
Lots, all in Section 33, Township 40
North, Range 14, East of the Third
Principal Meridian, in Cook County,
Illinois.

(2) Common address: 2020 Lincoln Park West,
Unit 20C, Chicago, Illinois.

(3) P.I.N.: 14-33-208-028-1222.

j. Statement as to defaults: The makers of the
Trust Deed and the Installment Note secured by
the Trust Deed have defaulted upon the Trust
Deed and Installment Note as follows:

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- (1) The Installment Note matured on March 1, 1991. Although Bank demanded that the entire principle and interest due be paid within 60 days, the makers have failed to pay the amount due and owing under the Installment Note.
- (2) Failed to pay general taxes for the years 1987, 1988, 1989 and 1990, resulting in the sale of such taxes for the year 1987 to National Indemnity Co., in the total amount of \$777.13. General taxes for the year 1988 were also paid by National Indemnity Co. in the amount of \$1,862.32.
- (3) Allowed the Board of Directors of the 2020 Lincoln Park West Condominium Association to obtain an Order of Possession of the premises and record liens against the premises by virtue of the Illinois Forcible Entry and Detainer Act.
- (4) Unpaid principal: \$62,040.60
Per Diem Interest: \$ 23.20

All of the foregoing calculations are as of March 1, 1991.

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k. Name of present owner of the real estate:

First National Bank of Blue Island, u/t/a Trust
No. 88026;

l. Names of other persons who are joined as
Counterdefendants and whose interest in or lien
on the mortgage real estate is sought to be
terminated:

Board of Directors of the 2020 Lincoln Park
West Condominium Association; First National
Bank of Blue Island as Trustee u/t/a dated
February 1, 1988 and known as Trust No. 88026;
James A. Blazina; John E. Blazina; Thomas R.
Frawley; Richard P. Brandstatter; unknown
others and non-record claimants;

m. Names of Counterdefendants claimed to be
personally liable for deficiency, if any: James
A. Blazina; John E. Blazina; Thomas R. Frawley;
Richard P. Brandstatter;

n. Capacity in which Plaintiff brings his
foreclosure: Trustee under Trust Deed;

o. Facts in support of accelerated redemption; the
subject property is not held or used by
Counterdefendants as residential real estate;

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- p. Counterdefendants' right of redemption has been waived pursuant to Paragraph 13 of the Trust Deed;
- q. Facts in support of request for attorneys' fees and costs and expenses: pursuant to Paragraph 5 of the Trust Deed, Counterdefendants agreed that in any suit to foreclose the Trust Deed, attorneys' fees would be allowed and included as additional indebtedness in the decree of foreclosure, along with other costs and expenses;
- r. Facts in support of a request for appointment of mortgagee in possession or for appointment of receiver: pursuant to Paragraph 7 of the Trust Deed, Counterdefendants agreed that this Court may appoint a receiver of the premises either before or after sale, without notice, without regard to the solvency or insolvency of Counterdefendants. Furthermore, according to Paragraph 7, Counterplaintiff may be appointed as such receiver.

Request for Relief

Counterplaintiff requests:

1. A judgment of foreclosure and sale.

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2. An order granting a shortened redemption period.
3. Judgment in favor of Bank and against James A. Blazina, John E. Blazina, Thomas R. Frawley, and Richard P. Brandstatter, jointly and severally, for any deficiency.
4. An order appointing Bank as receiver of the premises.
5. Judgment in favor of Bank and against Counterdefendants for attorneys' fees, costs and expenses.

Respectfully submitted,

FIRST NATIONAL BANK OF BLUE ISLAND

By 

One of its Attorneys

Cynthia G. Swiger, Esq.
Ethan E. Trull, Esq.
SEYFARTH, SHAW, FAIRWEATHER
& GERALDSON
Suite 4200
55 East Monroe Street
Chicago, Illinois 60603
(312) 346-8000

June 11, 1991
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CERTIFICATE OF SERVICE

The undersigned certifies that he caused a true and correct copy of the foregoing Motion for Leave to File Amended Complaint Instanter to be served upon the following counsel of record by depositing same in the U.S. mail, first-class postage prepaid, before the hour of 5:00 p.m. this 11th day of June, 1991:

Mark J. Coghlan, Esq.
P.O. Box 81433
Chicago, IL 60681-0433

Richard P. Brandstatter
529 West Wesley
Wheaton, IL 60187

John E. Blazina
1373 Foxdale
Addison, IL 60101

James E. Blazina
1373 Foxdale
Addison, IL 60101

Thomas R. Frawley
301 South Cedar
Wood Dale, IL 60191

Bryan I. Schwartz, Esq.
Boehm, Pearlstein & Monahan, Ltd.
33 N. LaSalle Street
Chicago, IL 60602



Ethan E. Trull

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