

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

ZBIGNIEW HUK, )  
)  
Plaintiff, )

Case No. 90 CH 01192

vs. )

TERESA STANOWSKA, f/k/a )  
TERESA HUK, JERRY STANOWSKI, )  
WINDY CITY EXTERIORS, INC., )  
and Unknown Owners, )

. DEPT-01 RECORDING 433.50  
. 101111 TRAN 5635 09/02/92 12:00:00  
. 42438 \* \*-92-650681  
. COOK COUNTY RECORDER

Defendants. )

ORDER

THIS MATTER COMING on to be heard for trial, the Court having received the evidence and having considered the arguments of counsel and being fully advised in the premises;

THE COURT HEREBY finds as follows:

Plaintiff's Complaint

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Count I

Findings:

1. ZBIGNIEW HUK, TERESA STANOWSKI a/k/a STANOWSKA (formerly "HUK") and JERRY STANOWSKI are residents of the City of Chicago, Cook County, State of Illinois.

2. In May, 1986, ZBIGNIEW HUK purchased a three flat residential building located at 2251 N. Tripp, Chicago, Illinois which is legally described as follows:

Lot 148 and the North 1/2 of Lot 149 in Sam Brown's Jr.'s Pennock Subdivision of the North East 1/4 of Section 34, Township 40 North, Range 13 East of the Third Principal Meridian in Cook County, Illinois.  
PIN - 13-24-212-004-0000 and 13-24-212-005-0000

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3. In May, 1987, ZBIGNIEW HUK desired to improve said property with aluminum siding. In order to pay for such work, he sought financing through a contractor, Windy City Exteriors.

4. TERESA STANOWSKI told ZBIGNIEW HUK that as a condition of financing, Windy City Exteriors required that he execute a Promissory Note, Mortgage and other documents.

5. On or about May 7, 1987, ZBIGNIEW HUK unknowingly executed a Quit Claim Deed conveying title to the property to ZBIGNIEW HUK and TERESA HUK and obtained the financing.

6. ZBIGNIEW HUK does not read or speak English and did not understand said Deed or its meaning. He was unaware that the document was a Deed and did not intend to convey an interest to TERESA STANOWSKI nee HUK.

7. TERESA STANOWSKI nee HUK did not understand the said document to be a Deed and did not intend or know that it conveyed an interest in the property to her. 92650681

8. In November, 1987, while ZBIGNIEW HUK was out of the Country, TERESA STANOWSKI and her husband, JERRY STANOWSKI, moved into the third floor unit of the property without permission, continue to reside there, have no written lease for said premises and refuse to vacate the property.

9. On or about March 1, 1988, TERESA STANOWSKI and JERRY STANOWSKI filed an original contractors claim for lien with the Cook County Recorder of Deeds as Document Number 88088181.

10. In said lien, TERESA STANOWSKI acknowledged that ZBIGNIEW HUK was the sole owner of the property.

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11. As TERESA STANOWSKI and JERRY STANOWSKI have not commenced a suit to foreclose the said lien, said lien claim has expired.

12. ZBIGNIEW HUK has no adequate remedy at law.

## CONCLUSIONS:

1. ZBIGNIEW HUK is the sole owner in fee simple of the subject real property commonly known as 2251 N. Tripp, Chicago, Illinois which is legally described as follows:

Lot 148 and the North 1/2 of Lot 149 in Sam Brown's Jr.'s Pennock Subdivision of the North East 1/4 of Section 34, Township 40 North, Range 13 East of the Third Principal Meridian in Cook County, Illinois.

2. The document purporting to be a Deed to ZBIGNIEW HUK and TERESA HUK dated May 7, 1987 and recorded with the Recorder of Deeds of Cook County, Illinois as document number 87268101 is null and void and of no force and effect. **92650681**

3. TERESA STANOWSKI and JERRY STANOWSKI have no interest in said property and reside there without authority and have no rights to possession thereof.

4. The mechanic's lien claim recorded with the Recorder of Deeds of Cook County, Illinois as document number 88088181 is of no force and effect.

## Count II

As a result of the aforesaid ruling with regard to Count I, the relief requested in Count II is irrelevant.

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## Counter-Plaintiffs Counterclaim

### Count I

#### Findings:

1. JERRY STANOWSKI loaned to ZBIGNIEW HUK \$16,660.31 on May 9, 1986 for the purchase of the property commonly known as 2251 N. Tripp, Chicago, Illinois.
2. Said loan was not for the purchase of said property on behalf of either JERRY STANOWSKI or TERESA STANOWSKI, but rather a personal loan to ZBIGNIEW HUK from JERRY STANOWSKI.
3. ZBIGNIEW HUK agreed to pay interest on said loan at an unspecified rate.
4. Said loan did not convey to or create an interest in said property to either ~~in said property to either~~ JERRY STANOWSKI or TERESA STANOWSKI.

#### CONCLUSIONS:

1. Neither JERRY STANOWSKI nor TERESA STANOWSKI own or hold a beneficial or legal interest in the property commonly known as 2251 N. Tripp, Chicago, Illinois, legally described above.
2. The Counter-Plaintiffs have failed to prove a resulting trust by clear and convincing evidence.

### Count II

The Court reserves its ruling on the issues raised in Count II pending further ruling on an accounting after a hearing for the purpose of conducting such an accounting between the parties.

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IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The document purporting to be a Quit Claim Deed dated May 7, 1987 and recorded with the Recorded of Deeds of Cook County, Illinois as Document Number 87268101 is null and void and of no force and effect, the said mechanic lien claim recorded as document number 88088181 is of no force and effect. The fee simple title holder of the property commonly known as 2251 N. Tripp, Chicago, Illinois and legally described above is ZBIGNIEW HUK.

2. The relief requested in Count II of the Plaintiff's Complaint is irrelevant and that Count is dismissed without prejudice.

3. Judgment is entered in favor of the Counter-Defendant, ZBIGNIEW HUK, and against the Defendants, Counter-Plaintiffs, JERRY STANOWSKI and TERESA STANOWSKI, on Count I of the Counterclaim.

4. Ruling is reserved as to the issues raised in Count II of the Counterclaim and the accounting requested by the Plaintiff and as to whether any party hereto is indebted to the other until an accounting shall be conducted at a further hearing. The parties are to first attempt to resolve these issues between themselves and this matter is set for a status report on May 28, 1992 at 10:00 a.m. without further notice.

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5. This Plaintiffs' cause of action against Windy City Exteriors, Inc. and Unknown Owners is dismissed without prejudice.

6. The Defendants, JERRY STANOWSKI and TERESA STANOWSKI, shall not cause damage to the aforesaid property.

7. There is no just reason to delay enforcement or appeal of the provisions in paragraphs 1, 2 and 3 of page 5 hereof.

8. The status quo of the defendant's possession of their apartment shall be maintained.

DATE: April 21, 1992  
May 28, 1992

The defendant is required to comply with a court order within 7 days.

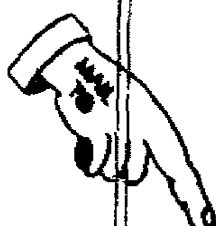
DATED: April 21, 1992

ENTER:

JUDGE

ENTERED	
CLERK OF THE CIRCUIT COURT	
AURELIA PUCINSKI	
APR 21 1992	
JUDGE	JAMES M. CURRANE #397
DEPUTY CLERK	

BISCHOFF, MAURIDES & SWABOWSKI, LTD.  
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& SWABOWSKI LTD.  
ATTORNEYS AT LAW  
CHICAGO

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HEREBY CERTIFY THE ABOVE TO BE CORRECT.

9-2-92

*Auselia Pucinski*

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.