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

INTERSTATE BANCORP., LTD.,)
Plaintiff,)
vs.)
KEITH MAYBERRY, LUCILLE CALDWELL,)
and ANNIE TIGGS,)
Defendants.)

No. 90 CH 11217

92042377

KEITH MAYBERRY,)
Counter-Plaintiff,)
vs.)
INTERSTATE BANCORP., LTD.,)
EVELYN MAYBERRY, BARBARA J.)
MAYBERRY, HENRY M. MAYBERRY,)
DONALD G. MAYBERRY, CHARLES I.)
MAYBERRY, MARVIN F. MAYBERRY,)
MICHAEL MAYBERRY, LEMUEL MAYBERRY,)
JR., and BOB MAYBERRY,)
Counter-Defendants.)

DEPT-01 RECORDING \$29.50
T#4444 TRAN 3769 12/15/92 10:25:00
#5967 * -92-943377
COOK COUNTY RECORDER

ORDER

THIS CAUSE coming on to be heard pursuant to prior order of Court, the Court having jurisdiction of the subject matter and the parties, and being fully advised in the premises;

FINDS AS FOLLOWS:

1. The subject matter of this litigation is certain real estate located in Cook County, Illinois. The permanent index number, legal description and common address of said real estate (hereinafter "the subject property") is as follows:

LOT 8 (EXCEPT THE SOUTH 5 FEET) AND THE SOUTH 10 FEET
OF LOT 7 IN BLOCK 4 IN O'TOOLE'S CALUMET CENTER
SUBDIVISION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4
OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE
THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 25-15-411-017-0000

Common address: 10918 South Vernon Avenue, Chicago, Illinois.

2. The subject property was conveyed to Joe Eddie Morgan and Dorothy Morgan, his wife, by Warranty Deed dated December 5, 1969 and recorded with the Cook County Recorder of Deeds as document No. 21044866. Subsequently, Joe Eddie Morgan conveyed all of his interest in the subject property to Dorothy Morgan by Quit Claim Deed dated December 3, 1970, recorded with the Cook County Recorder of Deeds as document No. 21334331.

9. On June 25, 1992, the court denied Plaintiff's Motion to Reconsider the court's judgment of April 2, 1992 and again found that there was no just reason for delaying enforcement or appeal.

Judgment was therefore entered in favor of Defendants. The court further found that there was no just reason for delaying enforcement or appeal from the subject judgment.

D. INTERSTATE HANCOCK LTD., having acquired no interest in the subject property, had no legal basis to bring its cause of action.

C. The Plaintiff, INTERSTATE HANCOCK LTD., took no interest in the subject property from Jeffrey John Irvan by virtue of the deed from Jeffrey John Irvan to the Plaintiff dated October 18, 1989 and recorded with the Cook County Recorder of Deeds as document No. 89499640 since Jeffrey John Irvan had no interest to convey; and,

B. Jeffrey John Irvan, as an alleged heir of the intestate Benjamin L. Irvan, Jr., took no interest in the subject property as a result of the subject disclaimer;

A. Benjamin L. Irvan, Jr., irrevocably disclaimed his interest in the subject property on July 20, 1982;

8. On April 2, 1992, pursuant to Defendant's Motion for Summary Judgment on all counts (I and II) of Plaintiff INTERSTATE's Second Amended Complaint, the court held that:

7. On or about October 18, 1989, Jeffrey John Irvan, as the alleged sole surviving heir of Benjamin L. Irvan, Jr., conveyed the subject property to INTERSTATE HANCOCK LTD. (sometimes hereinafter "INTERSTATE") by Warranty Deed recorded with the Cook County Recorder of Deeds as Document No. 89499640. Thereafter INTERSTATE initiated this cause of action.

6. Benjamin L. Irvan, Jr. died intestate on or about August 6, 1989.

5. On or about July 20, 1982, Benjamin L. Irvan, Jr. executed an irrevocable disclaimer of all of said Benjamin L. Irvan, Jr.'s right, title and interest in and to the subject property pursuant to §2-7 of the Illinois Probate Act of 1975.

4. Dorothy Irvan died intestate on or about November 11, 1981. On the date of her death, Dorothy Irvan was survived by her husband Benjamin L. Irvan, Jr. No child or children were ever born to or adopted by Dorothy Irvan during her lifetime and Benjamin L. Irvan, Jr. was Dorothy Irvan's only heir under the Illinois laws of intestacy.

3. Dorothy Morgan's maiden name was Dorothy Mayberry. Subsequent to her divorce from Joe Eddie Morgan, Dorothy Morgan, a/k/a Dorothy Mayberry, married Benjamin L. Irvan, Jr. and was thereafter known as Dorothy Irvan.

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from said judgment. No appeal was taken by the plaintiff following the court's order of June 25, 1992. Thereafter, the court's judgment of April 2, 1992 became final on Monday, July 27, 1992.

10. As a result of the aforesaid disclaimer by Benjamin L. Irvan, Jr., and pursuant to §2-7 of the Illinois Probate Act of 1975, S.H.A., ch.110 1/2, §2-7, all right, title and interest in and to the subject property vested in the heirs of Dorothy Irvan under the Illinois laws of intestacy as if Benjamin L. Irvan, Jr. had predeceased Dorothy Irvan.

11. Based upon the Illinois laws of intestacy, and the fact that Dorothy Irvan never had any child or children and never adopted any child or children, following Benjamin L. Irvan, Jr.'s disclaimer of all his interest in the subject property, all right, title and interest in and to the subject property vested in the surviving parents of Dorothy Irvan, a/k/a Dorothy Mayberry, a/k/a Dorothy Morgan; to wit: EVELYN MAYBERRY and ISSAC MAYBERRY, and her surviving brothers and sisters; to wit: BARBARA J. MAYBERRY, HENRY M. MAYBERRY, DONALD G. MAYBERRY, CHARLES I. MAYBERRY, MARVIN F. MAYBERRY and LEMUEL MAYBERRY. Dorothy Irvan's father, ISSAC MAYBERRY, survived her death, but died intestate in 1989, whereupon his interest in the property vested in his wife (EVELYN MAYBERRY) and surviving children as aforesaid in accordance with the Illinois laws of intestacy.

12. LEMUEL MAYBERRY subsequently died intestate after Dorothy Irvan. LEMUEL MAYBERRY was a single person at the time of his death. Based upon the Illinois laws of intestacy, the right, title and interest of LEMUEL MAYBERRY in and to the subject property vested in his three sons, MICHAEL MAYBERRY, LEMUEL MAYBERRY, JR., and BOB MAYBERRY, no other children having been born to or adopted by LEMUEL MAYBERRY.

13. The heirs of Dorothy Irvan (a/k/a Dorothy Morgan, a/k/a Dorothy Mayberry) under the Illinois laws of intestacy, determined as if Benjamin L. Irvan, Jr. had predeceased Dorothy Irvan, have each conveyed all of their right, title and interest in and to the subject property to KEITH MAYBERRY by a quit claim deed recorded with the Cook County Recorder of Deeds as follows:

A. MARVIN F. MAYBERRY by quit claim deed recorded as document No. 92392641;

B. BARBARA J. MAYBERRY, by quit claim deed recorded as document No. 92392642;

C. DONALD G. MAYBERRY, by quit claim deed recorded as document No. 92392643;

D. MICHAEL MAYBERRY, by quit claim deed recorded as document No. 92399550;

E. CHARLES I. MAYBERRY, by quit claim deed recorded as document No. 92402653;

F. HENRY M. MAYBERRY, by quit claim deed recorded as document No. 92540707;

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Date:

A. DUNNE	
Judge	
DEC 15 1992	
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ENTER:

IT IS THEREFORE ORDERED that the three Count Counterclaim of KEITH MAYBERRY, Defendant and Counter-Plaintiff, is hereby dismissed without prejudice and without costs, all matters in controversy having been previously resolved.

IT IS FURTHER ORDERED that all right, title and interest in and to the subject property, commonly known as 10918 South Vernon, Chicago, Illinois, shall be and is hereby vested in KEITH MAYBERRY.

15. Sole title to the subject property has become vested in KEITH MAYBERRY as a result of the aforesaid events.

14. Pursuant to the aforesaid events, Defendant, KEITH MAYBERRY, by his attorney, JEFFREY M. WESTON, has now orally moved to dismiss Defendant's counterclaim without prejudice and said motion should be allowed since the issues raised in KEITH MAYBERRY's counterclaim have all been resolved in favor of KEITH MAYBERRY by virtue of: (a) the court's prior judgment of April 2, 1992 finding in favor of KEITH MAYBERRY and against INTERSTATE BANCORP LTD. on plaintiff's complaint; and (b) the subsequent quit claim deeds from all other named Counter-Defendants to KEITH MAYBERRY as set forth in finding No. 13 hereinabove.

I. EVELYN MAYBERRY, by quit claim deed recorded as document No. 92798609.

H. LEMUEL MAYBERRY, JR. by quit claim deed recorded as document No. 92783201;

G. BOB MAYBERRY, a/k/a ROBERT B. MAYBERRY, by quit claim deed recorded as document No. 92723208;

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DATE OF ENTRY IN RECORD IS SUBJECT TO THE
RECORDS OF THE COUNTY OF COOK
I HEREBY CERTIFY THE ABOVE TO BE CORRECT.
DATE 12-15-01
[Signature]

Property of Cook County Clerk's Office

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