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February 27, 1992 and said unknown owners and nonrecord claimants have failed to answer the Verified Complaint or otherwise enter an appearance herein although more than 30 days have passed since each of said publications, and the default date published as aforesaid has passed, and said unknown owners and nonrecord claimants have been previously ordered defaulted and had judgment entered against them.

B. The following defendants entered appearances or filed responsive pleadings in this action, and, as set forth below, their interests in the Mortgaged Premises (as defined in paragraph 6(K)(1) of this Judgment) are foreclosed by this order: Cole Taylor Bank (as successor to Wheeling Trust and Savings Bank), as Trustee under Trust Agreement dated July 19, 1977 and known as Trust No. 77-175 (sometimes hereinafter referred to as "Mortgagor"); AMLI Partners, Ltd., 84-Ill., an Illinois limited partnership; AMLI Realty Company, a Delaware corporation; and AMLI Management Company.

2. The Court specifically finds that service of process in each instance was properly made in accordance with the Code of Civil Procedure.

3. This Court has jurisdiction over all of the parties hereto and the subject matter presented herein.

**II. EVIDENTIARY FINDINGS**  
**Ch. 110, § 15-1402(1)-(5)**

4. Plaintiff filed the Verified Complaint herein to foreclose the mortgage hereinafter described and joined the following persons as defendants: Cole Taylor Bank (as successor

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to Wheeling Trust and Savings Bank), as Trustee under Trust Agreement dated July 19, 1977 and known as Trust No. 77-175; AMLI Partners, Ltd., 84-Ill., an Illinois limited partnership; AMLI Realty Company, a Delaware corporation; AMLI Management Company, nonrecord claimant; and unknown owners.

5. Attached to the Verified Complaint are the following documents:

- (a) Construction and Permanent Mortgage, dated as of July 21, 1977, made by Mortgagor in favor of BA Mortgage Company, Inc. ("BAMC"), a copy of which is attached to the Verified Complaint as Exhibit A the ("Mortgage");
- (b) Installment Note dated as of July 21, 1977 made by the Mortgagor payable to the order of BAMC a copy of which is attached to the Verified Complaint as Exhibit C (hereinafter referred to as the "Note");
- (c) Assignment of Rents-Conditional, dated as of July 21, 1977 made by Mortgagor in favor of BAMC, a copy of which is attached to the Verified Complaint as Exhibit B;
- (d) Assignment of the Real Estate Mortgage dated July 26, 1977 and recorded July 28, 1977 made by BAMC assigning to Draper and Kramer, Incorporated, an Illinois Corporation ("Draper");
- (e) Assignment of assignment of Rents dated as of July 26, 1978 and recorded July 28, 1978 made by BAMC, assignment to Draper the Assignment of Rents, a copy

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of which is attached to the Verified Complaint as Exhibit E;

(f) Assignment of Real Estate Mortgage dated July 26, 1976 and recorded July 28, 1976 and recorded July 28, 1978 from Draper to Plaintiff, a substantially true and accurate copy of which is attached to the Verified Complaint as Exhibit F;

(g) Assignment of Assignment of Rents dated July 26, 1978 and recorded July 28, 1978 from Draper to Plaintiff, a substantially true and accurate copy of which is attached to the Verified Complaint as Exhibit G;

## 6. Information concerning mortgage:

- A. Nature of instrument: First mortgage.
- B. Date of Mortgage: July 21, 1977.
- C. Name of original mortgagor: Wheeling Trust and Savings Bank.
- D. Name of present mortgagor: Cole Taylor Bank (as successor to Wheeling Trust and Savings Bank), as Trustee under Trust Agreement dated July 19, 1977 and known as Trust No. 77-175.
- E. Name of original mortgagee: BA Mortgage Company, Inc.
- F. Name of present mortgagee: Plaintiff by virtue of the Assignment of Mortgage referenced in paragraph 3(f) and (g).

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The original is hereby certified to be a true and correct copy of the original as the same appears on the records of the County Clerk's Office.

Witness my hand and the seal of said office this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
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- G. Date and place of recording: July 26, 1977 in the Recorder's Office.
- H. Identification of recording: Document No. 24028557.
- I. Interest subject to mortgage: fee simple.
- J. Amount of original indebtedness: \$1,525,000.00;
- K. Description:

- (1) The legal description of the Mortgaged Premises is:

THE EAST 220.04 FEET (EXCEPT THAT PART FALLING IN HIGGINS ROAD AND HIGGINS ROAD AS WIDENED IN CASE NO. 6518179 CIRCUIT COURT OF COOK COUNTY, ILLINOIS) OF A TRIANGULAR PARCEL OF LAND IN LOT 1 IN CHARLES BOESCHE'S DIVISION OF PART OF THE WEST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

LYING NORTH OF THE NORTH LINE OF HIGGINS ROAD (AS OCCUPIED), WEST OF THE EAST LINE OF SAID LOT 1 AND SOUTHEASTERLY OF THE SOUTHEASTERLY EDGE OF THE CLEAR ZONE FOR RUNWAY 22 AT THE CHICAGO O'HARE INTERNATIONAL AIRPORT AS SHOWN ON SHEETS 45 AND 46 OF THE BLOCK PLAN BY JAMES, SCHAEFFER AND SCHIMMING, INC., NO. 57-1848AJ DATED JUNE 16, 1959, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF HIGGINS ROAD WITH THE SOUTHEASTERLY EDGE OF SAID CLEAR ZONE (SAID POINT BEING 699.92 FEET SOUTHEASTERLY OF THE CENTER LINE OF RUNWAY 22 EXTENDED); THENCE NORTH 48 DEGREES 08 MINUTES 26 SECONDS EAST ALONG THE SOUTHEASTERLY EDGE OF SAID CLEAR ZONE A DISTANCE OF 515.23 FEET TO A POINT IN THE EAST LINE OF SAID LOT 1 (SAID POINT BEING 776.35 FEET SOUTHEASTERLY OF THE CENTER LINE OF RUNWAY 22 EXTENDED); THENCE SOUTH 0 DEGREES 3 MINUTES 50 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 421.16 FEET TO THE NORTH LINE OF HIGGINS ROAD; THENCE NORTH 78 DEGREES 35 MINUTES 25 SECONDS WEST ALONG THE NORTH LINE OF HIGGINS ROAD A DISTANCE OF 391.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS

- (2) The common address or location of the Mortgaged Premises is: 10700 West Higgins Road, Rosemont, Illinois (Permanent Index No.: 09-32-400-06).

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(L) Defaults consist of, inter alia, (i) the failure to pay the principal and interest when due on the following dates: December 1, 1991, January 1, 1992, February 1, 1992, and March 1, 1992; (ii) the failure to make required escrow payments on the following dates: December 1, 1991; January 1, 1992, February 1, 1992 and March 1, 1992; and (iii) the failure to pay when due real estate taxes and associated penalties on the Mortgaged Premises.

(M) The following table summarizes all amounts due and owing Plaintiff as of April 10, 1992:

Outstanding Principal Balance.....	\$1,286,968.60
Accrued Interest.....	\$ 62,811.96
Costs and Expenses.....	\$ 645.09
Attorneys Fees.....	\$ 7,792.50
TOTAL Balance Due.....	<u>\$1,358,218.15</u>

The per diem interest (regular and default) accruing on the outstanding principal balance of judgment is \$411.12.

(N) The name of the present owner of the Mortgaged Premises is: Cole Taylor Bank (as successor to Wheeling Trust and Savings Bank) as Trustee under Trust Agreement dated July 19, 1977 and known as Trust No. 77-175.

(O) The names of other persons who are joined as defendants and whose interest in, or lien, on the Mortgaged Premises is sought to be terminated in this

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order are those defendants listed in paragraphs 1(A) and 1(B) of this order.

(P) The capacity in which plaintiff brings this foreclosure is as successor mortgagee under the Mortgage and as legal holder to the indebtedness secured by the Mortgage.

III. ALLEGATIONS DEEMED PROVED

Ch. 110, § 15-1402(1)-(5))

7. On July 21, 1977, the obligor of the indebtedness or other obligations secured by the Mortgage was justly indebted in the amount of the indicated original indebtedness to the payee of the Note.

8. The indebtedness or other obligations secured by the Mortgage has been validly assigned to Mortgagor.

9. Exhibits A and C, attached to the Verified Complaint are true and correct copies of the Mortgage and the Note, respectively.

10. Mortgagor was, as of July 19, 1977, owner of the fee simple interest in the Morgaged Premises, and as of that date made, executed, and delivered the Mortgage as security for the Note or other obligations to BAMC.

11. The Mortgage was recorded in Cook County, Illinois where the Morgaged Premises is located on July 26, 1977 as Document No. 24028557.

12. Defaults occurred as indicated in the Verified Complaint and include, but are not necessarily limited to, the

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failure to pay interest and principal when due on the Mortgaged Premises.

13. Presently, Mortgagor is the owner of the fee simple interest in and to the Mortgaged Premises.

14. The Mortgage constitutes a valid, prior, and paramount lien upon the fee simple interest in the Mortgaged Premises which lien is prior and superior to the right, title, and interest, claim, or lien of all parties whose interests in the Mortgaged Premises are terminated by this judgment of foreclosure.

15. By reason of the defaults alleged and proved if the indebtedness had not matured by its terms, the same became due by the exercise, by the plaintiff of a right or power to declare immediately due and payable the whole of all indebtedness secured by the Mortgage.

16. Any and all notices of default or election to declare the mortgage debt due and payable or other notices required to be given have been duly and properly given.

17. Any and all periods of grace or other period of time allowed for the performance of the covenants or conditions claimed to be breached or for the curing of any breaches have expired.

18. The amount indicated to be due in the Verified Complaint, are correctly stated.

19. Plaintiff-Mortgagee offered to waive, and by this Judgment does waive, any and all claims it may have against Mortgagor and any other named defendants that have not previously been defaulted, including, without limitation, any and all rights to a personal judgment for deficiency against the Mortgagor and

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against any other persons liable for the indebtedness or other obligations secured by the Mortgage.

20. Notice of such offer was given by motion to all parties not in default.

21. Defendant-Mortgagor expressly consents to the entry of a judgment for consent foreclosure as provided by Ill.Rev.Stat., Ch. 110, §15-1402, vesting absolute title to the Mortgaged Premises in the Plaintiff-Mortgagee free and clear of all claims, liens and interests of Defendant-Mortgagor, including all rights of reinstatement and redemption, and of all rights of all other persons made parties hereto whose interests are subordinate to that of the Plaintiff-Mortgagee and all unknown owners and non-record claimants who have been properly notified as provided by statute.

22. No other party has objected to the entry of such a judgment.

23. The parties in this case have agreed that a consent judgment may be entered by the court in this action without further notice or hearing.

**IV. ULTIMATE FINDINGS**

24. The allegations of Counts I and II of the Verified Complaint are true substantially as set forth. The equities in the cause are with Plaintiff. Based upon stipulation of the parties, Plaintiff is therefore entitled to the entry of a Consent Foreclosure (as provided by Ill.Rev.Stat., Ch. 110, Sec. 15-1402) wherein Plaintiff is entitled to immediate possession of the Mortgaged Premises, attorneys' fees and expenses as set forth in Paragraph 6(M) hereof.

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IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that a judgment for consent foreclosure and sale is granted; and

25. Absolute title to the mortgaged real estate is hereby vested in Plaintiff-Mortgagee State Farm Life Insurance Company free and clear of all claims, liens and interests of Defendant-Mortgagors, including any rights of reinstatement and redemption, and all rights of all other persons made parties hereto whose interests are subordinate to that of the Plaintiff-Mortgagee and all unknown owners and non-record claimants who have been properly notified as provided by statute. Delivery of this Judgment of Consent Foreclosure shall be sufficient to pass the title thereto. Such conveyance shall be an entire bar of all claims of parties to the foreclosure.

26. Plaintiff is authorized to take possession of the real estate described herein upon entry of this Judgment and is entitled to exclusive possession thereof.

27. Appealability. There is no just reason to delay enforcement of or appeal from this final appealable judgment order.

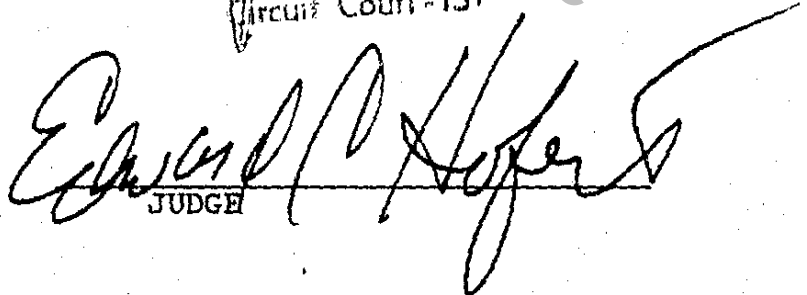
DATED: \_\_\_\_\_

Enter: \_\_\_\_\_

JUDGE EDWARD C. HOFFER

APR 10 1992

Circuit Court - 131

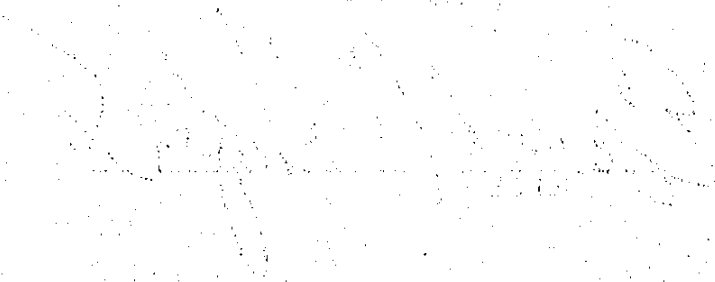
  
JUDGE

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APPROVED:

STATE FARM LIFE INSURANCE  
COMPANY

COLE TAYLOR BANK (as successor  
to Wheeling Trust and Savings  
Bank), as Trustee under Trust  
Agreement dated July 19, 1977  
and known as Trust No. 77-175  
AMLI PARTNERS, LTD., 84-ILL  
an Illinois limited partnership  
AMLI REALTY COMPANY, a Delaware  
corporation and  
AMLI MANAGEMENT COMPANY

By:

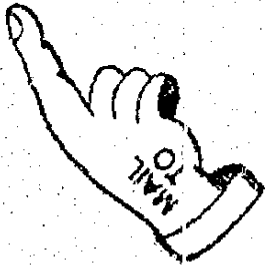
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