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

HYDE PARK BANK AND TRUST COMPANY, )

Plaintiff, )

vs. )

SIDNEY G. TINNELLE; )  
CHICAGO TITLE AND TRUST )  
COMPANY, AS TRUSTEE; and )  
UNKNOWN OWNERS and )  
NONRECORD CLAIMANTS, )

Defendants. )

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Case No. 93 CH 03014

John N. Hourihane

. DEPT-01 RECORDING \$37.50  
. T:6666 TRAN 8608 08/02/93 15:59:00  
. #1112 # \*-93-602890  
. COOK COUNTY RECORDER

## JUDGMENT OF FORECLOSURE AND SALE

CAUSE HEARD on plaintiff HYLE PARK BANK AND TRUST COMPANY's verified Complaint to Foreclose Mortgage ("Complaint"), plaintiff's Motion for Default against the defendants SIDNEY G. TINNELLE, CHICAGO TITLE AND TRUST, as Trustee, and UNKNOWN OWNERS and NON-RECORD CLAIMANTS having been granted; and the Court having considered the plaintiff's verified Complaint, Affidavit for Judgment of Suzanne Henson, and Affidavit of Attorneys' Fees and Costs, and being otherwise fully advised in the premises;

### THE COURT HEREBY FINDS AS FOLLOWS:

1. Plaintiff commenced these proceedings by filing its verified Complaint against the defendants.

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2. The affidavits required to make UNKNOWN OWNERS defendants to this action were filed, and "Unknown Owners" have been duly made parties defendant herein as provided by law.

3. The persons designated as UNKNOWN OWNERS and NONRECORD CLAIMANTS include other persons interested in this action who may claim to have some right, title, interest or lien in or on some part of the real estate described in the Complaint herein and in Exhibit A hereto (the "Mortgaged Premises"). The names of each such other persons interested in this action are unknown to plaintiff and its counsel, and cannot be ascertained upon diligent inquiry. All such other persons are therefore made parties defendant to this action by the name and description, Unknown Owners and Nonrecord Claimants.

4. The Court has jurisdiction of the parties hereto and of the subject matter of this claim.

5. All material allegations of plaintiff's Complaint are true and proven and the equities in this cause are with the plaintiff.

6. Plaintiff is the legal holder and owner of the "Mortgage" dated July 16, 1991 and "Installment Note" dated July 16, 1991 in the principal amount of \$165,000.00 attached as Exhibits B and A to the Complaint, respectively. Said Mortgage is a valid and subsisting lien upon the real property described herein as the Mortgaged Premises for said total sum of \$176,293.29, consisting of principal, interest through July 23, 1993, attorneys' fees, costs, and expenses as described below, plus interest thereon at the

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statutory rate of 9% *per annum* from and after the date hereof. The interests of all defendants in the Mortgaged Premises are subject and subordinate to plaintiff's lien.

7. SIDNEY G. TINNELLE is the mortgagor and record owner of the Mortgaged Premises.

8. In accordance with 735 ILCS 5/15-1601, SIDNEY G. TINNELLE, on behalf of himself and all those claiming an interest in the Mortgaged Premises through him, has waived any and all rights of redemption from sale under any order of foreclosure of the Mortgage.

9. SIDNEY G. TINNELLE defaulted under the terms of the Note and Mortgage by his failure to make payments thereunder, and there is an unpaid balance due and owing under the Note and Mortgage as specified in paragraph 10 herein.

10. There is due to plaintiff under the Note and Mortgage the following amounts which constitute a valid first lien against and upon the Mortgaged Premises, in the following order of priority:

Unpaid Principal Balance	161,304.98
Accrued and Unpaid Interest Through July 23, 1993	9,221.26
Attorneys' Fees and Costs Incurred as of May 31, 1993	4,567.05
Additional Estimated Attorneys' Fees	<u>1,200.00</u>
<b>TOTAL</b>	<b>\$176,293.29</b>

11. Pursuant to this Court's Order Appointing Receiver of May 7, 1993, Mr. Fred Levy was appointed receiver of the Mortgaged Premises.

12. SIDNEY G. TINNELLE, by said Mortgage, agreed that on foreclosure of the Mortgaged Premises, there shall be allowed and included as additional indebtedness

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in the judgment of foreclosure all expenditures and expenses which may be incurred as plaintiff's attorneys' fees and costs and expenses, including, but not limited to, attorneys' fees as well as appraisers' fees, outlays for documentary and expert evidence, stenographers' charges, publication costs, and costs (which may be estimated as to items to be expended after entry of the decree) of procuring all such abstracts of title, title searches and examinations, title insurance policies, Torrens certificates, and similar data and assurances with respect to title as plaintiff may deem reasonably necessary either to prosecute suit or to evidence to bidders at any sale which may be pursuant to such decree the true condition of the title to or the value of the Premises.

13. It therefore became necessary for plaintiff to employ attorneys to perform services, including without limitation, examination of documents, preparation and filing of summons and complaint, obtaining title company foreclosure minutes, recording notice of suit, obtaining the appointment of a receiver, obtaining judgment on the pleadings and judgment by default, and preparing this judgment of foreclosure. In addition, plaintiff's attorneys will be required to attend the sale and prepare an order confirming the sale, as well as performing other duties that may be required. As of May 31, 1993, the plaintiff has incurred \$4,483.00 for these reasonable attorneys' fees (including an estimate of fees likely to be incurred through the conclusion of this case), which the Court finds to be the usual, customary and reasonable charges made by attorneys in like cases. Said sum is hereby allowed to the plaintiff.

14. The plaintiff has also been required to expend \$1,284.05 for its costs and expenses in connection with this action as itemized in the affidavit submitted by the

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plaintiff's counsel (which includes a reasonable estimate of additional future expenses), which the Court determines were reasonable and customary charges for those expenses. The costs and expenses itemized above are hereby allowed to plaintiff.

15. Pursuant to Illinois Supreme Court Rule 304(a), there is no just reason for delaying the enforcement of or appeal from the judgment herein.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Court as follows:

16. That the defendant SIDNEY G. TINNELLE pay to the plaintiff the total amount set forth in paragraph 10 above, together with interest as aforesaid to the date of payment, within three (3) days from the date of entry hereof.

17. That in default of said payment being made as aforesaid, then in that case the Mortgaged Premises, together with all and singular the tenements, hereditaments and appurtenances thereon belonging or so much thereof as may be sufficient to realize the amount so found to be due to the plaintiff, and which may be sold separately without material injury to the parties in interest, be sold at public auction or open verbal bid for cash to the highest bidder by the selling officer, Intercounty Judicial Sales Corporation, at such place as such sales are usually held in Cook County; that public notice be given, pursuant to 735 ILCS 5/15-1507, of the time, place and terms of such sale by publishing the same at least once a week for three (3) successive weeks in (a) the legal notices section of a secular newspaper of general circulation, published in the County of Cook and State of Illinois; and (b) the real estate section of a secular paper of general circulation, which notice shall include, among the information required by said section

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5/15-1507, the following terms of sale: (i) that any successful bidder other than the plaintiff shall make, at time of sale, a non-refundable payment of 10% of the successful bid amount, and that the balance thereof shall be paid within twenty-four hours of the date of sale by cashier's check; (ii) that prior to sale the receiver will make available for inspection to all interested parties, subject to reasonable restrictions, the Mortgaged Premises. The sale is subject to the following: Notice of such sale be given to all parties to this action who have appeared in this action but have not been found in default for failure to plead; plaintiff or any of the parties to this case may become the purchaser or purchasers at such sale; the Court may adjourn the sale so advertised upon the terms of 735 ILCS 5/15-1507(c)(4); that upon such sale being made, said selling officer shall execute and deliver to the purchaser or purchasers a Certificate or Certificates of Sale, together with a duplicate which such purchaser may register and record in the proper office.

18. Out of the proceeds of said sale, Intercounty Judicial Sales Corporation shall retain its fees, disbursements and commissions and see that all unpaid costs are paid to the persons entitled to receive the same; that the selling officer shall with all speed report said sale and proceeds to this Court; that upon confirmation of the sale the Court shall then pay to the plaintiff, out of the proceeds of said sale, the amount due plaintiff under this Judgment, with interest as aforesaid, and all taxable costs advanced by plaintiff; and that if such proceeds shall not be sufficient to pay said amount and interest, the same shall be applied to the extent to which it may reach in satisfaction thereof, the amount of deficiency shall be specified and reported to the Court; and if

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there should be a surplus after paying to plaintiff the amount due it as aforesaid, that such surplus shall be brought into Court and abide the further order of this Court.

19. Upon confirmation of such sale as aforesaid, the defendants, and all persons claiming through or under them, or any of them, since the commencement of this suit, be and are forever barred and foreclosed of and from all rights and equity of redemption and claim of, in and to the Mortgaged Premises or any part thereof; and upon production to the Court of said Certificate or Certificates of Sale by the legal holder or holders thereof, the Court shall immediately execute and deliver, and said holder or holders shall immediately be entitled to receive, a good and sufficient deed of conveyance to the Mortgaged Premises; and that thereupon, the grantee or grantees of such deeds or his or their legal representatives or assigns, be let into possession of the Mortgaged Premises, and that the Receiver or any of the parties to this cause who may be in possession of the Mortgaged Premises or any portion thereof, or any person who may have come into such possession under them or any of them since the commencement of this suit, shall, upon the production of said deed of conveyance, surrender possession of Mortgaged Premises to said grantee or grantees, his or her representatives or assigns, and in default of so doing a Writ of Assistance shall issue.

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20. That this Court hereby retains authority during the entire pendency of the foreclosure and until disposition of all matters arising out of the foreclosure.

ENTERED:

JUDGE

<b>ENTERED</b>	
CLERK OF THE CIRCUIT COURT	
JUL 29 1993	
JUDGE	407
DEPUTY CLERK	

Prepared by:  
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Jane W. Grover  
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Atty No. 71182

Attorneys for Plaintiff

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## LEGAL DESCRIPTION

LOTS 19 AND 20 IN BLOCK 23 IN SOUTHFIELD, A  
SUBDIVISION OF BLOCKS 17, 18, 19, 22, 23, 24, 26, 27, 28, 29,  
29 31, AND 32 IN JAMES STINSON SUBDIVISION OF EAST  
GRAND CROSSING IN THE SOUTH WEST 1/4 OF SECTION  
25, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD  
PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 20-25-317-035-0000.

Common address: 7754-58 S. East End Avenue, Chicago, Illinois 60617.

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EXHIBIT A

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10/10/2010 10:00 AM