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

NBD BANK, an Illinois Banking  
Association,

Plaintiff,

vs.

IDEAL CABINET COMPANY, INC.;  
JOHN LEXAU; CLASSIC SOLID  
SURFACES, INC.; STATE OF  
ILLINOIS; and UNKNOWN OWNERS;

Defendants.

Case No. 93 CH 8267

Judge Richard L. Curry

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21

**CONSENT FORECLOSURE JUDGMENT AND ORDER  
VESTING ABSOLUTE TITLE TO THE  
MORTGAGED PREMISES TO NBD BANK  
A/T/U TRUST NO. 93-1-AH, NOMINEE FOR NBD BANK**

CAUSE HEARD on NBD BANK's verified Complaint to Foreclose Trust Deeds, the Court having considered the parties' Stipulation to Judgment of Foreclosure and Sale, and being otherwise fully advised in the premises;

**THE COURT HEREBY FINDS AS FOLLOWS:**

1. Plaintiff commenced these proceedings by filing its two-count verified Complaint to Foreclose Trust Deeds ("Complaint") against the defendants. Count I, Paragraph 12(m), and Count II, Paragraph 15(m) of the Complaint disclose NBD BANK's intention to obtain judgment in this foreclosure by consent and NBD BANK's waiver of its right to collect personal judgments against the guarantors.

2. The property that is the subject of the Complaint (the "Mortgaged Premises") is described in Exhibit A hereto.

COOK COUNTY, ILLINOIS  
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The Parties

3. Unknown Owners:

a) The affidavits required to make UNKNOWN OWNERS defendants to this action were filed, and UNKNOWN OWNERS have been duly made defendants herein as provided by law;

b) The persons designated as UNKNOWN OWNERS include other persons interested in this action, including unknown shareholders of the defendant IDEAL CABINET COMPANY, INC. who may claim to have some right, title, interest or lien in or on some part of 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.

c) Defendants UNKNOWN OWNERS were properly served by publication as provided by law, and, having failed to answer within the time required by law, an order of default was accordingly entered against them.

4. The defendants STATE OF ILLINOIS and UNKNOWN OWNERS have not appeared by answer or response to the Complaint to object to entry of this judgment, and default has been entered against each of them.

5. Defendant JOHN LEXAU, the sole shareholder of IDEAL CABINET COMPANY, INC. ("IDEAL CABINET"), was served by personal service as provided by law.

6. IDEAL CABINET, a dissolved Illinois corporation, is the mortgagor and

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record owner of the Mortgaged Premises. Defendant John Lexau is the sole shareholder of IDEAL CABINET.

7. Defendants JOHN LEXAU and IDEAL CABINET have consented to entry of this Consent Foreclosure Judgment and Order Vesting Absolute Title by the Stipulation to Consent Foreclosure Judgment attached hereto as Exhibit B, and in accordance with Section 15-1402 of the Illinois Mortgage Foreclosure Law.

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

9. Plaintiff NBD Bank is the legal holder and owner of the trust deed dated November 7, 1988, trust deed dated May 1, 1991 (together, the "Trust Deeds"), "Secured Business Note" dated November 7, 1988, in the principal amount of \$350,000.00, and "Secured Business Note" dated July 31, 1991, in the principal amount of \$100,000.00. Said Trust Deeds are valid and subsisting liens upon the real property described herein as the Mortgaged Premises for said total sum of \$536,680.22, consisting of principal and accrued interest through November 1, 1993, attorneys' fees, costs, and expenses as described below.

10. In accordance with 735 ILCS 5/15-1601 and the Stipulation to Consent Foreclosure Judgment, IDEAL CABINET, acting through its sole shareholder, JOHN LEXAU, and on behalf of itself, its shareholders, successors and assigns, and all those claiming an interest in the Mortgaged Premises through it, has waived any and all rights of redemption from sale under any order of foreclosure of the Mortgage.

11. Pursuant to the Stipulation for Judgment of Foreclosure and Sale and Section 15-1402(a)(1) of the Illinois Mortgage Foreclosure Law, plaintiff NBD BANK waives any

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and all rights to a personal judgment for deficiency against the mortgagor IDEAL CABINET and the guarantors, JOHN LEXAU and Harold Lexau.

12. IDEAL CABINET defaulted under the terms of the Notes and Trust Deeds by its failure to make payments under the Notes. There is an unpaid balance due and owing under the Note and Mortgage as specified in paragraph 13 herein.

13. There is due to NBD BANK under the Notes and Trust Deeds the following amounts which constitute a valid first lien against and upon the Mortgaged Premises, in the following order of priority:

a)	Unpaid Principal Balance .....	\$450,930.08
b)	Accrued and Unpaid Interest Through November 1, 1993 .....	71,931.40
c)	Attorneys' Fees Incurred as of October 1, 1993 .....	11,197.00
d)	Attorneys' Costs .....	621.74
	as of October 1, 1993	
e)	Estimated Additional Attorneys' Fees .....	2,000.00
	<b>TOTAL</b>	<b>\$536,680.22</b>

14. IDEAL CABINET, by said Trust Deeds, agreed that on foreclosure of the Mortgaged Premises, there shall be allowed and included as additional indebtedness 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

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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.

15. 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 prepare this Consent Foreclosure Judgment and Order Vesting Absolute Title to the Mortgaged Premises to NBD Bank a/t/u Trust No. 4648-A11, as Nominee for NBD Bank, and obtain the judgment in this case, as well as performing other duties that may be required. Plaintiff has incurred \$13,197.00 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.

16. NBD BANK has also been required to expend \$621.74 for its costs and expenses in connection with this action, which the Court determines were reasonable and customary charges for those expenses. The costs and expenses are hereby allowed to plaintiff.

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



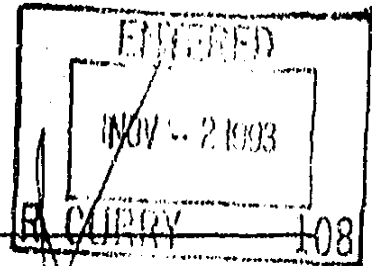
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IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Court that:

18. Absolute title to the Mortgaged Premises, together with all tenements, hereditaments and appurtenances thereon belonging, shall immediately vest to NBD Bank a/t/u Trust No. 4648-AH, as nominee for plaintiff, NBD BANK, free and clear of all claims, liens, and interests of the mortgagor, IDEAL CABINET COMPANY, including all rights of reinstatement and redemption, and of all rights, liens, and interests of the STATE OF ILLINOIS and UNKNOWN OWNERS, but subject to the lien of the defendant CLASSIC SOLID SURFACES.

ENTERED:



Dated: \_\_\_\_\_

JUDGE

Prepared by:

David P. Leibowitz  
Jane W. Grover  
FREEBORN & PETERS  
311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606  
312/360-6000  
Atty No. 71182

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PROPERTY

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## LEGAL DESCRIPTION

LOT 21 (EXCEPT THE NORTHERLY 33 FEET THEREOF) AND LOT 22 IN PALWAUKEE INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE SOUTH EAST 1/4 OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 3, 1969 AS DOCUMENT 21027923, IN COOK COUNTY, ILLINOIS.

P.I.N. 03-23-406-005

P.C.N. 03-23-406-025

Common address: 2130 South Foster Avenue, Wheeling, Illinois 60090

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EXHIBIT A

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NBD BANK, an Illinois Banking  
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Plaintiff,

vs.

Case No. 93 CH 8267

IDEAL CABINET COMPANY, INC.;  
JOHN LEXAU, CLASSIC SOLID  
SURFACES, INC.; STATE OF  
ILLINOIS; and UNKNOWN OWNERS;

Defendants.

### STIPULATION TO CONSENT FORECLOSURE JUDGMENT

Defendants IDEAL CABINET COMPANY ("Ideal Cabinet"), a dissolved Illinois corporation, JOHN LEXAU, sole shareholder of Ideal Cabinet (together, the "Defendants"), and plaintiff NBD BANK, by its counsel, hereby stipulate and agree as follows, in accordance with Section 15-1402 of the Illinois Mortgage Foreclosure Law:

1. Ideal Cabinet and John Lexau hereby expressly consent to the entry of the Consent Foreclosure Judgment and Order Vesting Absolute title to the Mortgaged Premises to NBD Bank n/t/u Trust No. 4648-AH, Nominee for NBD Bank, free and clear of all claims, liens and interests of the Defendants, including the rights of reinstatement and redemption, and of all rights of all other persons made parties herein whose interests are subordinate to that of NBD Bank, and all Unknown Owners and Nonrecord Claimants who have been properly notified as provided by statute;

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EXHIBIT

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2. NBD Bank hereby waives any and all rights to a personal judgment for deficiency against the mortgagor Ideal Cabinet and the guarantors, John Lexau and Harold Lexau.
3. Such consent foreclosure judgment may be entered herein by the Court without further notice of hearing.

JOHN LEXAU

Date: Oct. 28 1993

John Lexau

IDEAL CABINET COMPANY, INC.

Date: Oct. 28 1993

By: John Lexau  
John Lexau, Sole Shareholder

NBD BANK

Date: 29 Oct. 1993

By: David P. Lebowitz  
One of Its Attorneys

Prepared by:

David P. Lebowitz  
Jane W. Grover  
FREEBORN & PETERS  
311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606  
312/360-6000  
Atty No. 71182

Attorneys for Plaintiff

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Case No. 93 CH 8267

Judge Richard L. Curry

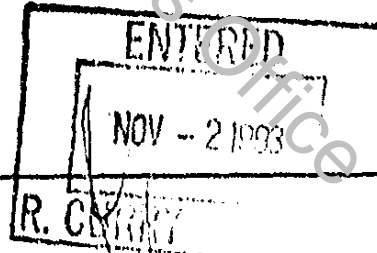
## ORDER OF DEFAULT

CAUSE HEARD plaintiff NBD BANK's motion for default against the defendants  
STATE OF ILLINOIS and UNKNOWN OWNERS, the court being fully advised, IT IS  
ORDERED:

Plaintiff's motion is granted and default is hereby entered against the  
defendants STATE OF ILLINOIS and UNKNOWN OWNERS, and in favor  
of plaintiff NBD BANK.

ENTERED:

Judge



*mail to*  
David P. Leibowitz  
Jane W. Grover  
FREEBORN & PETERS  
311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606  
312/360-6000  
Atty No. 71182  
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