

UNOFFICIAL COPY

91114601

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

FIRST AMERICAN BANK,

Plaintiff,

v.

FIRST AMERICAN BANK, as Trustee
under a Trust Agreement dated
January 21, 1988, and known as
Trust No. 88-04, M/N CO., an
Illinois general partnership,
FRED P. MANETTI, JR., MARIO J.
MANETTI, LAWRENCE MANETTI FAMILY
TRUST, MARK MANETTI FAMILY TRUST,
RICHARD MANETTI FAMILY TRUST,
DEBORAH MANETTI FAMILY TRUST,
DANIEL MANETTI FAMILY TRUST,
FRED P. MANETTI, JR. FAMILY TRUST,
MICHAEL MANETTI FAMILY TRUST,
THOMAS MANETTI FAMILY TRUST,
AVENUE BANK OF OAK PARK, as
Trustee of the aforementioned
family trusts, CITY OF CHICAGO,
REGISTRAR OF TITLES OF COOK COUNTY,
ILLINOIS, UNKNOWN OWNERS and
NONRECORD CLAIMANTS,

Defendants.

91114601

MORTGAGE FORECLOSURE

No. 93 CH 4553

Honorable
John N. Hourihane.

DEPT OF RECORDING \$25.00
JAN 28 1994 15:21:00
91114601
COOK COUNTY RECORDER

ORDER OF JUDGMENT

At Chicago, Illinois
January 28, 1994

THIS MATTER COMING TO BE HEARD on the motion of
Plaintiff First American Bank ("FAB") for judgment on the
pleadings on Count III (the "Motion"); FAB having given due
and proper notice of the Motion to all parties in interest;
the Court having held a hearing and heard from all interested
parties; the Court having jurisdiction over the subject
matter of this case and the parties hereto;

25
Box 374 JLS

91114601

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

THE COURT HEREBY FINDS THAT:

1. On May 17, 1993, FAB filed a Complaint against the above-referenced defendants (the "Defendants") to foreclose its mortgage (the "Mortgage") on the real property commonly known as 814 North Sacramento, Chicago, Illinois, and to obtain a judgment on a certain guaranty (the "Guaranty") executed by M/N Co., Fred P. Manetti, Mario J. Manetti and the Manetti Family Trusts (as defined in the Complaint) (the "Guarantors").

2. On August 23, 1993, Defendants filed an Answer to the Complaint wherein they admitted substantially all of the material facts regarding the Guaranty. In particular, Defendants admitted that:

- a. The Guarantors executed the Guaranty;
- b. The Guaranty constitutes a valid contract between FAB and the Guarantors; and
- c. Defendant First American Bank, as Trustee under a Trust Agreement dated January 21, 1988, and known as Trust No. 88-03, as mortgagor under the Mortgage, defaulted under the note secured by the Mortgage (the "Note") by not making full and prompt payment of the Note's outstanding balance and by otherwise defaulting under the Mortgage.

3. On September 21, 1993, FAB filed the Motion.

4. At a prove-up hearing on the Motion, FAB submitted an affidavit setting forth the outstanding balance due under the Note in the amount of \$228,938.39 as of December 22, 1993.

94114601

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

5. FAB is entitled to judgment on Count III of the Compliant in the amount of \$200,000, because the Guaranty caps the Guarantors' liability at this amount. The Defendants' liability under the Note as of December 22, 1993, exceeds \$200,000, excluding attorneys' fees and costs.

IT IS THEREFORE ORDERED THAT:

A. Judgment is entered in favor of FAB and against Guarantors in the amount of \$200,000; and

B. There is no just reason to delay enforcement of or appeal from this order, which is final and appealable pursuant to Illinois Supreme Court Rule 304(a).

Dated: January __, 1994

03405 ORD

ENTERED:

Honorable John N. Hourihane

ENTERED	
CLERK OF THE COURT	
JAN 28 1994	
JUDGE	DEPUTY CLERK

Property of Cook County Clerk's Office

94114601

UNOFFICIAL COPY

Property of Cook County Clerk's Office