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Attorney No. 03863

with judgment.ord

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

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

SOUTHERN MT. ZION MISSIONARY)
BAPTIST CHURCH, a religious)
society and corporation organ-)
ized and subsisting under the)
GENERAL NOT FOR PROFIT Corpor-)
ation Act of the State of)
Illinois; and REVEREND CARL)
HAWTHORNE, the Pastor)

Plaintiffs

-vs-

SOLOMON SMITH and P. J. DIXON)

Defendants

DEPT-01 RECORDING 127.50
145595 TRAN 1961 02/07/94 10:24:00
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COOK COUNTY RECORDER

NO: 92 CH 02413

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JUDGMENT ORDER

This cause coming to be heard for trial on the Complaint of the Plaintiffs, SOUTHERN MT. ZION MISSIONARY BAPTIST CHURCH, a not-for-profit corporation (hereinafter referred to as the "CHURCH"), and REVEREND CARL HAWTHORNE, the Pastor, against the Defendants, SOLOMON SMITH and P. J. DIXON, (hereinafter referred to as "SMITH" and "DIXON"), and upon the Counterclaim of SOLOMON SMITH; the Court having heard the sworn testimony of the witnesses and the arguments of counsel on January 24 and 25, 1994 and being fully advised in the premises;

FINDS as follows:

- 1. That the CHURCH is a not-for-profit corporation existing under the Not-For-Profit Act of the State of Illinois, was organized on February 5, 1974, and conducts a certain religious

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establishment on the premises located at 7500 South Parnell, Chicago, Illinois (the "PROPERTY").

2. That the Plaintiff, REVEREND CARL HAWTHORNE, is the Pastor and Chief Operating Officer of the CHURCH.

3. That SMITH and DIXON were long time members of the CHURCH and duly elected deacons and trustees of said CHURCH for many years prior to the institution of this litigation on March 6, 1992.

4. That the plaintiffs, by their Complaint, seek injunctive relief together with an accounting and declaration that the Defendants, SMITH and DIXON, are no longer members of the CHURCH, having been duly expelled by the membership.

5. That the Defendants, SMITH and DIXON, seek a declaration of this Court that they are still members of the CHURCH and that their purported expulsion was illegal.

6. That on the October 26, 1990, the CHURCH acquired ownership and title to the real estate located at 7500 South Parnell, Chicago, Illinois, (hereinafter called the "PROPERTY"), for the sum of Five Thousand (\$5,000.00) Dollars.

7. That the PROPERTY acquired by the CHURCH on October 26, 1990 was improved with a dilapidated, non-inhabitable, and unusable building, which PROPERTY is hereinafter legally described in Paragraph E of the judgmental portion of this Order.

8. That the Defendant and Counter Plaintiff, SMITH, at the special request and instance of REVEREND CARL HAWTHORNE, and with the acquiescence of the CHURCH membership, did devote a prodigious amount of time and did expend the sum of \$13,722.39 of his personal funds toward the physical rehabilitation of the PROPERTY.

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9. That the efforts of SMITH in rehabilitating said PROPERTY improved its value from \$5,000.00 to \$50,000.00, for which it is currently insured.

10. That SMITH has requested the CHURCH on many occasions to repay all monies advanced by him in connection with the rehabilitation of the PROPERTY, which the CHURCH has refused and failed to do.

11. SMITH is entitled to (1) judgment against the CHURCH for all monies advanced by him for the rehabilitation of the CHURCH and (2) a lien against the said PROPERTY to the extent of monies advanced by him for the PROPERTY's rehabilitation.

12. SMITH seeks no reimbursement for his time and efforts in rehabilitating said PROPERTY.

13. Defendants have made an adequate accounting to the plaintiffs of all funds received and disbursed.

IT IS THEREFORE ORDERED as follows:

A. That the plaintiffs' request for injunctive relief against the defendants be and the same is hereby denied.

B. That this Court declines to determine whether or not SOLOMON SMITH and P. J. DIXON are valid members of the Plaintiff, SOUTHERN MT. ZION MISSIONARY BAPTIST CHURCH, a not-for-profit corporation, or whether or not they have been duly expelled from membership, leaving the parties to hopefully resolve their differences.

C. That the request of plaintiffs for an accounting from the Defendants, SOLOMON SMITH and P. J. DIXON, is hereby denied, said defendants having adequately accounted to plaintiffs for all monies

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received and distributed.

D. That SOLOMON SMITH have judgment against SOUTHERN MT. ZION MISSIONARY BAPTIST CHURCH, a not-for-profit corporation, in the amount of THIRTEEN THOUSAND SEVEN HUNDRED TWENTY TWO and 39/100ths (\$13,722.39) DOLLARS, and costs, with execution to be stayed for 180 days from the entry of this Order.

E. That SOLOMON SMITH be and is hereby awarded a lien against the property of the Plaintiff, SOUTHERN MT. ZION MISSIONARY BAPTIST CHURCH, a not-for-profit corporation, located at 7500 S. Parnell, Chicago, Illinois, and legally described as follows:

Lot 1 in Block 17 in Mallett and Brownell's Subdivision of Lots 16 to 21, both inclusive, of Auburn Park Subdivision in Section 28, Township 30 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois;

In the amount of THIRTEEN THOUSAND SEVEN HUNDRED TWENTY TWO and 39/100ths (\$13,722.39) DOLLARS.

F. That any action to foreclose this lien be stayed 180 days from the entry of this Order to permit SOUTHERN MT. ZION MISSIONARY BAPTIST CHURCH, a not-for-profit corporation, to raise the necessary funds to satisfy same.

G. Except as herein set forth, this Court finds no just cause to delay enforcement or appeal of this Order as hereinbefore set forth.

JUDGE EDWARD C. ROBERT

ENTER:

JAN 31 1994

Circuit Court-131

JUDGE

JOSEPH L. GOLDBERG 03863
Attorney for Defendants and Counter Plaintiffs
30 North La Salle Street, Suite 2126
Chicago, IL 60602-2504
Phone: 312 332-7495
Fax: 312 984-1047



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