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PLACITA JUDGMENT

(2-90) CCDCH-6

UNITED STATES OF AMERICA

STATE OF ILLINOIS,  
COUNTY OF COOK

ss.

9-1278862

9-1278862

EVERETTE A. BRADEN

PLEAS, before the Honorable .....  
one of the Judges of the Circuit Court of Cook County, in the State of Illinois, holding a branch Court, at the  
Court, at the Court House in said County, and state, on MARCH 28, 1994 .....

in the year of our Lord, one thousand nine hundred and 94 ..... and of the  
Independence of the United States of America, the two hundredth and 18 .....

PRESENT: - The Honorable EVERETTE A. BRADEN .....  
Judge of the Circuit Court of Cook County.

....., State's Attorney  
**JACK O'MALLEY**  
....., Sheriff  
**MICHAEL F. SHEAHAN**

Attest: AURELIA PUCINSKI, Clerk.

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9-1278862

. DEPT-01 RECORDING 437.00  
. T#3333 TRAN #105 03/28/94 16:08:00  
. 90856 P.L.C. \*-94-278862  
. COOK COUNTY RECORDER

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Attorney No. 90700

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

MUTUAL BENEFIT LIFE INSURANCE  
COMPANY IN REHABILITATION, As  
Successor to The Mutual Benefit  
Life Insurance Company,

Plaintiff,

vs.

440 NORTH WELLS BUILDING  
PARTNERSHIP, an Illinois limited  
partnership; AMERICAN NATIONAL  
BANK AND TRUST COMPANY, not  
personally but solely as Trustee  
under Trust Agreement dated  
October 19, 1981 and known as  
Trust No. 53941; MONROE ASSOCIATES,  
INC. d/b/a MONROE MANAGEMENT  
CO.; CAMCO MANAGEMENT, INC.;  
UNKNOWN OWNERS; and NONRECORD  
CLAIMANTS,

Defendants.

No. 94 CH 631

Mortgage and Security  
Agreement Foreclosure

## JUDGMENT OF FORECLOSURE BY CONSENT

THIS CAUSE having been heard by this Court upon the Motion of the Plaintiff, MUTUAL BENEFIT LIFE INSURANCE COMPANY IN REHABILITATION, AS SUCCESSOR TO THE MUTUAL BENEFIT LIFE INSURANCE COMPANY ("Mutual Benefit"), for entry of this Judgment of Foreclosure by Consent upon Stipulation for Consent Foreclosure, proper and timely notice having been given, and the Court being fully advised in the premises, the Court finds that:

1. Mutual Benefit filed its Verified Complaint in Chancery to foreclose its Mortgage and Security Agreement (the

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"Mortgage") on certain real estate and personal property described therein.

2. All of the Defendants in this cause (the "Defendants") have been duly and properly brought before this court either through their appearance, service of summons and complaint, or publication, all in the manner provided by law, and that this Court now has personal jurisdiction over all of the parties to this cause and the subject matter hereof.

3. The affidavit required to make Unknown Owners and Nonrecord Claimants parties to this action was duly filed and the affidavit to serve Unknown Owners and Nonrecord Claimants by publication was duly filed herein and said Unknown Owners and Nonrecord Claimants have been duly and regularly made parties to this action in the manner provided by law.

4. American National Bank and Trust Company, not personally, but solely as Trustee under Trust Agreement dated October 19, 1981 and known as Trust No. 53941 ("American National Bank Land Trust"), and 440 North Wells Building Partnership have executed a stipulation agreeing to the entry by this Court of this judgment pursuant to Section 15-1402 of the Illinois Code of Civil Procedure satisfying the indebtedness evidenced by that certain Promissory Note dated June 1, 1986 (the "Note") and secured by the Mortgage (the "Mortgage") and Assignment of Rents and Leases (the "Assignment of Rents"), all of which are attached to the Complaint filed herein, by vesting absolute title to the mortgaged real estate and the personal property described in paragraph 6 herein

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(the mortgaged real estate and the personal property described in paragraph 6 herein shall at times be referred to herein as the "440 Property") in Mutual Benefit.

5. In accordance with 735 ILCS 5/15-1402(c), Mutual Benefit waives any right to a personal judgment for deficiency against American National Bank Land Trust, 440 North Wells Building Partnership or any other person or entity who is or may be liable for the indebtedness evidenced by the Note or other obligations secured by the Mortgage and Assignment of Rents.

6. The Mortgage appears on file in the Office of the Recorder of Deeds, Cook County, Illinois as Document No. 86278375. The 440 Property herein referred to includes the real estate commonly known as 440 North Wells Street, Chicago, Illinois which is legally described in Exhibit A attached hereto and hereby incorporated by reference, and the personal property described in Exhibit B attached hereto and hereby incorporated by reference.

7. An order of default has been properly entered against Monroe Associates, Inc. d/b/a Monroe Management Co.; Nonrecord Claimants; and Unknown Owners and Mutual Benefit's Complaint is taken as confessed by them.

8. All of the rights, title, interest, claims or liens, if any, of the Defendants in the 440 Property are inferior to the lien of Mutual Benefit's Mortgage and the Assignment of Rents and are terminated by this Judgment.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED and JUDGMENT IS HEREBY ENTERED as follows:**

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A. Absolute title to the 440 Property as defined above and which property includes the real estate commonly known as 440 North Wells, Chicago, Illinois which is legally described in Exhibit A attached hereto, and the personal property described in Exhibit B attached hereto, is hereby vested in Mutual Benefit Life Insurance Company in Rehabilitation, As Successor to The Mutual Benefit Life Insurance Company, free and clear of all rights, title, interest, claims or liens, if any, of the Defendants, including American National Bank and Trust Company, not personally but solely as Trustee under Trust Agreement dated October 19, 1981 and known as Trust No. 53941; 440 North Wells Building Partnership; Monroe Associates, Inc. d/b/a Monroe Management Co.; Nonrecord Claimants; and Unknown Owners.

B. The indebtedness evidenced by the Note and secured by the Mortgage and Assignment of Rents is deemed satisfied.

C. Mutual Benefit is barred from obtaining a deficiency judgment against American National Bank and Trust, or any other person or entity who is or may be liable for the indebtedness evidenced by the Note or other obligations secured by the Mortgage and Assignment of Rents.

D. All rights of reinstatement and redemption are barred.

E. Each party shall pay its respective attorneys' fees and costs.

F. The reports of L.J. Sheridan & Co. ("Receiver"), including its final report are approved. The Receiver shall pay to

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Mutual Benefit, upon the entry of this judgment, all funds in its possession and control generated by the 440 Property in excess of usual and ordinary expenses and, upon such payment, the Receiver is discharged and released without any further obligations herein, and the Receiver's bond shall be canceled.

G. American National Bank Land Trust and 440 North Wells Building Partnership waive all rights to modify, vacate, set aside, or appeal this Judgment. Mutual Benefit waives all rights to modify, vacate, set aside, or appeal this Judgment, except as may be necessary to vest absolute title to the 440 Property in Mutual Benefit pursuant to the terms of this Judgment.

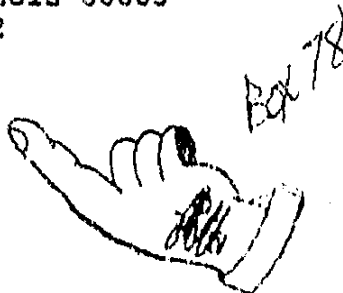
ENTER:

JUDGE

Date:

<b>ENTERED</b>
MAR 28 1994
<b>E. BRADEN 481</b>

PREPARED BY AND MAIL TO:  
Thomas I. Matyas  
ROSENTHAL AND SCHANFIELD  
55 East Monroe Street  
46th Floor  
Chicago, Illinois 60603  
(312) 236-5622



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## Legal Description

Lot 2 in Assessor's Division of Block 11 in Newberry's Addition to Chicago of the East 1/2 of the West 1/2 of the North East 1/4 of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

Together with, but not limited to, all buildings and improvements located thereon, together with and including, but not limited to, all fixtures, equipment, machinery, appliances and other articles attached thereto; and all privileges, reservations, allowances, hereditaments, tenements and appurtenances belonging or pertaining thereto; and all right, title and interest of mortgagor in and to any land or vaults lying within the right-of-way of any street or alley adjoining said real estate, any and all alleys, sidewalks, strips and gores of land adjacent to or used in connection with said real estate or improvements thereof, all easements, rights-of-way and rights used in connection with said real estate or improvements or as a means of access thereto, and all water rights and shares of stock evidencing the same; and all rents, issues and profits, royalties, income, avails and other benefits therefrom.

Common Address: 440 N. Wells, Chicago, Illinois

P.I.N. 17-09-251-007

OK  
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EXHIBIT A

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## EXHIBIT B

All machinery, fixtures, furniture, heating and air-conditioning equipment, electrical equipment and other articles, equipment, personal property and fixtures of every kind and nature and all building materials (whether or not affixed) and all replacements and renewals of all or any of the foregoing, now or hereafter owned by 440 North Wells Building Partnership and/or American National Bank Land Trust No. 53941 and located at or used or useful in connection with the operation of the Premises described in Exhibit A hereto, or used or useful in connection with the renting or maintenance of said Premises or intended to be incorporated in the improvements upon said Premises, but excepting tenants' trade fixtures, furnishings, and possessions.

All rents, issues, profits and income generated from the operation of the Premises, including the proceeds of any fire loss or other insurable casualty and any award that may be made by any condemning authority for any partial or total taking of the Premises by condemnation or eminent domain, or any conveyance in lieu thereof, including tax and insurance deposits, escrow accounts, completion escrows and escrow funds.

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STATE OF ILLINOIS,  
COUNTY OF COOK

} ss.

I, AURELIA PUCINSKI, Clerk of the Circuit Court of Cook County, in and for the State of Illinois, and the keeper of the records, files and seal thereof, do hereby certify the above and foregoing to be true, perfect and complete . . . COPY OF A CERTAIN JUDGMENT MADE AND ENTERED OF RECORD IN SAID COURT:

in a certain cause lately pending in said Court, between . . . MUTUAL BENEFIT LIFE INSURANCE COMPANY IN REHABILITATION . . . plaintiff/petitioner and 440 NORTH WELLS BUILDING PARTNERSHIP . . . defendant/respondent.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the seal of said Court, in said County, this . . .

day of . . . MAR 28 1994 . . . 19 . . .

Aurelia Pucinski . . . Clerk

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