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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ALL ASSETS AND EQUIPMENT
OF WEST SIDE BUILDING
CORPORATION, ET AL.,
Defendants,

and

CLARA PENNY, ET AL.,

No. 89 C 2736
Judge Charles P. Kocoras

RECEIVED

JAN 22 1992

DEFAULT DECREE OF FORFEITURE

Upon the motion of the United States for a default decree of forfeiture, and the Court being duly advised of the premises, this Court finds:

1. This is a forfeiture action under Title 21, United States Code, Section 881(a)(6) and (a)(7), seeking to forfeit the assets of Jonathan and Clara Penny. Clara Penny has filed a claim to the defendant assets.

2. Jonathan and Clara Penny have twice failed to appear for their depositions. In September 1991, the Pennys failed to appear for their depositions, despite being served with subpoenas (Motion of the United States for Rule to Show Cause, Exhibits A, B, F, G.) On December 12, 1991, the United States filed a Rule to Show Cause. This Court ordered the Pennys to appear for their depositions by January 16, 1992 or face sanctions. The Pennys were present in Court on December 12, 1991 and represented by counsel.

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3. The Pennys did not appear for their depositions, despite once again being served with subpoenas. (Response of the United States to Claimant's Motion to Extend Deposition Date). Instead, claimant Clara Penny filed a Motion to Extend the Deposition Date and noticed the motion for January 15, 1992. No one appeared for that motion.

4. Based upon the foregoing, the claim of Clara Penny is stricken pursuant to Fed. R. Civ. P. 37(b)(2) and it is hereby ORDERED, ADJUDGED and DECREED that the following assets are forfeited to the United States and are to be disposed of according to law:

ALL ASSETS AND EQUIPMENT OF WEST SIDE BUILDING CORP., 1801 WEST ADAMS STREET, CHICAGO, ILLINOIS;

ALL ASSETS AND EQUIPMENT OF H & J CONSTRUCTION COMPANY 1759 WEST ADAMS STREET, CHICAGO, ILLINOIS;

Real Estate:

(a) Lot 1 Block 9 in Ashland 2nd Addition to Chicago, a Sub of the W 2 of the NE 4 of Section 18, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly Known As: 1801 West Adams Street, Chicago, Illinois;

(b) Lot 2 Block 9 in Ashland Section Addition to Chicago in the West half of the Northeast quarter of Section 18, Township 39 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois.

Commonly Known As: 1803 West Adams Street, Chicago, Illinois;

(c) The East 1/2 of Lot 1 in Page and Wood's Subdivision of Lots 50, 63 and 64 in Canal Trustees Subdivision in Section 7, Township 39 North, Range 14 Lying East of the Third Principal Meridian in Cook County, Illinois.

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Commonly Known As: 1701 West Washington Blvd., Chicago, Illinois;

(d) Lots 21 and 22 in Rees and Rucker's Subdivision of Block 16 in Canal Trustees' Subdivision of the West half and the West half of the North East quarter of Section 17, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois; Lot 2 in Block 17 in Ilett and Hartwell's Resubdivision of Lots 1 to 9 in Walker's Resubdivision of Block 17 of S.F. Smith's (Samuel P. Smith's) Subdivision of the northeast quarter of the Northeast quarter of Section 18, Township 39, Range 14; The West 1/2 of the South 1/2 of Lot 5 in Thomas R. Greene's Subdivision of Block 59 in the Canal Trustee's Subdivision of Section 7, Township 39 North, Range 14 East of the Third Principal Meridian (except from said premises any portion thereof taken or used for street or alley) in Cook County, Illinois; The South 21 feet and the South 39 feet of the North 99 feet of Lots 23 and 25 in Block 16 in Canal Trustees' Subdivision of the West half and the West half of the Northeast quarter of section 17, Township 39 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois.

Commonly Known As: 1251-55 West Adams Street, Chicago, Illinois;

(e) Lot 1 in Ilett & Hartwell's Subdivision of Lots 1 to 9 in Walker's Resubdivision of Block 17 in Smith's Subdivision of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 18, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois (commonly known as 211 South Wood Street, 1759 West Adams Street).

Commonly Known As: 1759 West Adams Street, Chicago, Illinois;

(f) The West 1/2 of the South 1/2 of Lot 5 in Thomas R. Greene's Subdivision of Block 59 in the Canal Trustees' Subdivision of Section 7, Township 39 North, Range 14 East of the Third Principal Meridian (except from said premises any portion thereof taken or used for street or alley) in Cook County, Illinois.

Commonly Known As: 2126-2128 West Warren Boulevard, Chicago, Illinois;

(g) Lot 39 in Flint's Addition to Chicago in Section 12, Township 39 North, Range 13, East of the Third Principal Meridian in Cook County, Illinois.

Commonly Known As: 3010 West Fulton, Chicago, Illinois;

(h) The South 21 feet and the South 39 feet of the North 19 feet of Lots 23 and 24 in Block 16 in Canal Trustees Subdivision of the West half and the West half of the Northeast quarter of Section 17, Township 39 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois.

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Commonly Known As: 207-211 South Throop Street, Chicago, Illinois;

(i) Lot 60 in Mandells subdivision of Lots 14 to 19 both inclusive in School Trustee's Subdivision of North Part of Section 16, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly Known As: 4901 West Congress in Chicago, Illinois;

ONE 1980 FORD STATION WAGON, VIN U15GLGG4803;

ONE 1973 CHEVROLET, VIN 1N47R3J270228;

ONE 1979 LINCOLN MARK V, VIN 9V89568872;

ONE 1986 CHEVROLET, VIN 1G1BN69H2GY125902;

ONE 1981 CHRYSLER, VIN 2A3BY62J4BR164109;

ONE 1974 MERCEDES BENZ COUPE, VIN 10702412005753;

ONE 1977 LINCOLN SEDAN, VIN 7Y82A864232;

ONE 1946 FORD COUPE, VIN 373784;

ONE 1986 CHEVROLET RECREATIONAL VAN, VIN 1GBEG25H6G719968;

ONE 1983 CHEVROLET MOTORHOME, VIN 1GBKP37W5D3332590;

BANK ACCOUNTS # 03-3092460, 09-529054, 10-290418, 10-479375 IN THE NAME(S) OF "JONATHAN AND/OR CLARA PENNY" AT CONTINENTAL BANK, 231 SOUTH LASALLE ST., CHICAGO, ILLINOIS AND ANY AND ALL ACCOUNTS AND/OR SAFE DEPOSIT BOXES IN THE NAMES OF CLARA AND/OR JONATHAN PENNY OR OVER WHICH JONATHAN OR CLARA PENNY HAVE SIGNATORY POWER AT CONTINENTAL BANK;

ACCOUNT # 33054276 IN THE NAME OF CLARA PENNY AT THE FIRST NATIONAL BANK OF CHICAGO, 1 FIRST NAT'L PLAZA, CHICAGO, ILLINOIS AND ANY AND ALL ACCOUNTS AND/OR SAFE DEPOSIT BOXES IN THE NAMES OF CLARA AND/OR JONATHAN PENNY OR OVER WHICH JONATHAN OR CLARA PENNY HAVE SIGNATORY POWER AT THE FIRST NATIONAL BANK;

ACCOUNT # 250712900 IN THE NAME OF CLARA PENNY AT THE FOREST PARK NATIONAL BANK 7348 WEST MADISON STREET, FOREST PARK, ILLINOIS AND ANY AND ALL ACCOUNTS AND/OR SAFE DEPOSIT BOXES IN THE NAMES OF CLARA AND/OR JONATHAN PENNY OR OVER WHICH JONATHAN OR CLARA PENNY HAVE SIGNATORY POWER AT FOREST PARK NATIONAL BANK;

ACCOUNT # 083-9904, 06-421-6, 88-00683, AND 88-00684 IN THE NAME OF JONATHAN AND CLARA PENNY OR WEST SIDE BUILDING CORPORATION, AT MADISON BANK AND TRUST COMPANY, 400 WEST MADISON, CHICAGO, ILLINOIS AND ANY AND ALL ACCOUNTS AND/OR SAFE DEPOSIT BOXES IN THE

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NAMES OF JONATHAN OR CLARA PENNY HAVE SIGNATORY POWER AT MADISON BANK;

ACCOUNT # 00300274 IN THE NAME OF CLARA PENNY AT NATIONAL REPUBLIC BANK, 500 SOUTH RACINE, CHICAGO, ILLINOIS AND ANY AND ALL ACCOUNTS AND/OR SAFE DEPOSIT BOXES IN THE NAMES OF CLARA AND/OR JONATHAN PENNY OR OVER WHICH JONATHAN OR CLARA PENNY HAVE SIGNATORY POWER AT NATIONAL REPUBLIC BANK;

ACCOUNT # 28-009-365-9 IN THE NAME OF JONATHAN AND CLARA PENNY AT TALMAN HOME FEDERAL SAVINGS AND LOAN 5501 SOUTH KEDZIE, CHICAGO ILLINOIS AND ANY AND ALL ACCOUNTS AND/OR SAFE DEPOSIT BOXES IN THE NAMES OF CLARA AND/OR JONATHAN PENNY OR OVER WHICH JONATHAN OR CLARA PENNY HAVE SIGNATORY POWER AT TALMAN HOME;

CASH MANAGEMENT ACCOUNT # 635-20372 IN THE NAME OF CLARA PENNY AT MERRILL LYNCH PIERCE, FENNER & SMITH, INC., 175 WEST JACKSON BLVD., CHICAGO, ILLINOIS AND ANY AND ALL ACCOUNTS AND/OR SAFE DEPOSIT BOXES IN THE NAMES OF CLARA AND/OR JONATHAN PENNY OR OVER WHICH JONATHAN OR CLARA PENNY HAVE SIGNATORY POWER AT MERRILL LYNCH;

ENTER


Honorable Charles P. Kocoras
District Court Judge

1-21-92

Date



UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
PROPERTY DISPOSAL DIVISION

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