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UNITED STATES OF AMERICA

STATE OF ILLINOIS,
COUNTY OF COOK

ss.

THOMAS P. DINKEL, JUDGE

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 April 7, 1998
in the year of our Lord, one thousand nine hundred and 98 and of the
Independence of the United States of America, the two hundredth and 22

PRESENT: The Honorable

THOMAS P. DINKEL, JUDGE

Judge of the Circuit Court of Cook County.

Richard A. Devine, State's Attorney



MICHAEL F. SHEAHAN, Sheriff

Attest: AURELIA PUCINSKI, Clerk.

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

CORUS BANK, N.A., f/k/a River)
Forest State Bank & Trust Co.,)
Plaintiff(s),)

vs.)

Case No. 96 CH 8213

WILLIAM JOHN GERARD, JR., VIRGINIA)
LYNN GERARD, MARY ANN FLYNN, Under)
Mortgage Recorded July 17, 1995 as)
Document #95 463 348 and July 17,)
1995 as Document #95 463 349,)
and WILLIAM J. HARTE, LTD., Under)
Mortgage Recorded September 11,)
1995 as Document #95 605 520,)
Defendant(s).)

JUDGMENT OF FORECLOSURE BY COMMENT

THIS CAUSE COMING on to be heard upon the Complaint heretofore filed by the Plaintiff, CORUS BANK, N.A., f/k/a River Forest State Bank & Trust Co., by and through its attorney, LAW OFFICES OF IRA T. NEVEL, and it appearing to the Court that the Plaintiff heretofore commenced this action by filing its Complaint against the Defendants, WILLIAM JOHN GERARD, JR., VIRGINIA LYNN GERARD, MARY ANN FLYNN, Under Mortgage Recorded July 17, 1995 as Document #95 463 348 and July 17, 1995 as Document #95 463 349, and WILLIAM

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J. HARTE, LTD., Under Mortgage Recorded September 11, 1995 as Document #95 605 520, NONRECORD CLAIMANTS, UNKNOWN TENANTS and UNKNOWN OWNERS; that the Affidavits required to make such UNKNOWN OWNERS parties defendant to this action were duly filed and UNKNOWN OWNERS have been duly and regularly made parties defendant to this action in the manner provided by law;

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THAT THE PERSONS designated as UNKNOWN OWNERS included other persons who are interested in this action and who have, or claim, some right, title, interest or lien in, to or upon the real estate or some part thereof in this Complaint, described as tenants in possession; that the name of each of such other persons interested in this action is unknown to the Plaintiff and upon diligent inquiry cannot be ascertained, and all such persons are, therefore, made parties defendant to this action by the name and description of UNKNOWN OWNERS.

THE COURT ADVISED that pursuant to 735 ILCS 5/15-1402, the parties being in agreement that the Plaintiff specifically waives all rights to reinstatement, redemption and a deficiency judgment and that the Defendant in title to the subject premises is desirous of issuing a deed of conveyance to the Plaintiff in consideration for the aforementioned waiver. Further, that pursuant to the statutory language in Section 15-1402, that all junior lien claimants, UNKNOWN OWNERS or unknown parties in interest shall be forever foreclosed and barred from any rights in the subject premises.

THE COURT HAVING examined the files and records in this cause,

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the Court having received an Affidavit of Prove Up and being fully advised in the premises, finds that each of the Defendants in this cause has been duly and properly brought before the Court, either through service of Summons or by publication, all in the manner provided by law; that due and proper notice has been given to each of the Defendants during the progress of this cause as required by law.

IT FURTHER APPEARING to the Court that all Defendants have failed to appropriately plead to the Plaintiff's Complaint within the time required by law, and the parties to the Stipulation filed simultaneously herewith, being in agreement;

FINDS AS FOLLOWS:

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COUNT I

1. That the Court has jurisdiction of the parties to and the subject matter of this cause.

2. That all of the material allegations of the Complaint are true and proven against said Defendants and that the evidence of the indebtedness has been exhibited in open Court and has been marked as Plaintiff's Exhibit "A", and that the security interest foreclosed has been exhibited in open Court and has been marked as Plaintiff's Exhibit "B", was recorded in the office of the Cook County Recorder of Deeds on November 23, 1994, and is known as Document Number 94 993 691,; and that copies of the aforesaid evidence of indebtedness and security interest foreclosed have been and are attached to the Complaint, leave has been given to withdraw the originals of said Note and Mortgage and substitute therefore

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said copies.

3. That the material allegations of the Complaint filed herein are true and proven; that the equities of this cause are with the Plaintiff who is entitled to a Decree of Foreclosure by Consent, pursuant to 735 ILCS 5/15-1402, in accordance with the prayer of the Complaint; and that there is, at this time, due to said Plaintiff upon the Note and Mortgage security, each of which has been in said Complaint described, the following amounts:

COUNT I	Principal	\$303,041.99
	Accrued Interest	\$ 51,686.29
	Fees and Costs	<u>\$ 33,050.75</u>
	Total Due	\$387,779.03

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Plaintiff has waived all of its rights to a personal deficiency judgment and is hereby barred from obtaining such a deficiency judgment against the Mortgagors or any other persons liable for the indebtedness or other obligations secured by the Mortgage pursuant to 735 ILCS 5/15-1402 (c).

4. That under the provisions of said Mortgage herein sought to be foreclosed, the costs of foreclosure are an additional indebtedness for which the Plaintiff should be reimbursed and such expenses are hereby allowed to the Plaintiff.

5. That the Plaintiff's Mortgage is a first lien and second lien upon the real estate hereinafter described and is superior to all other liens, rights or claims upon the real estate, except the Court reserves ruling regarding the priority of mortgages between Plaintiff and Defendant, MARY ANN FLYNN, said issue of priority being the subject of litigation herein. All other junior liens are hereby extinguished pursuant to 735 ILCS 5/15-1402. The

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outstanding mortgage indebtedness is hereby deemed satisfied and absolute title is vested in the Plaintiff or the Plaintiff's assignee by this Order, free and clear of all claims, liens (except liens of the United States of America, which cannot be foreclosed without judicial sale) and interests of the Mortgagors and all other persons made parties in this foreclosure whose interests are subordinate to that of the Plaintiff and all Nonrecord Claimants given notice in accordance with 735 ILCS 5/15-1502 (c)(2).

6. That in said Mortgage it is provided that the Attorneys for the Plaintiff are entitled to reasonable attorney's fees; that the sum of \$900.00 has been included in the above indebtedness as aforesaid attorney's fees as provided in the Mortgage, that said sum is the usual, customary and reasonable charge made by attorneys in like cases; that said sum shall be retained by the Attorney for the Plaintiff and that said sum is hereby allowed.

7. This is a final and appealable Order and that there is no just reason for delaying enforcement of or appeal from this Decree and pursuant to Illinois Supreme Court Rule 204, execution shall issue forthwith.

COUNT II

8. That the Court has jurisdiction of the parties to and the subject matter of this cause.

9. As to Count II, all of the material allegations of the Complaint are true and proven against said Defendants and that the evidence of the indebtedness has been exhibited in open Court and has been marked as Plaintiff's Exhibit "C", and that the security

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interest foreclosed has been exhibited in open Court and has been marked as Plaintiff's Exhibit "D", was recorded in the office of the Cook County Recorder of Deeds on April 19, 1995, and is known as Document Number 95 257 772,; and that copies of the aforesaid evidence of indebtedness and security interest foreclosed have been and are attached to the Complaint, leave has been given to withdraw the originals of said Note and Mortgage and substitute therefore said copies.

10. That the material allegations of the Complaint filed herein are true and proven; that the equities of this cause are with the Plaintiff who is entitled to a Decree of Foreclosure by Consent, pursuant to 735 ILCS 5/15-1402, in accordance with the prayer of the Complaint; and that there is, at this time, due to said Plaintiff upon the Note and Mortgage security, each of which has been in said Complaint described, the following amounts:

COUNT II	Principal	\$ 66,000.00
	Accrued Interest	\$ 8,210.28
	Total Due	\$ 74,210.28

Plaintiff has waived all of its rights to a personal deficiency judgment and is hereby barred from obtaining such a deficiency judgment against the Mortgagors or any other persons liable for the indebtedness or other obligations secured by the Mortgage pursuant to 735 ILCS 5/15-1402 (c).

11. That under the provisions of said Mortgage herein sought to be foreclosed, the costs of foreclosure are an additional indebtedness for which the Plaintiff should be reimbursed and such expenses are hereby allowed to the Plaintiff.

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12. That the Plaintiff's Mortgage is a first and second lien upon the real estate hereinafter described and is superior to all other liens, rights or claims upon the real estate, except the Court reserves ruling regarding the priority of Mortgages between Plaintiff and Defendant, MARY ANN FLYNN, said issue of priority being the subject of litigation herein. All other junior liens are hereby extinguished pursuant to 735 ILCS 5/15-1402. The outstanding mortgage indebtedness is hereby deemed satisfied and absolute title is vested in the Plaintiff or the Plaintiff's assignee by this Order, free and clear of all claims, liens (except liens of the United States of America, which cannot be foreclosed without judicial sale) and interests of the Mortgagors and all other persons made parties in this foreclosure whose interests are subordinate to that of the Plaintiff and all Nonrecord Claimants given notice in accordance with 735 ILCS 5/15-1502 (c)(2).

13. That in said Mortgage it is provided that the Attorneys for the Plaintiff are entitled to reasonable attorney's fees; that the sum of \$500.00 has been included in the above indebtedness as aforesaid attorney's fees as provided in the Mortgage, that said sum is the usual, customary and reasonable charge made by attorneys in like cases; that said sum shall be retained by the Attorney for the Plaintiff and that said sum is hereby allowed.

14. This is a final and appealable Order and that there is no just reason for delaying enforcement of or appeal from this Decree and pursuant to Illinois Supreme Court Rule 304, execution shall issue forthwith.

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IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that upon execution of this Order, absolute title will immediately vest in the Plaintiff or the Plaintiff's assignee by this Order and without further evidence of conveyance. This Order is deemed to be in recordable form and shall so be recorded with the County Recorder of Deeds and shall hereafter serve as absolute proof of conveyance of title to the subject property to the Plaintiff. The Court hereby finds that this transfer is exempt from all State, County and Municipal Transfer Tax Ordinances and that no local exemption stamp shall be required by the County Recorder of Deeds prior to recordation.

IT IS FURTHER ORDERED that an Order of Possession is hereby entered. Upon request by the Plaintiff or its assignee, the County Sheriff is hereby ordered to evict the Defendants, VIRGINIA LYNN GERARD and WILLIAM JOHN GERARD, JR., from the premises located at 400 West Webster, Chicago, Illinois 60614, and place in possession the Plaintiff, its assignee or designee. Possession is stayed thirty (30) days from entry of this Order. However, should the premises be vacant, possession is immediately granted.

IT IS FURTHER ORDERED that any and all leases affecting the subject property held by any Defendant or tenant are hereby terminated.

THE PREMISES by this Decree to be conveyed are situated in the County of Cook, State of Illinois, and are described as follows:

LOT 1 IN THE SUBDIVISION OF LOTS 10, 11 AND THE SOUTH 1/2 OF LOT 9 IN THE SUBDIVISION OF THE SOUTH 1/2 OF BLOCK 13 IN THE CANAL TRUSTEE'S SUBDIVISION OF PART OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK

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COUNTY, ILLINOIS

and are improved by a single family residence, commonly known as 400 West Webster, Chicago, Illinois 60614, and the Permanent Tax Number is 14-33-114-031.

THE COURT expressly retains jurisdiction of the property which is the subject of this foreclosure for so long thereafter as may be necessary for the purpose of placing in possession of the premises the grantee or grantees in said Deed, or his or their legal representatives or assigns.

DATED:

ENTERED

ENTERED	
CLERK OF THE COUNTY COURT	
ALICE A. PERKINS	
APR 7 1998	
J U D G E	
JUDGE	E. DOBBS
DEPUTY CLERK	

Attorney No. 18837
LAW OFFICES OF IRA T. NEVEL
175 North Franklin
Suite 201
Chicago, Illinois 60606
(312) 357-1125

Box 167

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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
Corus Land plaintiff/petitioner
and *William John Gerard* defendant/respondent.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed
the seal of said Court, in said County, this *14*
day of *April* 19 *98*.
Aurelia Pucinski Clerk

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