

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

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1999-10-01 16:17:39  
Cook County Recorder 27.50



IN THE MATTER OF THE APPLICATION OF )  
THE COUNTY TREASURER AND )  
EX-OFFICIO COUNTY COLLECTOR FOR )  
ORDER OF JUDGMENT AND SALE OF )  
LANDS AND LOTS UPON WHICH ALL OR )  
PART OF THE GENERAL TAXES FOR TWO )  
OR MORE YEARS ARE DELINQUENT, )  
INCLUDING GENERAL AND SPECIAL )  
TAXES, COSTS AND INTEREST DUE )  
THEREON, PURSUANT TO 35 ILCS )  
200/21-145 AND 21-260 (FORMERLY )  
SECTION 235A) OF THE REVENUE ACT )  
AS AMENDED) )  
PETITIONER: BONDED MUNICIPAL )  
CORPORATION )

No. 97 CoTDS 574

ORDER

THIS CAUSE COMING BEFORE THIS COURT on the set trial date, the Court having jurisdiction of the subject matter and parties, the Court having taken evidence in this cause, and being fully advised,

IT IS HEREBY FOUND AS FOLLOWS:

1. On October 27, 1998 this Court entered an Order Directing County Clerk To Issue Tax Deed.
2. The Bank of New York (Respondent) is the mortgagee of the property which is the subject of this proceeding ("the property") by virtue of an Assignment of Mortgage dated January 21, 1997 from Weyerhaeuser Mortgage Company recorded in the office of the Recorder of Deeds of Cook County on March 6, 1998 as document number 98179770.

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3. On or about April 22, 1997 Respondent's assignor, Weyerhaeuser Mortgage Company, through its title insurer, Lawyers Title Insurance Corporation, requested an estimate of redemption from the County Clerk.

4. The County Clerk thereupon erroneously rendered an Estimate, Order And Receipt For Redemption Of Forfeited Property rather than an Estimate of Cost of Redemption from the tax sale.

5. Pursuant to said Estimate Lawyers Title Insurance Corporation paid the sum of \$9,715.66 to the Cook County Collector on or about May 2, 1997.

6. The Cook County Collector acknowledged and receipted for said payment as indicated by the paid Estimate, Order And Receipt For Redemption Of Forfeited Property.

7. The tax sale redemption amount on May 2, 1997 was \$8,696.47 as indicated by the (For Information Purposes Only) Estimate of Cost of Redemption.

8. The funds deposited by the redemptor pursuant to the forfeiture estimate were over \$1,000.00 more than the tax sale redemption amount; consequently, had the redemptor been given the proper estimate, the property would have been redeemed from the tax sale on May 2, 1997.

9. The property in this case is homestead property occupied by the owner of the property on the expiration date of the period of redemption.

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10. The order for deed was effectuated pursuant to negligent or willful error made by any employee of the County Clerk and/or County Collector during the period of redemption.

11. The aforementioned negligent or willful error by the County Clerk and/or County Collector were reasonably relied upon by the owner and/or mortgagee of the property, each having a redeemable interest in the property, to the detriment of each of said parties.

IT IS THEREFORE ORDERED AS FOLLOWS:

(A) The Order Directing County Clerk To Issue Tax Deed And For Other Relief entered on October 27, 1998 affecting the following described property be and the same is hereby vacated and held for naught, to wit:

Permanent Index Number: 20-17-412-045-0000 also known as:

THE WEST 78.50 FEET OF LOTS 13, 14 AND 15 IN BLOCK 4 IN MINNICK'S SUBDIVISION OF THE EAST 11 ¼ ACRES OF THE SOUTH ½ OF THE SOUTH ½ OF THE NORTH ½ OF THE SOUTH EAST ¼ OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

(B) The tax deed issued on October 27, 1998 for the above property be and the same is hereby vacated and held for naught.

(C) The Cook County Clerk and/or Cook County Collector shall pay to Bonded Municipal Corporation the amount of \$12,179.83 being the original amount required to redeem the property plus interest from the sale as of the last date of redemption together with costs actually expended subsequent to the expiration of redemption pursuant to section 22-45 of the Illinois Property Tax Code.

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(D) Bonded Municipal Corporation is entitled to reasonable attorneys fees and court costs actually expended pursuant to section 22-45 of the Illinois Property Tax Code.

(E) Bank of New York is entitled to reasonable attorneys fees and court costs actually expended pursuant to section 22-45 of the Illinois Property Tax Code.

(F) Clarence Jackson and Dorothy Jackson are entitled to reasonable attorneys fees and court costs actually expended pursuant to section 22-45 of the Illinois Property Tax Code.

(G) Bonded Municipal Corporation, Bank of New York, and Clarence and Dorothy Jackson shall file the appropriate petition setting forth reasonable attorney fees and court costs actually expended, which petitions shall be heard by this Court, or any judge sitting in its stead, on the 9th day of September 1999 at 10:00 Am. for status.

(H) The above parties shall send notice and a copy of their Petition for Fees to the State's Attorney of Cook County.

DATED: JUDGE MARJAN P. STANIEC

JUL 13 1999

ENTERED: CIRCUIT COURT 403

Judge of the Circuit Court

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