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Cook County Recorder 43.50

THIS INSTRUMENT WAS
PREPARED BY AND MAIL
AFTER RECORDING TO:



99977490

William A. O'Connor, Esq.
Sachnoff & Weaver, Ltd.
30 South Wacker Drive-Suite 2900
Chicago, Illinois 60606-7484

FOR RECORDER'S USE ONLY

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

ENTERED

BECKMAN, et al., as Trustees
of the CITIZENS SAVINGS BANK TRUST,

Plaintiffs,

v.

CEDAR PARK CEMETERY
ASSOCIATION, INC., CEDAR PARK
CEMETERY ASSOCIATION, INC.,
AS TRUSTEE OF THE CEDAR PARK
CEMETERY CARE FUND, MARKER FUND
AND CRYPT FUND, THE NORTHERN
TRUST COMPANY, CEDAR PARK
CEMETERY ASSOCIATION, INC.,
AS TRUSTEE TO THE CEDAR PARK
CEMETERY CARE FUND, LARRY
JOHNSON, UNKNOWN OWNERS AND
NONRECORD CLAIMANTS,

Defendants.

JAMES E. SULLIVAN, as Receiver
of the CEDAR PARK CEMETERY

OCT 14 1999

JUDGE

THOMAS A. HETT-016

No. 92 CH 04960

Judge Thomas A. Hett

Address of Mortgaged
Real Estate:

12450 South Halsted Street
Chicago, Illinois
Calumet Park, Illinois

99377490

ASSOCIATION, INC. CEMETERY)
 CARE FUND, MARKER FUND AND)
 CRYPT FUND, PRE-NEED CARE)
 FUND and THE CEDAR PARK FUNERAL)
 HOME, INC., FUNERAL OR BURIAL)
 TRUST FUNDS,)
 Counterplaintiff,)
)
 v.)
)
 BECKMAN, et al., as Trustees of)
 THE CITIZENS SAVINGS BANK TRUST)
 THE NORTHERN TRUST COMPANY, and the)
 CEDAR PARK CEMETERY ASSOCIATION,)
 INC., Now in Receivership, and CEDAR)
 PARK FUNERAL HOME, INC., Now in)
 Receivership,)
 Counterdefendants.)

CONSENT JUDGMENT OF FORECLOSURE

THIS CAUSE COMING ON TO BE HEARD on the Motion for Entry of Consent Judgment of Foreclosure (the "Motion") of Counterplaintiff James E. Sullivan as Trust Receiver of the Cedar Park Cemetery Association, Inc. Care Fund, Marker Fund and Crypt Fund, and Pre-Need Care Fund and of the Cedar Park Funeral Home, Inc. Funeral or Burial Trust Funds ("Sullivan" or "Counterplaintiff") and Plaintiff-Counterdefendant Bomain, Inc. ("Bomain"), due and proper notice having been given to all parties of record, and the Court having heard arguments of counsel and having examined the Complaint for Foreclosure filed May 20, 1992 (the "Complaint") and the Counterclaim for Foreclosure filed October 3, 1997 by Sullivan (the "Counterclaim"), the Motion and the Exhibits thereto and having jurisdiction over the parties and the subject matter and being fully advised in the premises, finds as follows:

1. Pursuant to the Acknowledgment of Service, Consent to Foreclosure and Waiver of Right of Redemption ("Stipulation") and the Motion, the Counterplaintiff-Plaintiff-Counterdefendant Bomain, Inc. ("Bomain") have waived any and all rights to a personal judgment for deficiency against the mortgagor, Cedar Park Cemetery Association, Inc. (the "Association" or "Mortgagor") and against all other persons liable for the indebtedness or obligations secured by the following mortgages (sometimes collectively referred to herein as the "Mortgages"):

- (i) A mortgage of the Association in the original principal amount of \$1,350,000 in favor of The Citizens Savings Bank Company dated April 8, 1992 and recorded with the Cook County Recorder of Deeds on April 10, 1992 as Document Number 92247586 (the "April 1992 Mortgage"); and
- (ii) An equitable mortgage against the assets of the Association and Company (as defined herein) in the original principal amount of \$5,048,369.90 asserted by Counterplaintiff and recorded with the Cook County Recorder of Deeds on September 6, 1995 as Document Number 95595285 (the "Equitable Mortgage").

2. Contemporaneously with the April 1992 Mortgage, the Association executed and delivered a note (the "April 1992 Note") in the original principal amount of \$1,350,000 payable to The Citizens Savings Bank Company. The Trustees of the Citizens Savings Bank Trust thereafter became the successor in interest to The Citizens Savings Bank Company.

3. On December 3, 1991, the Comptroller of the State of Illinois filed an action captioned, People of the State of Illinois ex rel. Dawn Clark Netsch, Comptroller, State of Illinois v. Cedar Park Cemetery Association, Inc. and Cedar Park Funeral Home, Inc., No. 91 CH 11505 in the Circuit Court of Cook County, Illinois, Chancery Division, against the Association and the Cedar Park Funeral Home, Inc. ("Company") (the "Receiver's Suit") seeking

the appointment of a receiver to operate the businesses of the Association and Company and a separate receiver to recover and conserve the trust funds of the Association and Company.

Sullivan was subsequently appointed by the Court as Trust Receiver of the Cedar Park Cemetery Association, Inc. Cemetery Care Fund, Marker Fund and Crypt Fund and Pre-Need Care Trust and the Cedar Park Funeral Home, Inc. Funeral or Burial Trust Funds. Robert Rothschild ("Rothschild") was appointed Operating Receiver by the Court on October 30, 1992.

4. On August 11, 1995, the April 1992 Mortgage and April 1992 Note were assigned to Bomain, Inc.

5. Unknown Owners and Non-Record Claimants are hereby found to be in default for failure to appear, answer or otherwise plead to the Complaint within the time stated in notice published on May 28, June 4 and June 11, 1992 in the Law Bulletin, a newspaper of general circulation published in Cook County, Illinois and for failure to appear in this cause since the recording of a Notice of Foreclosure recorded with the Cook County Recorder of Deeds on May 28, 1992 as Document No. 92247586, which Notice of Foreclosure is in accordance with Section 15-1503 of the Illinois Mortgage Foreclosure Law (765 ILCS 5/15-1101 et seq.). On July 31, 1992, an Order of Default in the instant matter was entered against all defendants.

6. The Order of Default was vacated as against Counterplaintiff on November 1, 1995, and the order vacating the Order of Default has been finally adjudicated.

7. All material allegations of the Complaint and Counterclaim are deemed to be true and correct.

8. Pursuant to an Assignment of Note and Mortgage dated July 30, 1999, Bomain, Inc. assigned to Sullivan all of its right, title and interest in and to the April 1992 Note and April 1992 Mortgage.

9. By virtue of the April 1992 Note and the April 1992 Mortgage, there is due and owing to Sullivan and Sullivan has a valid and subsisting lien on the Mortgaged Real Estate (as defined herein) for the following amounts:

Unpaid Principal Balance Under The April 1992 Note	\$1,350,000
Interest, from April 8, 1992 to October 14, 1999	1,417,657
Outstanding as of October 14, 1999 from the April 1992 Note	2,767,657

10. By virtue of the Equitable Mortgage, there is due and owing Sullivan and Sullivan has a valid and subsisting lien on the Mortgaged Real Estate for the following amounts:

Unpaid Principal Balance Under the Equitable Mortgage	\$5,048,369.90
Interest from April 8, 1992 to October 14, 1999	2,152,307.70
Outstanding as of October 14, 1999 from the Equitable Mortgage	7,200,677.60

11. The aggregate amount of principal and interest due on the April 1992 Note, the April 1992 Mortgage and the Equitable Mortgage is \$9,968,334.60 (the "Total Due"). In addition to the Total Due, the April 1992 Note and the April 1992 Mortgage and the Equitable Mortgage provide for payments of foreclosure costs and expenses, including attorneys fees and any funds which have been advanced by Sullivan, Bomain, Inc or others for insurance or real estate taxes.

12. The April 1992 Mortgage and Equitable Mortgage are hereby foreclosed.

13. The legal description and common address sufficient to identify the real estate mortgaged by the April 1992 Mortgage and the Equitable Mortgage ("the Mortgaged Real Estate") are:

A. Legal Description of the Mortgaged Real Estate. See Exhibit 1 attached hereto.

B. The common address of the property is 12450 South Halsted Street,
Chicago, Illinois and Calumet Park, Illinois.

C. The permanent index numbers are:

Parcel 1: 25-29-416-002-0000

Parcel 2: 25-29-416-004-0000

Parcel 3: 25-29-416-008-0000

Parcel 4: 25-29-416-009-0000

Parcel 5: 25-290416-010-0000

14. All of the rights and interests of all parties to this cause, including, the Mortgagees, Unknown Owners and Non-Record Claimants, are inferior to the rights of Sullivan under the Mortgages and are hereby terminated.

15. The Mortgages sought to be foreclosed herein are subject to the provisions of the Illinois Mortgage Foreclosure Law.

16. The Association, Company and Sullivan, pursuant to paragraph 15-1402 of the Illinois Mortgage Foreclosure Law, have by Stipulation and Motion, agreed to the entry of this Consent Judgment of Foreclosure, without right of redemption and without right of reinstatement, the same having been waived in the Stipulation.

17. All parties herein have (i) been given due and proper notice of the presentation of this Consent Judgment of Foreclosure, (ii) not filed any objections to the Consent Judgment of Foreclosure, (iii) not shown good cause why the Consent Judgment of Foreclosure should not be entered, and (iv) not offered to pay or agreed to pay the amount due to Counterplaintiff under the Mortgages. A copy of the Certificate of service of the Motion and

presentation of this Consent Judgment of Foreclosure on all present and former parties is attached hereto and made a part hereof as Exhibit 2.

18. On January 2, 1993, the Company was voluntarily dissolved.

19. On March 1, 1993, the Association was voluntarily dissolved.

20. Sullivan and Rothschild, as Trust Receiver and Operating Receiver of the Association and Company, are their respective successor in interest and are therefore entitled to and have consented to this Consent Judgment of Foreclosure.

21. Sullivan has complied with all of the notice requirements of the Illinois Mortgage Foreclosure Law for entry of a Consent Judgment of Foreclosure.

22. No other party, by answer or response to the Motion, within the time allowed for an answer or response, has objected to the entry of this Consent Judgment of Foreclosure.

NOW, THEREFORE, IT IS HEREBY ORDERED:

A. Absolute fee simple title to the Mortgaged Real Estate be and is hereby vested in James E. Sullivan, as court-appointed Trust Receiver of Cedar Park Cemetery Association, Inc. Cemetery Care Fund, Marker Fund, Crypt Fund and Pre-Need Care Fund and Cedar Park Funeral Home, Inc. Funeral or Burial Trust Funds, free and clear of all liens, claims, rights and interests of all of the Defendants, the Association, Cedar Holding Company, the Company, Larry W. Johnson, Unknown Owners and Non-Record Claimants, and all indebtedness secured by the Mortgages be and the same is hereby deemed satisfied.

B. Sullivan has waived any and all rights to a personal judgment for a deficiency and shall be and hereby is barred from obtaining such a deficiency judgment against Defendants and each of them.

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C. The Court hereby retains jurisdiction of the subject matter of this cause and all of the parties hereto for the purpose of enforcing this Judgment.

D. The Court expressly finds that there is no just reason for delaying enforcement or appeal from this Order.

Dated: _____

Enter: Thomas A. Hett
Judge Thomas A. Hett

THIS ORDER PREPARED
AND PRESENTED BY:

William A. O'Connor, Esq.
SACHNOFF & WEAVER, LTD.
Attorneys for Receiver
30 South Wacker Drive-Suite 2900
Chicago, Illinois 60606-7484
(312) 207-1000
Attorney No.24711
Box 367

ENTERED

OCT 14 1999

JUDGE
THOMAS A. HETT-016

Document Number : 369877v3

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EXHIBIT ONE

PARCEL 1:

THE SOUTH 1/2 OF THE SOUTH EAST 1/4 AND THE SOUTH 13 1/3 ACRES OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 13 1/3 ACRES AFORESAID AND THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29 AFORESAID; THENCE SOUTH ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29 AFORESAID, A DISTANCE OF 436.48 FEET MORE OR LESS TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29 AFORESAID; THENCE EAST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29 AFORESAID, A DISTANCE OF 129 FEET; THENCE NORTH 22 FEET; THENCE EAST 155 FEET; THENCE NORTHEASTERLY ALONG A LINE MAKING AN ANGLE OF 45 DEGREES MEASURED COUNTERCLOCKWISE WITH THE PROLONGATION OF THE LAST MENTIONED LINE TO ITS INTERSECTION WITH A LINE 300 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29 AFORESAID; THENCE NORTH ALONG THE LAST MENTIONED PARALLEL LINE A DISTANCE OF 398.0 FEET MORE OR LESS, TO THE NORTH LINE OF THE SOUTH 13 1/3 ACRES OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29 AFORESAID; THENCE WEST ALONG THE NORTH LINE OF SAID SOUTH 13 1/3 ACRES OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29 AFORESAID TO THE POINT OF BEGINNING) AND (EXCEPT THAT PART FALLING IN HALSTED STREET) AND (EXCEPT THE SOUTH 50 FEET DEEDED TO THE COUNTY OF COOK) ALL IN COOK COUNTY, ILLINOIS,

EXCEPTING THEREFROM THE EAST 510.00 FEET OF THE SOUTH 13 1/3 ACRES OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE EAST 510 FEET OF THE SOUTH 13 1/3 ACRES OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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Beckman, et al., as Trustees of the Citizens Savings Bank Trust, Plaintiff

v.

Cedar Park Cemetery Assn., Inc., et al, Defendants

92 CH 04960

99 SEP 30 9 4: 26

NOTICE OF MOTION

To: See attached service List

On October 14, 1999, at 9:30 AM

or as soon thereafter as counsel may be heard, I shall appear before the Honorable Thomas A. Bett

or any judge sitting in his stead, in the courtroom usually occupied by him in Courtroom 2008

Richard J. Daley Center, Chicago, Illinois 60602

then and there present Counterplaintiff's Motion for Entry of Consent Judgment of Foreclosure, a copy of which is attached hereto and herewith served upon you.

Name William A. O'Connor - Sachnoff & Weaver, Attorney for James E. Sullivan, Counterplaintiff
Address Ltd., 30 South Wacker Drive - Ste. 2900 City Chicago, Illinois 60606-7484
Telephone (312) 207-1000 Atty No. 24711

Copy received 19... at ... m.

PROOF OF SERVICE BY DELIVERY

I, Jacquelyn Williams the attorney/non attorney* certify; that (*strike one)

on September 30, 1999, I served this notice by placing a copy for delivery to the persons indicated on the attached Service List with the messengers employed by Sachnoff & Weaver, Ltd.

Under penalties as provided by law pursuant to IL. REF. STAT. CHAP 110 SEC 1 - 109 I certify that the statements set forth herein are true and correct.

Date September 30, 1999

Signature of Jacquelyn Williams

PROOF OF SERVICE BY MAIL

I, Jacquelyn Williams the attorney/non attorney* certify; that (*strike one)

I served this notice by mailing a copy to See Attached Service List

at See Attached Service List (address which appears on envelope)

and depositing the same in the U. S. mail at 30 South Wacker Drive, Chicago, IL 60606 (place of mailing)

at prior to 5 p. m. on September 30, 1999, with proper postage prepaid.

Under penalties as provided by law pursuant to ILL. REV. STAT. CHAP 110-SEC 1 - 109 I certify that the statements set forth herein are true and correct.

Date September 30, 1999

Signature of Jacquelyn Williams

NOTE: If more than one person is served by mail, additional proof of service may be made on the reverse side.

SERVICE LIST

VIA U.S. MAIL

Thomas G. Brackman, Esq.
Copeland, Thompson
& Farris, P.C.
231 South Bemiston
Suite 1220
Clayton, Missouri 63105

VIA U.S. MAIL

William Caughey, Esq.
Law Offices of William Caughey
900 W. South Boundary
Perry Towne Square, Suite 8A
Perrysburg, Ohio 43551

VIA U.S. MAIL

Larry W. Johnson
1509 Creekwood Lane
Toledo, OH 43614

VIA U.S. MAIL

William L. Needler, Esq.
William L. Needler & Associates, Ltd.
1430 Ridge Road
Northbrook, Illinois 60062

VIA MESSENGER DELIVERY

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Jenner & Block
One IBM Plaza
Chicago, IL 60611

VIA MESSENGER DELIVERY

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Assistant Attorney General
Office of the Illinois Attorney General
100 West Randolph Street
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Legal Counsel
Office of the Illinois State Comptroller
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Springfield, IL 62706

VIA MESSENGER DELIVERY

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Lord Bissell & Brook
115 South LaSalle Street
Chicago, Illinois 60603

VIA MESSENGER DELIVERY

James C. Truax, Esq.
Carlson & Truax
100 West Monroe Street
Chicago, Illinois 60603

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LAW OFFICES

JENNER & BLOCK

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ONE IBM PLAZA
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LAKE FOREST OFFICE
ONE WESTMINSTER PLACE
LAKE FOREST, IL 60045
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(847) 295-7810 FAX

JOHN B. SIMON

WRITER'S DIRECT DIAL: (312) 923-2921
WRITER'S DIRECT FAX: (312) 840-7321
INTERNET ADDRESS: jsimon@jenner.com

October 14, 1999

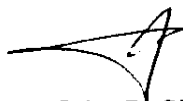
William A. O'Connor, Esq.
Sachnoff & Weaver, Ltd.
30 South Wacker Drive
Suite 2900
Chicago, IL 60606

Re: Cedar Park Cemetery and Funeral Home

Dear Bill:

Enclosed is an originally executed Consent Judgment of Foreclosure entered this date by the Honorable Thomas A. Hett. I would appreciate receiving from you the original Consent Judgment of Foreclosure after its filing by the Cook County Recorder of Deeds.

Very truly yours,



John B. Simon

JBS:sp

Enclosure

cc: David C. Cook, Esq.

JBS91054.LET