

ATTORNEY NUMBER: 01225

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

0010055.1428

Estate of

HELEN TYBOR  
a/k/a HELEN PREMPAS

Deceased.

)  
) NO. 94 P 008941  
)  
) DOCKET: 018  
)  
) PAGE: 149

FILED

DEC 8 1998

URELIA PUCIN  
CLERK OF CIRCUIT COURT



99010414

ORDER  
SUMMARY JUDGMENT

This cause having come on for hearing upon the Independent Administrator's Motion for Summary Judgment in the above action, the Court having examined the pleadings, the exhibits, the affidavits and memorandum of points and authorities submitted by the parties, and having taken into consideration all admitted facts and having heard the arguments of the attorneys for the parties, and being fully advised in the premises, FINDS:

1. That it has jurisdiction of the subject matter hereof and of the parties hereto;
2. That Lyle Prempas is the sole heir of the Estate of Helen Tybor a/k/a Helen Prempas, Deceased.
3. That there is no triable issue of material fact with respect to the question of whether a fiduciary relationship existed between the Deceased, Helen Tybor, and the Citation Respondent, Ilona A. Giametta;
4. That a fiduciary relationship existed between the Citation Respondent, Ilona A. Giametta, and the Deceased, Helen Tybor, as a matter of law;
5. That the necessary elements are in place for this Court to impose a constructive trust on the insurance proceeds of Seventy-Five Thousand One Hundred Seventy-Four and 25/100 (\$75,174.25) Dollars and the house at 2641 Mayfair, Westchester, Illinois, as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That Exhibit "K" to the Motion for Summary Judgment, being the affidavit of Louis J. Prempas dated July 2, 1998, is stricken;

B. That Lyle Prempas shall have Judgment against the Citation Respondent, Ilona A. Giametta, in the amount of Seventy-Five Thousand One Hundred Seventy-Four (\$75,174.25) Dollars;

C. That the Citation Respondent, Ilona A. Giametta, shall immediately turn over to Lyle Prempas the real estate commonly referred to as 2641 South Mayfair, Westchester, Illinois, free and clear of any liens or encumbrances placed on the real estate after the death of Helen Tybor on December 29, 1988, legally described as follows: PIN 15-29-225-043

ALL LOT 25 AND THE SOUTH 4 FEET OF LOT 26 IN BLOCK 13, IN HADRABA AND MANDAS SUBDIVISION UNIT #2, BEING A SUBDIVISION OF THE NORTH 1/2 OF NORTH WEST 1/4 OF SOUTH EAST 1/4 ALSO PART OF THE SOUTH 1/2 OF THE NORTH EAST 1/4 OF SECTION 24, TOWNSHIP 39 NORTH RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

D. That Citation Respondent, Ilona A. Giametta, shall submit an accounting to Lyle Prempas for interest and use of the insurance proceeds of \$75,174.25 that she received and for interest and use of the real estate at 2641 South Mayfair, Westchester, Illinois that she received and file said accounting with this Court by January 30, 1999;

E. That this matter is set for status on March 5, 1999 as to the Citation Respondent's compliance with this Order, and such further proceedings on the remaining issues.

DATED: \_\_\_\_\_

CIRCUIT COURT PROBATE DIVISION  
ENTERED  
DEC 8 - 1998  
JUDGE JAMES W. KENNEDY - 1557

ENTER: *James W. Kennedy*  
JUDGE

Louis J. Prempas  
10526 West Cermak Road  
Westchester, IL 60154  
708/562-8500  
Attorney Number: 01225



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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
PROBATE DIVISION

I HEREBY CERTIFY THAT THE DOCUMENT TO WHICH THIS  
CERTIFICATION IS AFFIXED IS A TRUE AND CORRECT COPY  
OF

*Asks*  
ENTERED/FILED/ APPROVED ON December 8, 19 98

*January 6*, 19 99  
*Shirley P. Pucinski*  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, ILLINOIS