

CERTIFIED COPY (Rev. 6/85)

13679

United States District Court

Northern District of Illinois

Eastern Division

DECEMBER

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P.O.

I, H. Stuart Cunningham, Clerk of the United States District Court for the Northern District of Illinois, do hereby attest and certify that the annexed document is a full, true, and correct copy of the original(s) on file in my office and in my legal custody.

IN TESTIMONY WHEREOF, I have hereunto

subscribed my name and affixed the seal

of the aforesaid Court at Chicago, Illinois

on 12/13/85

H. STUART CUNNINGHAM

CLERK

by



Deputy Clerk

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# UNOFFICIAL COPY

## UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Case Number	85 C 7150	Date	September 26, 1985
Name of Assigned Judge	JUDGE RECORDAR	Name of Judge if Other Than Assigned Judge	
Case Title	Colonial Savings & Loan Association Kenneth S. Vinqua, et al.		

**MOTION:** (In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3d-party plaintiff, and (b) state briefly the nature of the motion being presented.)

(a) Plaintiff's Motion for Writ of Habeas Corpus & State Order of Default  
 (b) Order Appointing Special Commissioner  
 Sent Notice to W. Yourell, Registrar of Titles


**DOCKET ENTRY:** (The balance of this form is reserved for notations by court staff.)

- (1)  Judgment is entered as follows (2)  (Other docket entry.)

Enter order of default. Enter judgment of foreclosure and sale. Enter order appointing Bonnie Kallen as Special Commissioner. Status hearing set for October 17, 1985 in arreken.

(3)	<input type="checkbox"/>	Filed motion of [law listing in "MOTION" box above]
(4)	<input type="checkbox"/>	Brief in support of motion due
(5)	<input type="checkbox"/>	Answer brief to motion due
(6)	<input type="checkbox"/>	Hearing or Ruling set for
(7)	<input type="checkbox"/>	Status hearing set for or continued to
(8)	<input type="checkbox"/>	Pretrial conference set for or continued to
(9)	<input type="checkbox"/>	Trial set for or reset for
(10)	<input type="checkbox"/>	Trial Hearing held and continued to
(11)	<input type="checkbox"/>	This case is dismissed without or with prejudice and without costs by agreement or pursuant to FRCP 41(b) (failure to serve) or FRCP 41(b)(1) (settlement) or FRCP 41(b)(2) (dismissal)
(12)	<input checked="" type="checkbox"/>	DRAFT: (For further detail see order) attached to the original motion (order form)

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<input type="checkbox"/> No notices required <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notices counsel by telephone. <input checked="" type="checkbox"/> Delivering to mail services. <input type="checkbox"/> Mail CIV-31 form.  	number of pages date typed date dictated date filed date of entry  Document #  9
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Colonial Savings & Loan Association

Plaintiff,

Case No.

85 C 7150  
Judge Kocoras

Kenneth S. Virginia, et al.

Defendants.

ORDER APPOINTING SPECIAL COMMISSIONER

IT IS ORDERED THAT BONNIE V. ALLEN be and the same is hereby appointed Special Commissioner of this Court for the purpose of the sale and public vendue of the property commonly known as: 1819 N. Natchez Avenue, Chicago, IL.

ENTERED: Charles P. Kocoras  
JUDGE  
9/26/85

FISHER AND FISHER  
ATTORNEYS AT LAW, P.C.  
30 North La Salle St.  
Chicago, Illinois 60602  
312-377-4784

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R.O.

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Property of Cook County Clerk's Office

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

12679

Colonial Savings & Loan Association )

Plaintiff, )

-vs- )

Kenneth S. Vingua,  
Kathryn A. Vingua &  
H. Yourell, Registrar of Titles  
Defendants. )

Case No. )

85 C 7150  
Judge Kocoras

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JUDGMENT OF FORECLOSURE AND SALE

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This cause having been duly heard by this Court upon the record herein, the Court FINDS:

1. It has jurisdiction of the parties hereto and the subject matter hereof.
2. That all the material allegations contained in said Complaint are true and proven.
3. The date when the last of the owners of the equity of redemption were served with summons or by publication was 8/19/85
4. That by virtue of the mortgage and the evidence of the indebtedness secured thereby, there is due from the mortgagors to the Plaintiff and the Plaintiff has a valid lien upon the hereinafter described property, as follows:

Unpaid principal	\$55,199.88
Accrued interest on unpaid principal	7,659.32
Advances by Plaintiff	1,517.31
Costs of Suit	386.50
Plaintiff's Attorneys' Fees	450.00
	<hr/>
TOTAL DECREE INDEBTEDNESS	\$65,242.01

5. The rights and interest of all the other parties to his cause to the property hereinafter described, are inferior and subordinate to the lien of the Plaintiff.

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6. The mortgage described in the Complaint and hereby foreclosed appears of record in the Office of the Recorder of Deeds of Cook County, Illinois, as Document No. 3763997 and the subject property is legally described as follows:

Lot 7 in Block 18 in David Cowdy Company, a subdivision of that part of the N. ½ lying W. of the W. line of the public alley in Block 18 in A. Gale's Subdivision of the S. ½ of S. 31, and of the S. W. ¼ of S. 32, T. 40 N., R. 13 E. of the 3rd P.M., in Cook County, IL  
c/k/a 1819 N. Thatcher Avenue, Chicago, IL  
ID#13-31-409-014

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IT IS THEREFORE ADJUDGED AND DECREED BY THIS COURT as follows:

1. SALE OF THE PREMISES: The premises hereinabove described, covered by the security foreclosed in this action, shall be sold at public venue at the County seat of the County wherein the subject premises are located by a Special Commissioner of this Court. The Commissioner shall give public notice of the time, place and terms of such sale by publishing the same at least once in each week for four (4) successive weeks in some secular newspaper of general circulation published in said County. The Plaintiff or any of the parties to this cause, may become the purchasers at such sale, and the Commissioner may adjourn or continue the sale so advertised without further publication.

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2. CERTIFICATE OF SALE: Upon the sale being made, the Commissioner shall execute and deliver to the purchaser a Certificate of Sale evidencing such purchase and describing the premises purchased and the amount paid therefor, and the time when such purchaser will be entitled to a Deed to said premises if the premises are not redeemed according to law. Within ten (10) days from the date of sale, the Commissioner shall file a duplicate of such Certificate of Sale in the Office of the Recorder of Deeds of Cook County.

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3. PROCEEDS AND REPORT OF SALE: Out of the proceeds of the sale, the Commissioner shall retain his fees and costs. Out of the remainder of such proceeds, the Commissioner shall pay the amount by this Decree found to be due to the Plaintiff with interest on said sum, less the listed Plaintiff's attorneys' fees, at the rate of Nine (9%) percent per annum from the date of this Decree to the date of sale. If the Plaintiff is the successful bidder, he shall not pay money to the Special Commissioner (other than for the Commissioner's costs and fees) but shall receive satisfaction of the Total Decree Indebtedness herein found due (with interest) to the extent covered by the remainder of the Sale proceeds. If the remainder of the proceeds shall not be sufficient to pay the above described amounts and interest the Commissioner shall then specify the amount of the deficiency in his Report of Sale. If such remainder shall be more than sufficient to pay such amounts and interest, the Commissioner shall hold the surplus subject to the further order of this Court.

4. PERIOD OF REDEMPTION: Upon the expiration of six (6) months from the date of sale, if the premises so sold shall not have been redeemed according to law, the defendants and all persons claiming under them shall be forever barred and foreclosed from all right equity of redemption, or claim of any kind to the premises or any part thereof.

5. COMMISSIONER'S DEED: If the premises are not redeemed as described above, the Commissioner shall execute and deliver to the legal holder of the Certificate of Sale a good and sufficient deed of conveyance of the premises. The grantee in such deed shall then be let into possession of the premises.

6. POSSESSION OF PREMISES: Any of the parties to this cause who shall be in possession of the premises (or any portion thereof) or any person who may have come into such possession since the commencement date of the suit, shall, upon the production of the Commissioner's deed of conveyance, (or a photostatic copy thereof) surrender possession of the premises to said grantee; in default of so doing, a Writ of Assistance, shall then issue.

7. JURISDICTION: The Court hereby retains jurisdiction of the subject matter of this cause and of all the parties hereto for the purpose of enforcing this Decree.

DATED:

9/26/85

ENTER:

Charles P. Korvas

JUDGE

FISHER AND FISHER  
ATTORNEYS FOR PLAINTIFF  
30 N. LaSalle St.  
Chicago, IL 60602  
372-4784

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DECEMBER

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1985

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

12679

Colonial Savings & Loan Association )

Plaintiff, )

Kenneth S. Vingua, et al. )

Defendants. )

Case No.

85 C 7150  
Judge Kocoras

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ORDER OF DEFAULT

On motion of BARRY M. FISHER, Attorney for the Plaintiff, the requisite affidavit having been filed, and due notice of the pendency of this suit having been given to the defendants, Kenneth S. Vingua & Kathryn A. Vingua

either by personal service of summons or by publication and mailing, which notice in manner and content was in all respects as required by law, and pursuant to Order of Court heretofore entered and

Said defendants having failed to plead or otherwise defend pursuant to said Order of Court, and pursuant to said notice.

IT IS ORDERED that by this Court that the Complaint herein be taken as confessed against the said defendants, and each of them.

DATED: 9/26/85

ENTERED: Charles Kocoras  
JUDGE

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CLERK OF THE COURT  
COOK COUNTY, ILLINOIS

PROPERTY OF COOK COUNTY CLERK'S OFFICE

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