

12463

CERTIFIED COPY (Rev. 6/85)

United States District Court
Northern District of Illinois
Eastern Division

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 1/13/86

H. STUART CUNNINGHAM
CLERK

By: *[Signature]*
Deputy Clerk



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Form (Rev. 7/85)

12463

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

Name of Assigned Judge	JUDGE PLUNKETT	Sitting Judge or Other Than Assigned Judge	
Case Number	85 C 6206	Date	October 18, 1985
Case Title	Lomas & Nettleton Co. Kirkland C. Martin, 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.)

Plaintiff's Motion for:	Decree of Foreclosure & Sale	FISHER AND FISHER
	Order of Default	
	Order Appointing Special Commissioner	
	Motion for Judgment on the Pleadings & Order	
Sent Notice to:	Patricia S. Blacklaw & Joseph H. Sanders/Attorneys for H. Yourell Clay Mosberg/Attorney for General Finance Corp. of Illinois	

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

(1) Judgment is entered as follows (2) [Other docket entry]

Plaintiff's motion for judgment on the pleadings is granted. Plaintiff's motion for order of default is granted. ENTER DECREE OF FORECLOSURE & SALE. ENTER ORDER OF DEFAULT. ENTER ORDER APPOINTING BONNIE KALLEN AS SPECIAL COMMISSIONER.

Sent for Microfilming

OCT 21 1985

Filed on

(3) Filed motion of [see listing in "MOTION" box above]

(4) Brief in support of motion due

(5) Answer brief to motion due

(6) Hearing on Ruling on set for re-set for

(7) Status hearing held continued to set for re-set for

(8) Pretrial conference held continued to set for re-set for

(9) Trial set for re-set for

(10) Bench trial Jury trial Hearing held and continued to

(11) This case is dismissed without with prejudice and without costs by agreement pursuant to FRCP 41(f) (failure to serve) General Rule 21 (want of prosecution) FRCP 41(a)(1) FRCP 41(a)(2)

(12) [For further detail see order on the reverse of order attached to the original minute order form.]

No notices required.		3	number of notices
Notices mailed by judge's staff.		OCT 21 1985	date typed envelopes
Notified counsel by telephone.		OCT 21 1985	date docketed
Docketing to mail notices.		OCT 21 1985	date mid. notices
Mail CIV-51 form.			mailing dpts. initials
courtroom deputy's initials			
Date/time received in central Clerk's Office			

Document # 18

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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Lomas & Nettleton Company

Plaintiff,

-vs-

Case No.

85 C 6206

Judge Plunkett

Kirkland O. Martin, Ellen R. Martin,
H. Yourell, Registrar of Titles,
General Finance Corp. & Mr. Vaughn

Defendants.

JUDGMENT OF FORECLOSURE AND SALE

DOCKETED
OCT 21 1985

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 8/13/85
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	533,036.14
Accrued interest on unpaid principal	4,333.21
Advances by Plaintiff	441.87
Costs of Suit	557.00
Plaintiff's Attorneys' Fees	450.00

TOTAL DECREE INDEBTEDNESS \$38,825.72

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.

JANUARY

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

12463

Lucas & Nettleton Company

Plaintiff,

Kirkland C. Martin, et al.

Defendants.

Case No. 85 C 6206
Judge Plunkett

DOCKETED
OCT 21 1985

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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, Kirkland C. Martin, Ellen R. Martin & Mr. Vaughn

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: October 18, 1985

ENTERED: [Signature]
JUDGE

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Property of County Clerk's Office

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CERTIFICATE OF PUBLICATION

12463

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CASE NO. 85C06206

LOMAS & NETTLETON CO VS MARTIN

LAW BULLETIN PUBLISHING CO.

does hereby certify that it is the publisher of the
**CHICAGO
DAILY LAW BULLETIN**

That said **CHICAGO DAILY LAW BULLETIN** is a secular newspaper, and has been published **DAILY** in the City of Chicago, County of Cook and State of Illinois, continuously for more than one year prior to the first publication of the notice appended, and is of general circulation throughout said County and State, and that it is a newspaper as defined in an Act to revise the law in relation to notices as amended by Act approved July 17, 1959 — 1959 Revised Statutes, Chap. 100, Paragraphs 1 & 5

That the notice appended was published in the said **CHICAGO DAILY LAW BULLETIN** on:

AUGUST 13, 20, 27, SEPTEMBER 03, 10, 1985

IN WITNESS WHEREOF, the undersigned has caused this certificate to be signed and its corporate seal affixed at Chicago, Illinois, this
10TH DAY OF SEPTEMBER 1985

LAW BULLETIN PUBLISHING CO.

[Signature]

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IN THE UNITED STATES DISTRICT COURT for the Northern District of Illinois, Eastern Division, Lomas & Nettleton Co., Plaintiff, vs. Richard C. Martin, et al., Defendants, Case No. 85C06206 involving a mortgage foreclosure concerning the following described property:

Lot 7, except the East 30 feet thereof and except the West 30 feet thereof in Block 19, Subdivision and Chicago's First Addition to Harvey, being a subdivision in the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 16, Township 18 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois, commonly known as 138 & 139th Street, Harvey, Ill.

ORDER

THIS MATTER coming to be heard on the motion of the Plaintiff for an Order directing the Defendants, Richard C. Martin, Ellen R. Martin to answer and file their Answer or otherwise plead to the Complaint to Foreclose Mortgage hereinafter filed in this matter and it appearing that an affidavit of this hearing and a petition for order of publication having been filed herein, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that Defendants herein Richard C. Martin, Ellen R. Martin, file their answers or otherwise plead to the Complaint to Foreclose Mortgage hereinafter filed by Plaintiff on or before September 17th, 1985.

IT IS FURTHER ORDERED that notice of this order be published in the Cook County Chicago Law Bulletin, once a week for six (6) consecutive weeks.

Enter JUDGE PLUNKETT, Dated July 6th, 1985. Fisher & Fisher, Attorneys at Law, P.C., Attorneys for Plaintiff, 33 North LaSalle Street, Chicago, Illinois 60602. 312-372-8111. 207066 Aug 13-10-17-10-17

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

Lewis & Nettleton Co.

MARKETED
OCT 21 1985

Plaintiff,

Case No. 85 C 6206
Judge Plunkett

v.

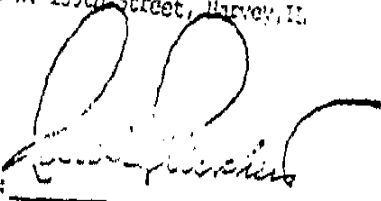
Kirkland C. Martin, et al.

Defendants.

ORDER APPOINTING SPECIAL COMMISSIONER

IT IS ORDERED THAT *Bonnie Kallen* be and she
is hereby appointed Special Commissioner of this Court for
the purpose of the sale and public venue of the property commonly

known as: 138 W. 155th Street, Harvey, IL

ENTERED: 
JUDGE

FISHER AND FISHER
ATTORNEYS AT LAW, P.C.
30 North La Salle St.
Chicago, Illinois 60602
312-372-4784

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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. IR3325664 and the subject property is legally described as follows:

Lot 3 (except the E. 40 feet thereof and except the W. 40 feet thereof) in Block I in Robertson and Young's First Addition to Harvey, being a subdivision in the W. 1/4 of the N. W. 1/4 of the S.E. 1/4 & the S.W. 1/4 of the S.E. 1/4 of S. 18, T. 36 N., R. 14, E. of the 3rd P.M., in Cook County, IL
c/k/a 138 W. 155th Street, Harvey, IL
ID*29-18-400-028

7. That the Court further finds that General Finance Corp. has an interest in the property by reason of Mortgage dated 7/15/84 & recorded 6/22/84 as Doc. #3378407 made by Kirkland and Ellen Martin to secure a note in the amount of \$7,632.00, which lien is subservient & subordinate to the lien of the plaintiff.

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.

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 said 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: October 18, 1985

ENTER: [Signature]
JUDGE

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

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FISHER AND FISHER
ATTORNEYS AT LAW, P. C.
30 N. LA SALLE STREET
CHICAGO, ILLINOIS 60602

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