

STATE OF ILLINOIS, COUNTY OF COOK

SS.

DAVID J. SHELDON

42813

PLEASE, before the Honorable one of the Judges of the Circuit Court of Cook County, in the State of Illinois, holding a branch Court of said Court, at the Court House in said County, and State, on February 19th in the year of our Lord, one thousand nine hundred and 85 and of the Independence of the United States of America, the two hundredth and ninth

DAVID J. SHELDON

PRESENT: - The Honorable Judge of the Circuit Court of Cook County.

RICHARD M. DALEY, State's Attorney

RICHARD J. ELROD, Sheriff

Attest: MORGAN M. FINLEY, Clerk.

JOHN

Sheriff's No. 42813 Vol. No. 2768-2 Page No. 496 Certificate No. 1381990 Recorder's Box No. 5

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requisite affidavit filed under Illinois Revised Statutes, 1983, Chapter 110, Section 15-201, which affidavit was made and sworn to by DERMOT J. KEARY, Assistant Vice President for the plaintiff, and that the evidence of the indebtedness referred to in the Complaint has been exhibited in open court and has been marked, "Plaintiff's Exhibit 'A'", and that the security foreclosed on referred to in the Complaint has likewise been exhibited in open court and has been marked, "Plaintiff's Exhibit 'B'"; that copies of the aforesaid evidence of indebtedness and security foreclosed have been and are attached to the Complaint, and leave has been given to withdraw the originals of said note and mortgage and to substitute therefor said copies.

4. That the material allegations in said Complaint herein filed are true and proven; that the equities of this cause are with the complainant, and that there is at this date due to said plaintiff upon the note and mortgage security, each of which has been in said Complaint described, the following amount:

Mortgage Balance Due	\$164,183.88
Reasonable Attorneys' Fees	\$ 2,000.00
Title Charges	\$ 525.75
Costs of suit to date (filing fee and summons, lis pendens and publication)	\$ 420.42
Additional Title Charges Estimated	<u>\$ 75.00</u>
TOTAL	<u>\$164,225.05</u>

all of which have been accounted for in the affidavit heretofore filed in this case by the complainant.

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5. That in said mortgage herein sought to be foreclosed, it is provided that the attorneys for the plaintiff are entitled to reasonable attorneys' fees, and the Court being advised that the sum of \$2,000.00 has been included in the above indebtedness, and that said sum is the usual, customary, and reasonable charge made by the attorney in like causes, and the Court orders that it be duly allowed.

6. That under the provisions of said mortgage herein sought to be foreclosed the costs of the foreclosure are an additional indebtedness for which the plaintiff should be reimbursed, and that such expenses are hereby allowed to the plaintiff.

7. That the lien of the plaintiff's mortgage is prior and superior to all rights and interests of all other parties to this cause and to any and all other claims, rights, interest or liens upon the real estate hereinafter described.

8. That the Court further finds that the lien next in priority is that of defendants, GENEVIEVE AND ROBERT WESEMAN as OWNERS OR HOLDERS of the indebtedness secured by Trust Deed filed as Document No. 3274891. That there is due and owing on said lien a total amount of \$20,832.98. That the lien of the said defendants, GENEVIEVE AND ROBERT WESEMAN as OWNERS OR HOLDERS of the indebtedness secured by Trust Deed filed as Document No. 3274891 is a good and subsisting lien against the real estate herein foreclosed, and is subordinate and inferior to the lien of the plaintiff herein. The foregoing findings are supported by the requisite affidavit filed under Illinois Revised Statutes, 1983, Chapter 110 Section 15-201, which affidavit was made and sworn by Robert Weseman.

9. The Court further finds there is no just reason for delaying the enforcement of or appeal from the Judgment.

IT IS THEREFORE ORDERED AND ADJUDGED that unless the defendant, within three days from the date of the entry of this Judgment, pay or cause to be paid to said plaintiff the sum of \$167,225.05 together with interest thereon, except on attorneys' fees and costs, at the rate of 9% per annum from the date of

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this Judgment to the date of payment, and pay or cause to be paid to defendant, GENEVIEVE AND ROBERT WESEMAN as OWNERS OR HOLDERS of the indebtedness secured by Trust Deed filed as Document No. 3274891 whose lien is next in priority to that of plaintiff the sum of \$20,832.98 together with interest thereon, except on attorneys' fees and costs, at the rate of 9% per annum from the date of this Judgment to the date of payment, and to pay to the officers of this Court the taxed costs in this cause, that the premises hereinafter and in said Complaint described, or so much thereof as may be necessary to pay the amounts found to be due the plaintiff with interest thereon, and the costs aforesaid, and which may be sold separately without material injury to the parties in interest, be sold at public vendue to the highest and best bidder for cash.

IT IS THEREFORE ORDERED AND ADJUDGED that the premises herein shall be sold by the Sheriff of Cook County, in Room 704 of the Richard J. Daley Center, in the City of Chicago, County of Cook and State of Illinois.

IT IS FURTHER ORDERED AND ADJUDGED that the plaintiff give public notice of the time, place and terms of such sale by publishing the same at least once each week for three successive weeks in some secular newspaper of general circulation, published in the County aforesaid and State of Illinois; the first publication to be not less than twenty (20) days before the date of such sale; that the said Sheriff may, on plaintiff's request, adjourn or continue such sale so advertised without further publication; and that the plaintiff or any of the parties to this cause, may become the purchasers at such sale; that if the plaintiff or defendant, GENEVIEVE AND ROBERT WESEMAN as OWNERS OR HOLDERS of the indebtedness secured by Trust Deed filed as Document No. 3274891 is the successful bidder at said sale, the amounts due to the plaintiff and said defendant, plus all costs, advances and fees hereunder, shall be taken as a credit on its bid in accordance with the priorities herein set forth.

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IT IS FURTHER ORDERED AND ADJUDGED that upon such sale being made, the said Sheriff shall execute and deliver to the purchaser or purchasers, a certificate or certificates of sale evidencing such purchase describing the premises purchased, the amount paid thereof, or, if purchased by the plaintiff or said defendant, the amount of its bid and the time when such purchaser or purchasers will be entitled to a deed for such premises, if the same shall not be redeemed according to law, and that, within ten days from such sale, the duplicate of such certificate or certificates shall be recorded in the Office or the Recorder of Deeds of the aforesaid County, Illinois.

IT IS FURTHER ORDERED AND ADJUDGED that after such sale, the plaintiff, by and through its attorneys, shall, with all convenient speed, report the same to the Court for its approval and confirmation.

IT IS FURTHER ORDERED AND ADJUDGED that the said Sheriff out of the proceeds of the sale, shall retain his fees and commission herein, and shall make distribution in the following priorities: First to plaintiff, or its attorneys, in the amount of this Judgment found to be due to it with interest thereon, except on attorneys' fees and costs, at the rate of 9% per annum from the date of this Judgment to the date of such sale; Next, if the proceeds of sale shall be more than sufficient to pay said fees and commissions and all sums due the plaintiff, the surplus shall be paid to the defendant, GENEVIEVE AND ROBERT WESEMAN as OWNERS OR HOLDERS of the indebtedness secured by Trust Deed filed as Document No. 3274891 not to exceed the amount set forth in paragraph 8 of the findings of this Judgment or to the extent that it may reach, together with interest at 9% per annum from the date of the Judgment to the date of payment, except that no interest shall be payable on attorneys' fees.

IT IS FURTHER ORDERED AND ADJUDGED that upon distribution of the proceeds of sale herein, the plaintiff by and through its attorneys, shall with all convenient speed report the same to the Court for its approval and confirmation; that the said Sheriff take receipts from the respective parties to whom

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payments have been made, and that receipts are to be filed with the report of distribution.

IT IS FURTHER ORDERED AND ADJUDGED that if, after the payment of all of the foregoing items there shall still be a remainder, the said Sheriff shall hold the surplus subject to the further order of this Court, and that if there be not sufficient funds to pay in full amounts due herein, such amount shall be specified as a deficiency in the report of distribution, and the plaintiff and defendant, GENEVIEVE AND ROBERT WISEMAN as OWNERS OR HOLDERS of the indebtedness secured by Trust Deed filed as Document No. 3274891 shall be entitled to judgment for the amount of such deficiency against DEAN MARTIN AND IRENE MARTIN, his wife, who are personally liable therefore, and said plaintiff shall be entitled to a lien upon the rents, issues and profits from the premises involved herein during the full period of redemption for the amount of such deficiency whether or not redemption is made from the sale hereunder prior to the expiration of said period of redemption, all in accordance with the priorities herein set forth.

IT IS FURTHER ORDERED AND ADJUDGED that upon the expiration of six (6) months after the foreclosure sale ordered herein, if the premises so sold shall not be redeemed according to law, the defendants and all persons claiming under them or any of them since the commencement of this suit, be forever barred and foreclosed of and from all right and equity of redemption, or claim of, in and to said premises or any part thereof; and in case said premises shall be redeemed as aforesaid, then upon the production to the Sheriff or his successor, of the said certificate or certificates of sale by the legal holder thereof, said Sheriff shall execute and deliver to the legal holder of such Certificate or certificates a good and sufficient deed of conveyance of said premises; and that thereupon the grantee or grantees in such deed, or his or their legal representatives or assigns, be let into possession of said premises; and that any of the parties to this cause who shall be in possession of said premises, or any portion thereof, or any person who may have

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come into such possession under them, or any of them, since the commencement of this suit, upon the production of said Sheriff's Deed or a photostatic copy thereof, surrender possession of said premises to said grantee or grantees, his or their representatives or assigns, and, in default of so doing, a Writ of Assistance, or such other Writ as the Court may deem necessary for such purpose, shall issue.

The premises by this Judgment authorized to be sold are situated in the County of Cook and State of Illinois, and are described as follows, to-wit:

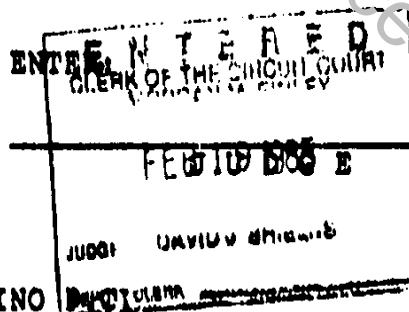
The South 100 feet of Lot 13 and the South 100 feet of Lot 14 in Plum Grove High Crest, a Subdivision of part of the South West 1/4 of the South West 1/4 of Section 35, Township 42 North, Range 10 East of the Third Principal Meridian, according to plat thereof registered in the Office of the Registrar of Titles of Cook County, Illinois, on October 28, 1953, as Document 1490691, commonly known as 2249 S. Thorntree, Palatine, Illinois 60067.

IT IS FURTHER ORDERED AND ADJUDGED that the Court hereby retains jurisdiction of the subject matter of this cause and of all parties hereto for the purpose of enforcing this Judgment and appointing or continuing a Receiver herein or placing the plaintiff-mortgagee in possession at any time during the period of redemption.

IT IS FURTHER ORDERED AND ADJUDGED that there is no just reason for delaying the enforcement of or appeal from this Judgment.

DATED:

RIGHEIMER MARTIN BRIDEWELL & CINQUINO  
135 S. LaSalle Street  
Chicago, Illinois 60603  
(312) 726-5646  
Attorney No. 90683



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STATE OF ILLINOIS,
COUNTY OF COOK ss.

I, MORGAN M. FINLEY, Clerk of the Circuit Court of Cook County, in and for the State of Illinois, and the keeper of the records, files and seal thereof, do hereby certify the above and foregoing to be true, perfect and complete

COPY OF A CERTAIN JUDGMENT MADE AND ENTERED OF RECORD IN SAID COURT:

[Dotted lines for judgment text]

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in a certain cause lately pending in said Court, between

St. Paul Federal Bank for Savings plaintiff/petitioner
and Dean Martin, et al defendant/respondent.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed

the seal of said Court, in said County, this 19th

day of February, 1985

[Signature of Morgan M. Finley, Clerk]

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