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(1084) CCDCH-6

PLACITA JUDGMENT

UNITED STATES OF AMERICA

STATE OF ILLINOIS,
COUNTY OF COOK

ss.

GEORGE A. HIGGINS

PLEAS, 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 April 28,
86
in the year of our Lord, one thousand nine hundred and and of the Independence
tenth
of the United States of America, the two hundredth and

GEORGE A. HIGGINS

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.**

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duly and regularly made parties defendant to this action in the manner provided by law.

That the persons designated as "UNKNOWN OWNERS" include other persons who are interested in this action and who have or claim some right, title, interest or lien in, to or upon the real estate, or some part thereof in the Complaint described as tenants in possession; and in addition, other persons who are interested in this action and who have or claim some right, title, interest or lien in, to or upon the real estate, or some part thereof in the Complaint described; and that the name of each such other person interested in this action is unknown to the Plaintiff; and upon diligent inquiry cannot be ascertained and all such persons are, therefore, made parties defendant to this action by the name and description of "UNKNOWN OWNERS".

And the Court having examined the files and records of this cause and being fully advised in the premises, finds that each of the defendants in this cause has been duly and properly brought before the Court, either through service of summons or publication; all in the manner provided by law; that due and proper notice has been given to each of the defendants during the progress of this cause, as required by law, and that this Court now has jurisdiction over all of the parties to this cause and the subject matter thereof.

And it further appearing to the Court that all of the

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defendants have been duly served by personal service or by publication, including "UNKNOWN OWNERS", and that Defendants, REX A. HAYES, LOUISE P. DAVIS, and "UNKNOWN OWNERS" have failed to appear or plead, each of said Defendants is in default, and that by reason thereof Plaintiff's Verified Complaint has been taken as confessed by and against each of the aforesaid Defendants.

And this cause coming on now to be heard upon the Verified Complaint to Foreclose Mortgage and for Other and Further Relief, and upon all other pleadings and upon all the files and matters of record herein.

And it further appearing to the Court that due notice of the presentation of this Decree has been given to all parties entitled thereto, and the Court being fully advised in the premises; does find from the files, records and competent evidence herein as follows:

1. That all of the material allegations contained in Plaintiff's Complaint are true and proven and by virtue of the Mortgage and the evidence of the indebtedness secured thereby alleged in the Complaint, there is due to the Plaintiff, and it has valid and subsistent liens on the property described hereafter for the following amounts:

Total principal balance as of April 29, 1986 -----	\$33,222.57
Total accrued interest as of April 29, 1986 -----	3,760.30

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Total monies advanced as of
April 29, 1986 to pay real estate
property taxes and insurance costs ----- 1,876.19

Costs of Suit

Chicago Title Insurance Company, Minutes of Foreclosure -----	240.00
Clerk of the Circuit Court of Cook County, Illinois/Filing Fee -----	81.00
Sheriff of Cook County, Illinois/ Service of Summons -----	42.92
Registrar of Torrens Title/Lis Pendens Notice -----	29.00
Law Bulletin Publishing Company/ Publication as to "Unknown Owners" -----	175.30
Miscellaneous expenses, including photocopying, and messenger costs -----	151.70
Attorneys' Fees -----	<u>2,972.55</u>
TOTAL DUE PLAINTIFF -----	-\$42,551.53

2. That in the Mortgage made subject of this proceeding, it is provided that the attorneys for Plaintiff are entitled to reasonable attorneys' fees; that the sum of TWO THOUSAND NINE HUNDRED SEVENTY TWO AND 55/100THS (\$2,972.55) DOLLARS has been included in the above indebtedness as and for said attorneys' fees as provided in said documents; that said sum is the usual, customary and reasonable charge made by attorneys in like cases; and that said sum is hereby allowed to the Plaintiff.

3. That under the provisions of said Mortgage, the

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costs of this foreclosure are an additional indebtedness for which the Plaintiff should be reimbursed and that such expenses are hereby allowed to the Plaintiff.

4. That the Mortgage and Installment Note described in the Complaint and hereby foreclosed was executed by REX A. HAYES and LOUISE P. DAVIS on October 31, 1979 and appears of record in the Office of the Registrar of Torrens Title as Document No. 3132250, and that the property referred to and directed to be sold is described as follows:

26-05-320-053-0008 ^{all} u.

"The North 15 Feet of Lot 45 and the South 15 Feet of Lot 46 in Block 14 in Taylor's Second Addition to South Chicago, being a Subdivision of the Southwest Fractional 1/4 of Fractional Section 5, South of Indiana Boundary Line, in Township 37 North, Range 15 East of the Third Principal Meridian, in Cook County, Illinois." (Commonly known as 9707 South Avenue "N", Chicago, Illinois 60617)

5. That the lien in the nature of a Mortgage sought to be foreclosed herein was created after August 7, 1961; that the lien of said Mortgage is not governed by the provisions of Section 12-124, 12-125, 12-126 or 12-127 of the Illinois Code of Civil Procedure but is governed by the provisions of Section 12-128 of the Illinois Code of Civil Procedure

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that unless within three (3) days from the entry of this Decree there shall be paid to the Plaintiff, SOUTH CHICAGO SAVINGS BANK, the sum of the principal balance and accrued interest and monies advanced mentioned in Paragraph 1 of this Decree

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with interest thereon at the lawful rate, except that part of the decretal indebtedness referring to attorneys' fees, together with all costs taxed herein, the real estate here and above-described, together with all improvements thereon and appurtenances belonging thereto, or so much thereof as may be necessary to pay the amount due 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 by the Sheriff of Cook County, Illinois.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that said sale shall be conducted by the Sheriff of Cook County, Illinois not less than forty five (45) days from the date of entry of this Decree.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the Sheriff shall conduct the sale in Room 885 of the Cook County Building, Chicago, Illinois, and give public notice of the time, place and terms of said sale by publishing same at least once in each week for three (3) successive weeks in a secular newspaper of general circulation, published in the County of Cook, State of Illinois, the first publication to be not less than 20 days before the date of said sale; that the Sheriff in his discretion for good cause shown may adjourn said sale from time to time and give notice of such continuance without further publication; that the Plaintiff or any of the parties to this cause may become

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the purchasers at said sale; and that upon such sale being made, the Sheriff shall execute and deliver to the purchaser(s), including the Plaintiff, a Certificate or Certificates of Sale, and said purchaser or purchasers shall record and/or file said Certificate as required by law.

IT IS HEREBY FURTHER ORDER, AJUDGED AND DECREED that the Sheriff upon making such sale, shall, with all convenient speed, report the same to the Court for its approval and confirmation, and he shall likewise report the distribution of the proceeds of sale and his acts and doings in connection therewith; that out of the proceeds of such sale, he shall make distributions in the following order of priority:

- (a) For his fees, disbursements, and commissions on such sale;
- (b) To the Plaintiff, SOUTH CHICAGO SAVINGS BANK, the sum of the principal balance and accrued interest and monies advanced mentioned in Paragraph 1 of this Decree with interest thereon at the lawful rate, together with all costs and attorneys' fees taxed herein.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the Sheriff take receipts from the respective parties to whom they may have made payments as aforesaid and file the same with his Report of Sale and Distribution in this Court; that if after payment of all of the foregoing items, there shall be a remainder, he hold the surplus subject to the further order of this Court, and if there be not sufficient sums to pay, in full, amounts found due herein, he shall

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specify the amount of deficiency in his Report of Sale.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that if the premises sold shall not have been redeemed within six months from the date of this aforementioned Sheriff's Sale, then the Defendants and all persons claiming under them or any of them since the commencement of this suit, be forever barred, foreclosed of and from all rights and equity of redemption or claim, in and to said premises, or any part thereof, and in case said premises shall not be redeemed as aforesaid, then upon production to the Sheriff of the Certificate of Sale by the legal holder thereof, said Sheriff shall execute and deliver to him a good and sufficient Deed of Conveyance of said premises, and thereupon the grantee or grantees in such Deed or his or her legal representatives or assigns shall be let into possession of said premises, and that if any of the parties to this cause shall be in possession of said premises or any portion thereof, or any person who may have come into possession under them or any of them since the commencement of this suit, shall, upon the production of said Sheriff's Deed of Conveyance, surrender possession of said premises to said Grantee or Grantees, his or her legal representatives or assigns, and in default of doing so a Writ of Assistance shall issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the attorneys for Plaintiff may withdraw from the file of this

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cause all original exhibits offered into evidence by them.

The Court hereby retains jurisdiction of the subject matter of this cause and all of the parties hereto for the purpose of enforcing this Decree, and the Court retains jurisdiction for the purpose of appointing a Receiver in the event that the premises become vacant.

The Court further finds that there is no just reason to delay enforcement of or an appeal from this judgment order.

Dated:

E N T E R :

Larry R. Chulock
SCHWARTZ & FREEMAN
401 North Michigan Avenue
Suite 3400
Chicago, Illinois 60611
(312) 222-0800
Attorney No. 90736

J U D G E
CLERK OF THE COURT
JUDGE GEORGE A. HIGGINS
Office

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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:**

.....
.....
.....
.....
.....

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in a certain cause lately pending in said Court, between

SOUTH CHICAGO SVGS BANK, ETC. plaintiff/petitioner

and REX A. HAYES, ET AL defendant/respondent.

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

3244308 3244308
at the seal of said Court, in said County, this 27th
August, 1986
day of

Morgan M. Finley Clerk

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Handwritten: 1/15/91
JF
MPC

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woody	

Handwritten: Thea Parzen
Shawnt + Freeman
901 N Michigan
Suite 340B
Chicago, IL 60644