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(10-84) CCDCH-6

PLACITA JUDGMENT

UNITED STATES OF AMERICA

STATE OF ILLINOIS,
COUNTY OF COOK

ss.

PLEAS, before the Honorable Thomas J. O'Brien
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 JULY 7th
in the year of our Lord, one thousand nine hundred and 86 and of the Independence
of the United States of America, the two hundredth and ELEVENTH

PRESENT: Thomas J. O'Brien
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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Property of Cook County Clerk's Office

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

ENTERED
CLERK OF THE CIRCUIT COURT
MORGAN M. FINLEY
JUL 7 1986
JUDGE THOMAS J. O'BRIEN
DEPUTY CLERK

PLAZA BANK, an Illinois banking corporation,
Plaintiff,

v.

No. 85 CH 2993

ROLANDO CAPDEVILA, LUCINDA CAPDEVILA, CAPDEVILA MACHINE CO., REGISTRAR OF TITLES, UNKNOWN PARTIES and UNKNOWN LIEN CLAIMANTS,
Defendants.

DECREE OF FORECLOSURE AND SALE

This day comes the plaintiff, Plaza Bank, an Illinois banking corporation authorized to do business in the State of Illinois, by its attorneys, Garfield & Merel, Ltd.;

And it appearing to the Court that the plaintiff heretofore commenced this action by filing its Complaint against the defendants,

ROLANDO CAPDEVILA, LUCINDA CAPDEVILA, CAPDEVILA MACHINE CO., REGISTRAR OF TITLES, UNKNOWN PARTIES and UNKNOWN LIEN CLAIMANTS.

That the affidavits required to make such unknown parties defendants to this action were duly filed and UNKNOWN OWNERS and UNKNOWN LIEN CLAIMANTS have been duly and regularly made parties defendant to this action in manner provided by law;

That the persons designated as UNKNOWN OWNERS included 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 this complaint; that the name of each of such other persons 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 in this cause and having evidence 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 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

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court now has jurisdiction over all of the parties to this cause and the subject matter hereof;

And this cause coming on now to be heard upon the complaint herein, and upon all other pleadings and upon all the files and matters of record herein,

And it further appearing to the court that the defendants, UNKNOWN PARTIES and UNKNOWN LIEN CLAIMANTS, and each of them having failed to file appearances or otherwise answer plaintiff's complaint, that an order of default having been entered and the complaint having been taken as confessed by and against the aforesaid defendants.

And it further appearing to the court that defendants, ROLANDO CAPDEVILA and CAPDEVILA MACHINE CO. (a/k/a R. Capdevila Machine Co., Inc.) have filed a Stipulation and Agreed Order agreeing to the entry of Summary Judgment against them and to their acknowledgement of their abandonment of the premises.

And it further appearing to the court and the court finding that LUCINDA CAPDDEVILA has abandoned the subject premises as of June 27, 1986.

And it further appearing to the court that LUCINDA CAPDEVILA and the REGISTRAR OF TITLES have not filed an answer or reply to plaintiff's motion for Summary Judgment.

And it further appearing to the court by the oral motion of the plaintiff to amend the financial figures in the Summary Judgment to correspond to the Stipulation filed.

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 the material allegations of the complaint, Counts I and II, are true and proven, pursuant to the plaintiff's Motion for Summary Judgment against those defendants who have appeared or answered, and that the allegations against the remaining defendants are supported by the requisite Affidavit filed under Section 15-201 of the Illinois Code of Civil Procedure and the Summary Judgment and that by virtue of the mortgage and the evidence of indebtedness secured thereby alleged in the complaint as exhibited in Open Court, there is due to the plaintiff, and it has a valid and subsisting lien on the property described hereafter for the following amounts:

COUNT I

Principal Balance Due	\$ 72,490.02
Interest from 6/1/84 to 5/23/86	19,289.44

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Interest from 5/24/86 to 7/7/86	1,289.70
Late Fees 6/81 thru 2/85	500.50
Clerk of the Court	
filing fees	81.00
Sheriff	40.68
Lis Pendens	45.00
Torrens charges	26.00
Attorneys' fees	5,487.00
Law Bulletin	179.70
Real Estate Taxes:	
Redemption* 1982, 1983, 1984	6,163.32
*subject to recomputation of interest after 3/19/86	
1985 Taxes	
1st inst. 914.78 + int. 1.5%	
each month until paid;	
interest computed only through	
July, 1986 = 68.67	983.38
1985 2nd inst.	914.78
1986 - thru June, 1986	914.78
Tract Search	100.00
	<hr/>
Total Now Due and Owing	\$108,505.30

COUNT II

Principal Balance Due	\$ 22,868.96
Interest from 11/3/84 to	
5/23/86, per diem 5.36	
thereafter until judgment	2,181.52
Late Fees 6/81 thru 2/85	323.71
Clerk of the Court	
filing fees*	
Sheriff*	
Lis Pendens*	
Torrens charges*	
Attorneys' fees*	
Law Bulletin*	
Real Estate Taxes*	
	<hr/>
Total	\$ 15,374.25

*Set forth in Count I

That there are other charges which the defendants are obligated to pay under the terms of said mortgage, and while these charges are not definitely ascertainable at this time, the plaintiff is due any and all other necessary expenses and costs pursuant to this decree of foreclosure.

2. That in said mortgage it is provided that the attorneys for plaintiff are entitled to reasonable attorney's fees; that the sum of \$5,487.00 has been included in the above indebtedness

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as and for said attorney's fees as provided in said mortgage; that said sum is the usual, customary and reasonable charge made by attorneys in like cases; and the said sum is hereby allowed to the plaintiff.

3. That under the provisions of said mortgage the 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 mortgages described in the complaint and hereby foreclosed appear of record in the Office of the Registrar of Titles of Cook County, Illinois as document numbers 1821869 and 3248063 and the property herein referred to and directed to be sold is described as follows:

10-20-429.021.0000

The West 65.0 feet of Lot Thirteen (13) in Block Four (4), in FREDRICKSON'S AND SUNBERG'S SUBDIVISION of part of the West Half (1/2) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section 20, Township 41 North, Range 13, East of the Third Principal Meridian, according to the Plat therefore registered in the Office of the Registrar of Titles of Cook County, Illinois, on October; 6, 1958, as Document No. 1821869.

Commonly known as 8001 Menard, Morton Grove, Illinois

5. That the rights and interest of the plaintiff's mortgages in this cause in and to the property hereinbefore described is prior and superior to the rights of all other parties to this cause and to all other claims, rights and interests.

6. That the mortgages sought to be foreclosed herein were executed after August 7, 1961; that the lien of said mortgages are not governed by the provisions of Sections 12-124, 12-125 and 12-126 of the Illinois Code of Civil Procedure, and that the defendants,

ROLANDO CAPDEVILA, LUCINDA CAPDEVILA, CAPDEVILA MACHINE CO., REGISTRAR OF TITLES, UNKNOWN PARTIES and UNKNOWN LIEN CLAIMANTS.

their heirs, executors, administrators, or assigns are the owners of the equity of redemption.

7. That the court has found, pursuant to Section 12.129 of the Code of Civil Procedure, that the defendants, ROLANDO CAPDEVILA, LUCINDA CAPDEVILA and CAPDEVILA MACHINE CO., nor anyone claiming an interest in the premises, is occupying said premises.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that unless within three days from the entry of this decree there shall be

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paid to the plaintiff the sum of the principal balance and the accrued interest mentioned in paragraph 1 of this decree with interest thereon at the lawful rate, from the date of entry of this decree together with all costs taxed herein, the real estate hereinabove described, together with all improvements thereon and appurtenances belonging thereto or so much thereof as may be necessary to pay the amounts found 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, in the City of Chicago, County of Cook and State of Illinois, in Room 704 of the Chicago Daley Center.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said Sheriff give public notice of the time, place and terms of said sale by publishing the same at least once in each week for three successive weeks in a secular newspaper of general circulation published in the County of Cook and State of Illinois; the first publication to be not less than twenty days before the date of said sale; that said Sheriff in his discretion, for good cause shown, may adjourn said sale from time to time by appearing and notifying all parties present of the date and time of such continuance without further publication; that the plaintiff or any of the parties to this cause may become the purchaser or purchasers at such sale; that upon such sale being made, said Sheriff execute and deliver to the purchaser or purchasers a certificate or certificates of sale and record a duplicate thereof as required by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said 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 distribution in the following order of priority:

- a) For his fees, disbursements and commissions on such sale;
- b) To the plaintiff, the sum of the principal balance and the accrued interest mentioned in paragraph 1 of this decree, with interest thereon at the lawful rate, together with all costs taxed herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Sheriff take receipts from the respective parties to whom he may have made payment as aforesaid, and file the same with his report of sale and distribution in this court; that, if after the payments of all the foregoing items, there shall be a remainder, he hold the surplus subject to the further order of this court, and that if there be not sufficient funds to pay in full the amounts found due herein, he specify the amount of the deficiency in his report of sale; and further, that said

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deficiency stand as a lien and apply against the rents, issues and profits accruing from said premises during the period of redemption, and that a receiver be appointed to collect the rents, issues and profits, and to apply them upon said deficiency.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, pursuant to Section 12-129 of the Code of Civil Procedure, that the redemption period be reduced to sixty (60) days from the date of sale by the Sheriff as hereinafter set forth.

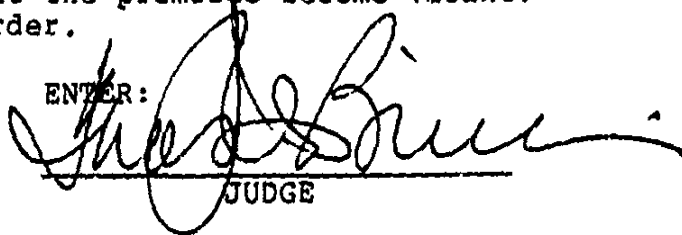
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that on September 17, 1985, ROLANDO CAPDEVILA and CAPDEVILA MACHINE CO., on June 20, 1985, LUCINDA CAPDEVILA, on March 29, 1985, THE REGISTRAR OF TITLES, and on April 5, 12, and 19, 1985, by publication, UNKNOWN PARTIES and UNKNOWN LIEN CLAIMANTS, the owners of equity of redemption in the premises hereinabove described were served with sums as required by law; that if the premises so sold shall not have been redeemed within sixty (60) days from the date of sale by the Sheriff, 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 or his successor of said certificate or certificates 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 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 come into such 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 representatives or assigns, and in default of so doing, a writ of assistance shall issue.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the attorneys for plaintiff may withdraw from the files of this cause all original exhibits offered in evidence by them.

The court hereby retains jurisdiction of the subject matter of this cause and of all the parties hereto, for the purposes of enforcing this decree, if necessary. There is no just reason for delaying the enforcement of this decree, and for the purpose of appointing a receiver in the event the premises become vacant. This is a final and appealable order.

ENTER:


JUDGE

JUL 7 1986

DATED: _____

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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:**

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

in a certain cause lately pending in said Court, between

..... PLAZA BANK, etc., plaintiff/petitioner

and ROLANDO CAPDEVILA, et al., defendant/respondent.

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

the seal of said Court, in said County, this 30th

day of OCTOBER, 19 86

Morgan M. Finley Clerk

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HARRY (EUS) YORK
REGISTER OF DEEDS

* GARFIELD + MEREL, LTD.
205 W. RANDOLPH
23RD FLR
CHICAGO, IL 60606

* CHICAGO, IL 60606