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PLACITA JUDGMENT

UNITED STATES OF AMERICA

STATE OF ILLINOIS,
COUNTY OF COOK } ss.

ROGER J. KILEY, JR.

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 .-SEPTEMBER, 12th.....
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: - The Honorable ROGER J. KILEY, JR......
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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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS 4
COUNTY DEPARTMENT - CHANCERY DIVISION

| | | |
|-------------------------------|---|-----------------|
| WESTAMERICA MORTGAGE COMPANY, |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 85 CH 10205 |
| |) | |
| CARL R. SCHRACHTA, et al., |) | |
| |) | |
| Defendants. |) | |

JUDGMENT FOR FORECLOSURE AND SALE

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 of the Complaint are true and proven, that by entry of this Judgment for Foreclosure and Sale, the Mortgage and Note which is the subject matter of these proceedings is extinguished and merged into Judgment and default no longer exists, but has been replaced by Judgment, and that by virtue of the Mortgage, and the evidence of indebtedness secured thereby alleged in the subsisting lien on the property described hereafter for the following accounts:

| | |
|---|--------------|
| Principal, Accrued Interest and Advances by Plaintiff | \$ 83,149.92 |
| Costs of Suit | \$ 490.12 |
| Attorney's Fees | \$ 550.00 |
| | <hr/> |
| TOTAL | \$ 84,190.04 |

All the foregoing amounts have been accounted for in the Affidavit filed by Plaintiff.

3. The Court further finds that there is due and owing to N/A as a lien upon the subject real estate, which is subordinate and inferior to the lien and interest therein of the plaintiff and prior to all other liens, the sum of \$ -0- pursuant to the verified pleadings filed herein.

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4. That in said Mortgage, it is provided that the attorneys for Plaintiff are entitled to reasonable attorneys' fees; and that the sum of \$ 550.00 has been included in the above indebtedness as and for said attorneys' fees, that said sum is hereby allowed to the Plaintiff.

5. That under the provisions of said Mortgage, the costs of foreclosure are an additional indebtedness for which the Plaintiff should be reimbursed, and that such expenses are hereby allowed to the Plaintiff.

6. That 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. LR 3376692 and the property herein referred to and directed to be sold is described as follows:

See Attached Rider

Commonly Known As: 5025 Butterfield Road, Hillside, IL 60162

Tax ID No. 15-18-202-017

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RIDER

Lot 6 in Carlbert's Resubdivision of Lots 4 through 11 inclusive in Block 8 in Vendley and Company's Third Addition to Hillside Acres, being a subdivision of that part of the East 50.0 acres of the West 1/2 of the South East 1/4 of Section 7, Township 39 North, Range 12 East of the Third Principal Meridian, lying South of the Aurora, Elgin and Chicago Railroad; also that part of the East 7 acres of the North East 1/4 of Section 18, Township 39 North, Range 12 East of the Third Principal Meridian, lying North of the Center Line of Butterfield Road, according to the Plat Registered in the Office of the Registrar of Titles of Cook County, Illinois on March 1, 1954 as Document 1509453;

ALSO

The Southerly 71.56 feet (as measured on the Easterly and Westerly lines thereof) except the Easterly 6.5 feet (as measured on the southerly lines thereof) of Lot 3 in Block 8 in Vendley and Company's Third Addition to Hillside Acres, being a subdivision of that part of the East 50 acres of the West 1/2 of the South East 1/4 of Section 7, Township 39 North, Range 12, East of the Third Principal Meridian, lying South of the Right of Way of the Aurora Elgin and Chicago Electric Railroad, also part of the East 7 acres of the North East 1/4 of Section 18, Township 39 North, Range 12, East of the Third Principal Meridian, lying North of the Center Line of Butterfield Road, in Cook County, Illinois.

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7. That the Mortgage herein referred to secured a Mortgage Note executed by Carl R. Schrachta.

8. That the rights and interests of all the Defendants to this cause in and to the property hereinbefore described are inferior to the lien of Plaintiff heretofore mentioned.

9. That the Defendants named in the caption hereof, excepting any party dismissed by Order of Court herein, are the owners of the equity of redemption.

10. That the original Note and the original Mortgage have been offered in evidence and exhibited in open Court, and Plaintiff is hereby given leave to withdraw the original Note and the original Mortgage and in lieu thereof, substitute true and correct copies which are attached to the Complaint filed herein, and no further copies need be filed.

IT IS ORDERED AND ADJUDGED that the last of the owners of the equity of redemption has been duly served with summons/by publication on November 26, 1985 ; and that the period of redemption shall expire and terminate six (6) months after sale, except that the Court retains jurisdiction to shorten the redemption period herein as by statute provided in Chapter 110, Illinois Revised Statutes, Section 12-129, upon Petition properly presented and supported by Affidavit.

This Judgment is entered pursuant to Chapter 110, Section 12-128 of the Illinois Revised Statutes.

IT IS FURTHER ORDERED AND ADJUDGED that unless within three (3) days from the date of the entry of this Judgment there shall be paid to the Plaintiff the respective sums, with interest thereof (except on attorneys' fees), at the rate of nine percent (9%) per annum from the date of this Judgment to the date of payment, and for the uses and benefits mentioned in Paragraph 2 of this Judgment, 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, Illinois.

That said Sheriff give public notice of the time, place and terms of such sale by publishing the same at least once in each week for three successive weeks in a secular newspaper of general circulation published in Cook County, Illinois, the first publication to be not less than twenty (20) days before the date of said sale; that the Sheriff may, in his discretion, for good reason, adjourn such sale so advertised and continue the same from time to time without further notice or publication of such sale by oral proclamation by him at the time and place set by the notice of publication of such sale or such announced subsequent date; that Plaintiff or any of the parties to this cause, may become the purchaser or purchasers at such sale; that in the

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event Plaintiff is the successful bidder at the sale, the Sheriff may accept Plaintiff's receipt for its distributive share of the proceeds of sale in lieu of cash; that upon such sale being made, said Sheriff shall execute and deliver to the purchaser or purchasers, a Certificate or Certificates of Sale, and he shall file for record a duplicate thereof, as required by law.

That out of the proceeds of such sale, he shall make distribution in the following order of priority:

- (a) Retain his fees, disbursements and commission on such sale;
- (b) To the Plaintiff, or its attorney of record, the amounts mentioned in Paragraph 2 of this Judgment with statutory interest except on the attorneys' fees.
- (c) To the parties mentioned in Paragraph 3 and 4, the sums mentioned therein with statutory interest, except on attorneys' fees as their priorities appear.

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 the Sheriff take receipts from the respective parties to whom he may have made payments as aforesaid, and file same with his report of sale and distribution in this Court; that if after the payment of all the foregoing items there shall be a remainder, he holds the surplus subject to the further Order of this Court, and that if there be insufficient funds to pay in full amounts found due herein, he specify the amount of deficiency in his report of sale. That Plaintiff shall be entitled to a deficiency for such amount IN REM or IN PERSONAM as by the Court determined, upon Petition of the Plaintiff to approve the report of sale and distribution of said Sheriff.

That Plaintiff shall be entitled to a lien upon the premises, the rents, issues and profits from the premises involved herein during the statutory period of redemption for the amount of such deficiency, and any sums advanced for the purpose of taxes, maintenance, insurance and preservation of said property, whether or not a redemption is made from the sale hereunder prior to the expiration of said period of redemption.

That if the premises so sold shall not be redeemed according to and within the time provided by law, then upon issuance of a Sheriff's Deed, 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 rights and equity of redemption or claim of, in and to said premises, or any part thereof; and in case said premises shall not be redeemed as aforesaid, then upon the production to the Sheriff or his successor, of said 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 that thereupon the grantee or grantees

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in such Deed or his or their legal representation or assigns be let into possession of said premises; and that any or any portion thereof, or any person who may have come into possession of said premises under them, or any of them, since the commencement of this suit, shall, upon production of said Sheriff's Deed of conveyance, 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 shall issue.

That there is no just cause for delaying the enforcement of this Judgment or an appeal therefrom.

The Court retains jurisdiction for the purpose of enforcement of this Judgment, approval of sale, for the purpose of appointing a Receiver and to determine the period of redemption of the owners and holders of the equity of redemption as and by statute provided, upon Petition properly presented.

IT IS FURTHER ORDERED that the Registrar of Torrens Titles is hereby directed to cancel the outstanding Certificate of Title and issue a new one without surrendering mortgagee's duplicate Certificate of Title.

ENTER:

DATED:

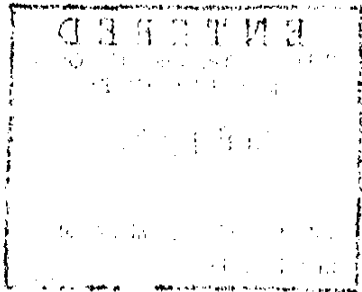
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|---|
| <p>ENTERED CLERK OF THE CIRCUIT COURT MORGAN M. FINLEY</p> <p>SEP 12 1986</p> <p>JUDGE ROBERT J. EILEY, JR. DEPUTY CLERK</p> |
|---|

CODILIS AND ASSOCIATES, P.C.
1 S 376 Summit Avenue
Oakbrook Terrace, IL 60181
312/629-8444
Attorney No. 21762

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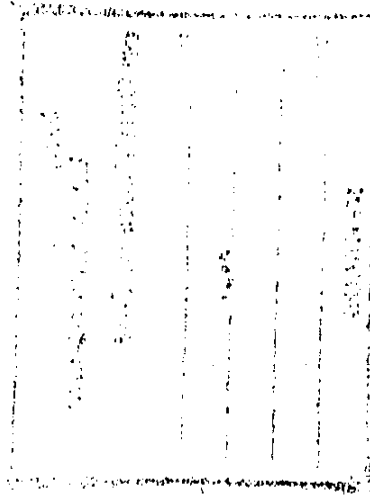
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STATE OF ILLINOIS,
COUNTY OF COOK } ss.

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

. WESTAMERICA MORTGAGE COMPANY plaintiff/petitioner

and CARL R. SCHRACHTA, et al., defendant/respondent.

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

the seal of said Court, in said County, this . . . 14th

day of NOVEMBER 19 . . . 86

. Morgan M. Finley Clerk

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| Register of Deeds | |
| Enter this document | |
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| 2440-2 | 395 |
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