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

Handwritten initials/signature

EAST SIDE BANK AND TRUST COMPANY)
an Illinois Banking Corporation,)
)
Plaintiff,)
)
vs.)
)
LINDA M. COTTER, TIMOTHY W. COTTER, JR.,)
THE REGISTRAR OF TITLES OF COOK COUNTY,)
ILLINOIS, UNKNOWN OWNERS, and NON-RECORD)
CLAIMANTS,)
)
Defendants.)

83 CH 10253

ORDER OF SUMMARY JUDGMENT of Foreclosure

This cause coming to be heard upon Motion of Plaintiff for entry of Summary Judgment and Judgment of Foreclosure nunc pro tunc September 26, 1986, against Defendant TALMAN HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF ILLINOIS, formerly HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO; and Plaintiff previously having filed its Affidavit in Support of Summary Judgment and Prove-Up pursuant to Sections 2-1005 and 15-201 of the Illinois Code of Civil Procedure; and the Court finding that the second mortgage to TALMAN HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF ILLINOIS, formerly HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO, is inferior and subordinate to the mortgage of EAST SIDE BANK AND TRUST COMPANY and finding that no material issue of fact has been raised in the pleadings herein which would not entitle Plaintiff to the relief prayed in the Amended Complaint;

IT IS HEREBY ORDERED that Summary Judgment and Judgment of Foreclosure nunc pro tunc September 26, 1986, be, and hereby is, granted to Plaintiff against Defendant TALMAN HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF ILLINOIS, formerly HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO.

Dated: _____

Henry J. Olivieri, Jr.
Attorney at Law
35 East Wacker Drive, Suite 1760
Chicago, Illinois, 60601
312/781-0008
ATTY CODE NO. 24514

ENTERED
JUN 16 1987
JUDGE
A. SCOTILLO
706

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I HEREBY CERTIFY THE ABOVE TO BE CORRECT.

DATE 6-16-87

Margaret J. Dunlop

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILL.

THIS ORDER IS THE COMMAND OF THE CIRCUIT
COURT AND VIOLATION THEREOF IS SUBJECT TO THE
PENALTY OF THE LAW

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS | 7
COUNTY DEPARTMENT, CHANCERY DIVISION

EAST SIDE BANK AND TRUST COMPANY
an Illinois Banking Corporation,

Plaintiff,

vs.

LINDA M. COTTER, TIMOTHY W. COTTER, JR.,
THE REGISTRAR OF TITLES OF COOK COUNTY,
ILLINOIS, UNKNOWN OWNERS, and NON-RECORD
CLAIMANTS, and TALMAN HOME FEDERAL SAVINGS &
LOAN ASSOCIATION OF ILLINOIS,

Defendants.

83 CH 10253

FILED
JUN 16 1987
MORGAN M. FINLEY
CLERK OF THE CIRCUIT COURT

EMERGENCY MOTION FOR ENTRY OF JUDGMENT OF FORECLOSURE
AGAINST TALMAN HOME FEDERAL SAVINGS AND LOAN

NOW COMES Plaintiff, EAST SIDE BANK AND TRUST COMPANY, by its attorney, Henry J. Olivieri, Jr., and moves this Court to enter judgment of foreclosure against Defendant, TALMAN HOME FEDERAL SAVINGS & LOAN ASSOCIATION OF ILLINOIS, and for other relief, and in support hereof states as follows:

1. On August 9, 1973, Plaintiff was given a mortgage upon the premises commonly known as 10844 South Avenue "J", Chicago, Illinois, (the "Property"), in order to secure a mortgage note in the amount of \$11,000.00 that it had made to the owners of the Property, Defendants Linda M. Cotter and Timothy W. Cotter, Jr.. The mortgage was duly registered with the Registrar of Titles of Cook County, Illinois, as Document Number LR 2709947 on August 10, 1973.

2. On December 29, 1978, Defendant TALMAN HOME FEDERAL SAVINGS & LOAN ASSOCIATION OF ILLINOIS, formerly HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO, was given a mortgage upon the Property, in order to secure a junior mortgage in the amount of \$18,166.80 that it had made to the owners of the property, Defendants Linda M. Cotter and Timothy W. Cotter, Jr.. The junior mortgage was duly registered with the Registrar of Titles of Cook County, Illinois, as Documents Number LR 2709947 on January 5, 1979.

3. Defendant TALMAN HOME FEDERAL SAVINGS & LOAN ASSOCIATION OF ILLINOIS, formerly HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO, was served by personal service through the Office of the Sheriff of Cook County, Illinois, on July 17, 1985, a certified copy of such service being attached hereto as Exhibit "A".

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DATE 6-16-87

(Margaret M. Dwyer)

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILL.

THIS ORDER IS THE COMMAND OF THE CIRCUIT
COURT AND VIOLATION THEREOF IS SUBJECT TO THE
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4. Defendant TALMAN HOME FEDERAL SAVINGS & LOAN ASSOCIATION, OF ILLINOIS, formerly HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO, has failed to appear, file an answer or otherwise plead in this matter.

5. The Plaintiff's rights under its mortgage are plainly superior to those of Defendant TALMAN HOME FEDERAL SAVINGS & LOAN ASSOCIATION OF ILLINOIS, formerly HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO under its junior mortgage and that said Defendant's lien is subordinate and inferior to that of Plaintiff.

6. This Court entered Judgment of Foreclosure and Sale in this case against all Defendants on September 26, 1986., and that a Sheriff's Sale was held on November 6, 1986.

7. The redemption period has expired and that no redemption was made and Plaintiff has previously filed its Order Approving Sheriff's Report of Sale and Distribution, and a Sheriff's Deed has been issued to Plaintiff, dated May 20, 1987.

8. The Plaintiff should be granted a summary judgment and judgment of foreclosure against Defendant TALMAN HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF ILLINOIS, formerly HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO, nunc pro tunc September 26, 1986, for the reason that said Defendant was personally served and that no material issue was raised in the pleadings herein which would not entitle Plaintiff to the relief prayed in its Amended Complaint for Foreclosure.

WHEREFORE, Plaintiff EAST SIDE BANK AND TRUST COMPANY requests that this Court enter an Order of Summary Judgment and a Judgment of Foreclosure nunc pro tunc September 26, 1986, against Defendant TALMAN HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF ILLINOIS, formerly HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF CHICAGO, and enter a finding that the interest of said Defendant is subordinate and inferior to that of Plaintiff.

Respectfully submitted,

EAST SIDE BANK AND TRUST COMPANY

By: 

Its Attorney

Henry J. Olivieri, Jr.

Attorney at Law

35 East Wacker Drive, Suite 1760

Chicago, Illinois 60601

312/781-0008

ATTY CODE NO. 24514

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I HEREBY CERTIFY THE ABOVE TO BE CORRECT.

DATE 6-16-87

Norbert W. Juley

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILL

THIS ORDER IS THE COMMAND OF THE CIRCUIT
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 2320 - Served By Mail
 2420 - Served By Publication
 SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT,

REGISTERED

JUL 23 '85

MORGAN M. FINLEY, Clerk
 Per *[Signature]*

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 FILED
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 Mr. C.
 TBT

(Name all parties)

EAST SIDE BANK AND TRUST COMPANY,
 Plaintiff,

LINDA M. COTTER, THE REGISTRAR OF
 TITLE OF COOK COUNTY, ILLINOIS,
 TALMAN HOME FEDERAL SAVINGS & LOAN
 ASSOCIATION OF ILLINOIS, UNKNOWN
 OWNERS and NON-RECORD CLAIMANTS,
 Defendants.

No. 83 CH 10253

Please serve:
 TALMAN HOME FEDERAL SAVINGS &
 LOAN ASSOCIATION OF ILLINOIS
 By: Theodore H. Roberts, President
 5501 S. Kedzie Avenue
 Chicago, Illinois 60629

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance in the office of the clerk of this court (located in the Richard J. Daley Center, Room 802 Chicago, Illinois 60602), within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT, A COPY OF WHICH IS HERETO ATTACHED.

To the officer.

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed. This summons may not be served later than 30 days after its date.

JUL 10 1985

WITNESS, 19.....

[Signature]
 Clerk of court

Name HENRY J. OLIVIERI, Jr.
 Attorney for plaintiff
 Address 35 E. Wacker Drive, #1760
 City Chicago, Illinois 60601
 Telephone (312) 781-0008
 Atty. #24514

Date of service: 19.....
 (To be inserted by officer on copy left with defendant or other person)

MORGAN M. FINLEY, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

*Law Division Room 801
 Chancery-Divorce Division Room 802
 County Division Room 801
 Probate Division Room 1202

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I HEREBY CERTIFY THE ABOVE TO BE CORRECT.

DATE 6-16-87

Margaret M. Jolley
CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILL.

THIS ORDER IS THE COMMAND OF THE CIRCUIT
COURT AND VIOLATION THEREOF IS SUBJECT TO THE
PENALTY OF THE LAW

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PLACITA JUDGMENT

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(10-84) CCDCH-6

UNITED STATES OF AMERICA

STATE OF ILLINOIS,
COUNTY OF COOK

ss.

ANTHONY J. SCOTILLO

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 26,
.....
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
.....

ANTHONY J. SCOTILLO
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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033 E N T I E R R E D
CLERK OF THE CIRCUIT COURT
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS, FINLEY
COUNTY DEPARTMENT, CHANCERY DIVISION

SEP 26 1986
JUDGE ANTHONY J. SCOTILLO
DEPUTY CLERK

EAST SIDE BANK AND TRUST COMPANY)
an Illinois Banking Corporation,)

Plaintiff,)

vs.)

LINDA M. COTTER, TIMOTHY W. COTTER, JR.,)
THE REGISTRAR OF TITLES OF COOK COUNTY,)
ILLINOIS, UNKNOWN OWNERS, and NON-RECORD)
CLAIMANTS.)

Defendants.)

83 CH 10253

JUDGMENT OF FORECLOSURE AND SALE

Now comes the Plaintiff, EAST SIDE BANK AND TRUST COMPANY, by its attorney, HENRY J. OLIVIERI, JR.;

And it appearing to the Court that the Plaintiff, EAST SIDE BANK AND TRUST COMPANY, heretofore commenced this action by filing its Complaint for Mortgage Foreclosure against the Defendants, LINDA M. COTTER, TIMOTHY W. COTTER, JR., THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, UNKNOWN OWNERS, and NON-RECORD CLAIMANTS.

That the affidavits required to make such unknown parties and non-record claimant Defendants to this action were duly filed; and UNKNOWN OWNERS have been duly and regularly made parties defendant to this action in the manner provided by law;

And it further appearing to the Court that the parties made defendants to this action by the name and description of UNKNOWN OWNERS as set forth above include those persons who are interested in this action and who have or claim to have some right, title, interest or lien in, to or upon the real estate or some part thereof, hereinafter in the Judgment described; it appearing from the above-mentioned affidavit as to unknown parties that the name of each such other persons is unknown and on diligent inquiry cannot be ascertained.

The Court having examined the files and records in this cause and having heard evidence and being fully advised in the premises, FINDS THAT:

1. The following Defendants were each duly and personally served with summons in this cause in the State of Illinois in the manner provided by law: Linda M. Cotter and Harry "Bus" Yourell as Registrar of Titles for Cook County, Illinois.

2. The requisite affidavit for service by publication having properly filed herein, the defendants Timothy W. Cotter, Jr., and those designated as Unknown Owners each duly and regularly served by publication in the manner provided by law.

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3. Each of the named Defendants has duly and regularly been served as sufficient time prior thereto to authorize this Court to proceed with the hearing in this cause and the entry of this Judgment; that due and proper notice has been given to each of the Defendants during the progress of this cause, as required by law, and this Court has acquired and now has jurisdiction of all the parties to this cause and the subject matter hereof.

4. Defendant, Linda M. Cotter, has been served but has not filed an answer or appearance in this cause, and Defendant, Harry "Bus" Yourell as Registrar of Titles for Cook County, Illinois, has appeared and filed his Answer in this cause.

5. And it further appearing to the Court that Defendants Timothy W. Cotter, Jr., and Unknown Owners have failed to appear and plead to the Plaintiff's Complaint for Mortgage Foreclosure within the time required by law, but therein made default; and that an Order of Default has heretofore been entered against the above-mentioned Defendants so failing to appear and/or plead, and that Plaintiff's Complaint for Mortgage Foreclosure has been taken as confessed by and against all of the above-mentioned Defendants.

6. And this cause coming on now to be heard upon the Complaint for Mortgage Foreclose, and upon all other pleadings and all the files and matters of record herein and upon evidence duly taken and received before the Court, the Court further finds:

(a) That on August 9, 1973, Defendants LINDA M. COTTER and TIMOTHY W. COTTER, JR., issued a First Mortgage Note in the original sum of \$11,000.00 to EAST SIDE BANK AND TRUST COMPANY, with interest at a rate of 7 3/4% per annum, payable in monthly installments of \$97.18 or more commencing September 1, 1973, and monthly thereafter ("Note").

(b) To secure payment of the Note to EAST SIDE BANK AND TRUST COMPANY, LINDA M. COTTER and TIMOTHY W. COTTER, JR., made, executed and delivered a Mortgage in favor of Plaintiff and said Mortgage was registered as Document No. LR 2709947 to secure a lien on the following described real estate in Cook County, Illinois:

ALL OF LOT EIGHTEEN (18), THE NORTH 12 1/2 FEET OF LOT NINETEEN (19) IN BLOCK FOUR (4) IN THE SUBDIVISION OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF FRACTIONAL SECTION 17, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 26-17-120-055-0000. *J. A. O. all-jm*

Commonly known as 10844 South Avenue "J", Chicago, Illinois 60617

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(c) Said Mortgage was duly filed for record in the Office of the Registrar of Titles of Cook County, Illinois, on August 10, 1973, as Document Number LR 2709947.

(d) Said Mortgage is a valid obligation of Defendants LINDA M. COTTER and TIMOTHY W. COTTER, JR., and the Plaintiff, EAST SIDE BANK AND TRUST COMPANY, is the legal holder of the Mortgage and First Mortgage Note, and is entitled to foreclose the same pursuant to the provisions thereof.

(e) That default has occurred in the payment of the principal and interest due pursuant to the terms of said Mortgage and First Mortgage Note, and that there remains due on the First Mortgage Note an unpaid balance of \$11,895.86, with interest (including late charges) due thereon from December 15, 1985, to September 15, 1986, in the amount of \$713.75.

The Court further finds that by virtue of the Mortgage and First Mortgage Note, there is due to the Plaintiff, EAST SIDE BANK AND TRUST COMPANY, the following sums:

Principal Balance (First Mortgage Note)	\$11,895.86
Interest from 12/15/85-9/15/86 (including late charges)	713.75
Filing Fee	79.00
Recording Fees	36.00
Sheriff's Fees	61.28
Alias Summons	4.00
Special Process Server	48.00
Minutes of Foreclosure	240.00
Publication Fees	158.30
Attorney's Fees	900.00
	<hr/>
Due Plaintiff:	\$14,366.19

7. The Court further finds that Defendant, LINDA M. COTTER, is also obligated to pay the costs of the Sheriff's Sale and said costs are a part of and may be added to the indebtedness due Plaintiff.

8. The court finds that Defendants LINDA M. COTTER and TIMOTHY W. COTTER, JR., are the present owners of record of the right of the equity of redemption in and to the mortgaged premises.

9. All matters in controversy by the parties hereto as reflected by the pleadings on file are adjudged and determined by this Judgment.

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10. And it further appearing to the Court that due notice of the presentation of this Judgment has been given to all parties entitled hereto, and the Court having heard the arguments of counsel and being fully advised in the premises, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

(1) That Defendant LINDA M. COTTER pay to the Plaintiff, EAST SIDE BANK AND TRUST COMPANY, within three days from this date, the sum of \$14,136.19.

(2) That, in default of said payment, the premises hereinbefore described, or so much thereof as may be sufficient to realize the amount due Plaintiff, be sold at public sale to the highest bidder in the Office of the Sheriff of Cook County, Illinois, Room 704, Richard J. Daley Center, Chicago, Illinois; and the Sheriff of Cook County, Illinois, be hereby appointed to execute this Judgment; that he give public notice of the time and place of said sale by previously publishing the same for the space of three weeks in a newspaper published in said County; that he may, in his discretion, adjourn such sale and continue the same from time to time without further notice of publication, 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 the Plaintiff or any of the parties to this cause may become the purchaser or purchasers; that the Plaintiff may bid on credit to the full extent of their indebtedness in the amount of \$14,136.19, plus interest at the legal rate, except on attorney's fees, and the cost of the Sheriff's Sale and give a receipt for same; that said Sheriff shall, on such sale being made, execute a Certificate of Sale to said purchaser, which Certificate shall specify the lands or tenements purchased. And the Sheriff shall, out of the proceeds of such sale, retain his fees, disbursements, and commissions and shall pay the officers of this Court their costs, and the remainder shall be paid to the Plaintiff, EAST SIDE BANK AND TRUST COMPANY, and he shall report his proceedings without delay.

(3) That the Defendants and all persons claiming by, through or under them and their judgment creditors be forever barred and foreclosed from all equity of redemption and claim of, in and to said premises, or any part thereof, if the same are not redeemed according to law, within six (6) months from the date of the Sheriff's Sale, as provided in Chapter 110, Section 12-128 of the Illinois Revised Statutes (formerly Chapter 77, Section 18(e)); except that the Court retains jurisdiction to shorten the redemption period herein as by statute provided in Chapter 110, Section 129 (f), Illinois Revised Statutes, upon Petition properly presented and supported by Affidavit. If said premises are not redeemed as aforesaid, then upon the production to the said Sheriff and the filing in his office of the Certificate of Sale issued herein, said Sheriff shall make, execute and deliver a good and sufficient conveyance in

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fee simple of said premises to such purchaser or assign. And it is ordered that upon the execution and delivery of the conveyance, said purchaser or his representatives or assigns be let into possession of said premises; and any person who, since the commencement of this suit, has come into possession thereof, and the Court retains jurisdiction for the purpose of issuance of a Writ of Assistance herein.

(4) That the rights of each Defendant in this cause are subject and subordinate to the lien of the Plaintiff's mortgage foreclosed in this proceeding.

(5) In case the proceeds of sale are not sufficient to pay the Plaintiff's lien in full and there remains a deficiency in the amount due to Plaintiff, the Plaintiff shall be entitled to have the rents, issues and profits of the premises applied towards the payment of such deficiency until the statutory period of redemption expires, regardless of whether or not the premises shall have been redeemed from sale, or until the deficiency shall be paid or satisfied in full, and the Plaintiff is entitled to a lien prior and superior to the rights of all Defendants hereto, in and to such rents, issues and profits.

(6) In case the legal holder of the Certificate of Sale shall pay any real estate taxes or assessments with respect to the property foreclosed herein during the period of redemption, and if a true copy of said bill is supplied to said Sheriff, the sum paid plus statutory interest thereon from the date of payment, pursuant to Chapter 140, Section 141, Illinois Revised Statutes (formerly Chapter 77, Section 28), shall be added to the sum which was paid at the foreclosure sale, and the Sheriff shall require that any party redeeming pay said sum to the holder of the Certificate of Sale in addition to the amount due under said Certificate.

(7) Leave is granted to Plaintiff, EAST SIDE BANK AND TRUST COMPANY, to withdraw any evidentiary exhibit, upon the substitution of a true and correct copy thereof. Copies are attached to the Complaint and no further copies need be filed.

(8) The Court expressly retains jurisdiction of the property which is the subject of this foreclosure for the entire period of redemption and for so long thereafter as may be necessary for the purpose of placing in possession of the premises the grantee or grantees in said Sheriff's Deed, or his or their legal representatives or assigns, and reserves the right to appoint a receiver to take possession of said premises in order to prevent impairment of the value of the premises, manage and conserve the premises, or satisfy any deficiency which may be found due to the Plaintiff.

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(9) The Court expressly finds that there is no just reason for delaying the enforcement of this Judgment, or an appeal therefrom.

DATED:

9/26/86

ENTER:

Cliff Hestell
JUDGE

Henry J. Olivieri, Jr.
Attorney at Law
35 East Wacker Drive, Suite 1760
Chicago, Illinois 60601
312/781-0008
ATTY CODE NO 24514

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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
..... EAST SIDE BANK AND TRUST COMPANY, etc. plaintiff/petitioner
and .. LINDA M. COTTER, et al. defendant/respondent.

3628179

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed
the seal of said Court, in said County, this .. 26th ..
day of .. September .. 19. 86

Morgan M. Finley Clerk

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HARRY ERNEST YODER
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X Henry J. Olivieri, Jr.
35 E. Wacker Dr., #1260
Chicago, IL 60601

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