

37622996

Property of Cook County Clerk's Office

Attest: MORGAN M. FINLEY, Clerk.

JAMES E. O'GRADY
RICHARD M. DALFY, Sheriff

RICHARD M. DALFY, State's Attorney

Judge of the Circuit Court of Cook County.

PRESENT: - The Honorable R. KILEY, JR.

THIRTEENTH

in the year of our Lord, one thousand nine hundred and 88 and of the Independence

Court, at the Court House in said County, and State, on NOVEMBER, 21st,

one of the Judges of the Circuit Court of Cook County, in the State of Illinois, holding a branch Court of said
PLEAS, before the Honorable R. KILEY, JR.,

STATE OF ILLINOIS,
COUNTY OF COOK

UNITED STATES OF AMERICA

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1. (a) The following Defendants have each been properly served with a summons and a copy of the complaint on the dates shown, and having failed to answer said complaint or otherwise enter any appearance herein although more than 30 days have passed since such service, are ordered defaulted:

I. JURISDICTION

This cause coming on to be heard on the merits of the complaint for foreclosure filed herein by Plaintiff, and upon Plaintiff's Motion for Judgment, this Court having considered the evidence and arguments of counsel and being advised in the premises, makes these findings:

JUDGMENT OF FORECLOSURE

PHILIP S. McCABE; MARGO McCABE; HARRY "BUS" YOUKELL, REGISTRAR OF TOWNERS TITLES OF COOK COUNTY, ILLINOIS; ANTHONY J. LAW; ELSIE L. LAW; CHARLENE C. LAW; CITY OF CHICAGO; APPOINTOR BOOK STORE; UNKNOWN OWNERS and NON-RECORD CLAIMANTS, Defendants.

OHANNES KOROGIYAN, Plaintiff,

vs.

No. 88 CH 07359

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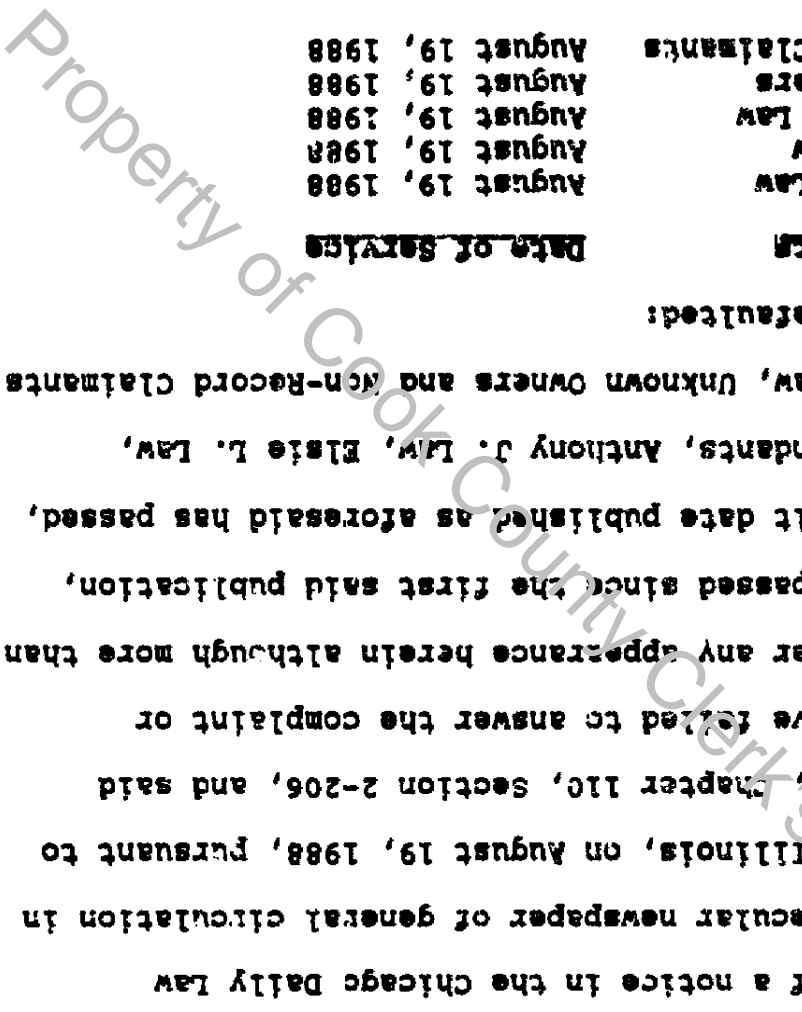
(c) The following Defendants appeared and/or filed responsive pleadings herein as shown: Harry "Bus" Journal, Registrar of Torrens Titles of Cook County, Illinois, City of Chicago, Appomatox Book Store,

Defendants	Date of Service
Anthony J. Law	August 19, 1988
Elsie L. Law	August 19, 1988
Charlene C. Law	August 19, 1988
Unknown Owners	August 19, 1988
Non-Record Claimants	August 19, 1988

(b) The following Defendants, were duly served by publication of a notice in the Chicago Daily Law Bulletin, a secular newspaper of general circulation in Cook County, Illinois, on August 19, 1988, pursuant to Ill. Rev. Stat., Chapter 110, Section 2-206, and said Defendants have failed to answer the complaint or otherwise enter any appearance herein although more than 30 days have passed since the first said publication, and the default date published as aforesaid has passed, and said Defendants, Anthony J. Law, Elsie L. Law, Charlene C. Law, Unknown Owners and Non-Record Claimants are ordered defaulted:

Defendants	Date of Service
Phillip S. McCabe	August 19, 1988
Margo McCabe	August 19, 1988
City of Chicago	August 18, 1988
Appomatox Book Store	August 22, 1988

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(D) Name of mortgagee: Washington National Bank of Chicago. On July 14, 1988, said mortgage was assigned to plaintiff by the Federal Deposit Insurance Corporation ("FDIC").

(C) Name of mortgagor: Phillip S. McCabe

(B) Date of mortgage: May 6, 1983

(A) Nature of instrument: Mortgage

3. Information concerning mortgage:

secured thereby. Exhibits "A" and "B" are admitted into evidence, and any originals presented may be withdrawn. of the mortgage and as Exhibit "B" is a copy of a note 2. Attached to the complaint as Exhibit "A" is a copy

Unknown Owners and Non-record claimants. Law; Charlene C. Law, City of Chicago; Appomattox Book Store; Titles of Cook County, Illinois; Anthony J. Law; Elsie L. Margo McCabe; Harry "Eve" Yourell, Registrar of Torrens the following person as Defendants: Phillip S. McCabe; mortgage (the "Mortgage") hereinafter described and joined 1. Plaintiff filed a complaint herein to foreclose the

II. SUMMARY FINDINGS

heretofore and the subject matter presented herein. 3. This court has jurisdiction over all the parties Illinois Code of Civil Procedure. each instance was properly made in accordance with the 2. The court specifically finds service of process in Titles of Cook County, Illinois.

defendant Harry "Eve" Yourell, Registrar of Torrens summary judgment having heretofore been entered against

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(L) The name of the present owner of said real estate is: Phillip S. McCabe

Total Balance Due	\$117,819.05
Unpaid balance of principal through the date of this judgment	\$70,000.00
Accrued interest from 3/01/84 to 11/21/88	45,329.63
Costs of suit:	
Filing fees	\$82.00
Sheriff's fees	38.12
Recorder of Deeds	17.00
Registry of Torrens Titles	32.00
Publication	214.45
Reproduction of documents	50.90
Attorneys' fees	1,810.00
Anticipated additional costs	200.00

(K) The total amount now due is:

(J) Defaults consist of payments which have become due under the secured note which are in default and in arrears since March 1, 1984.

(I) The real estate referred to herein (the "Property") is situated in Cook County, Illinois, located at 3424 West Irving Park Road, Chicago, Illinois, and is legally described as follows:
LOT 28 IN THE RESUBDIVISION OF THE SOUTH 1/2 OF THE WEST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

(H) Amount of original indebtedness including subsequent advances made under the mortgage: \$70,000.00.

(G) Interest subject to the mortgage: See Simple

(F) Identification of recording: Document No. 27468427

(E) Date and place of recording: March 8, 1985 with the Cook County Recorder of Deeds.

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1. On the date indicated in Plaintiff's complaint, the obligor of the indebtedness was justly indebted in the amount of the indicated original indebtedness to the original mortgages or payee of the mortgage note.

2. Exhibits A and B attached to Plaintiff's complaint are true and correct copies of the mortgage and note.

3. The mortgagor, Phillip S. McCabe, was, at the date indicated in Plaintiff's complaint, owner of the interest in the real estate described in the complaint and as of that date made, executed, and delivered the mortgage as security for the note.

4. The mortgage was recorded in the county in which the mortgaged real estate is located, on the date indicated, as document no. 27468427.

5. Default occurred as indicated in the complaint and in evidence and affidavits presented to the court.

III. ALLEGATIONS DEMAND PROVED

- (N) The name of defendant personally liable for the deficiency, if any, is: Phillip S. McCabe.
 - (O) The capacity in which plaintiff brings this foreclosure is as the owner and legal holder of said note, mortgage and indebtedness.
- The names of other persons who are joined as defendants and whose interest in or lien on the mortgaged real estate is sought to be terminated are: Margo McCabe; Harry "Bud" Yourell, Registrar of Torrens Titles of Cook County, Illinois; Anthony S. Law; Elaine L. Law; Charlene C. Law; City of Chicago; Appomattox Book Store; Unknown Owners and Non-Record Claimants.

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5. The person named as present owner is the owner of the indicated interest in and to the real estate described. Plaintiff's mortgage constitutes a valid, prior and paramount lien upon the indicated interest in the mortgaged real estate, which lien is prior and superior to the right, title, interest, claim or lien of all parties, unknown owners and non-record claimants whose interests in the mortgaged real estate are terminated by this foreclosure.

6. By reason of the defaults alleged and proved, the indebtedness became due by Plaintiff's exercise of his right and power to declare immediately due and payable the whole or all indebtedness secured by the mortgage.

7. Any and all notices of default or election to declare the indebtedness due and payable or other notices required to be given have been duly and properly given. 10. Any and all periods of grace or other period of time allowed for the performance of the covenants or conditions claimed to be breached or for the curing of any breaches have expired.

11. The amount indicated to be due is broken down in the statement in Plaintiff's complaint and in the evidence and affidavits presented to the court; the same are correctly stated, and it such breakdown indicates any advances made or to be made by Plaintiff, such advances were, in fact, made or will be required to be made, and under and by virtue of the

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worrtage the same constitute additional indebtedness secured by the worrtage.

IV. FEES AND COSTS

1. Plaintiff has been compelled to employ and to retain counsel to prepare and file the complaint and to represent and advise Plaintiff in the foreclosure of the worrtage, and Plaintiff has and will thereby become liable for the usual, reasonable and customary fees of the attorneys in that behalf.

2. Plaintiff has been compelled to advance or will be compelled to advance, various sums of money in payment of costs, fees, expenses and disbursements incurred in connection with the foreclosure, including, without limiting the generality of the foregoing, filing fees, costs of publication, costs of procuring and preparing documentary evidence and costs of procuring extracts of title, minutes of foreclosure and title insurance policies.

3. Under the terms of the worrtage, all such advances, costs, attorneys' fees and other fees, expenses and disbursements are made a lien upon the mortgaged real estate and Plaintiff is entitled to recover all such advances, costs, attorneys' fees, expenses and disbursements, together with interest on all advances at the rate provided in the worrtage, or, if no rate is provided therein, at the statutory judgment rate, from the date on which such advances are made.

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4. In order to protect the lien of the mortgage, it may or has become necessary for Plaintiff to pay taxes and assessments which have been or may be levied upon the mortgaged real estate.

5. In order to protect and preserve the mortgaged real estate, it has or may also become necessary for Plaintiff to pay fire and other hazard insurance premiums on the real estate or to make such repairs to the real estate as may reasonably be deemed necessary for the proper preservation thereof.

6. Under the terms of the mortgage, any money so paid or expended has or will become an additional indebtedness secured by the mortgage and will bear interest from the date such monies are advanced at the rate provided in the mortgage, or, if no rate is provided, at the statutory judgment rate.

V. ULTIMATE FINDINGS

7. The allegations of Plaintiff's complaint are true substantially as set forth, the equities in the cause are with Plaintiff and Plaintiff is entitled to the relief prayed for in the complaint including foreclosure of its mortgage upon the real estate described therein in the amount of \$117,819.05, as found in II, paragraph 3(K) above, together with interest and additional court costs, including publication costs and expenses of sale.

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with the terms of the note and mortgage given to Plaintiff as attorneys' fees in this proceeding in accordance above is the fair, reasonable and prior fee to be allowed to Plaintiff. The sum of attorney fees allowed herein as stated

of the mortgage. interest in or title to the premises subsequent to the date or judgment creditors of the mortgagor, acquiring any behalf and on behalf of each and every person, except decree order or decree of foreclosure of the mortgage on his own waives any and all rights of redemption from sale under any 5. Plaintiff's mortgage provides that the mortgagor

of non-parties. be prior and superior to Plaintiff's mortgage or prior liens it any, and except for any mortgages or liens found herein to estate, except for real estate taxes and special assessments, other mortgages, claims of interests and liens upon said real 4. Plaintiff's mortgage is prior and superior to all

(b) The Mortgage given to Plaintiff. and thereafter and special assessments, if any. (a) General real estate taxes for the years 1986

encumbrances except: 3. Said real estate is free and clear of all liens and interest.

foreclosed, as they have offered no evidence of said and declared to have no interest in the real estate 2. All lien or mortgage claimants defaulted are found

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person entitled thereto to redeem prior to such sale pursuant to statutory provisions, the Defendants made party to the foreclosure in accordance with statutory provisions,

5. In the event of such sale and the failure of the

the sale,

due under this judgment for foreclosure and order confirming against the purchase price of such real estate the amounts mortgaged real estate at such sale, Plaintiff may offset

4. In the event that Plaintiff is the purchaser of the

judgment.

thereon at the statutory judgment rate from the date of

set forth in this judgment, together with the interest

directed by the court, to satisfy the amount due Plaintiff as

judgment, the mortgaged real estate shall be sold as

3. In default of such payment in accordance with this

with attorney's fees and costs of the proceedings.

appear to be due upon the taking of such account, together

before expiration of any redemption period whatever sums may

7. The Defendants are ordered to pay to Plaintiff

declared herein.

the court of the amounts due and owing to Plaintiff as

1. An accounting has been taken under the direction of

VI. ORDER UPON DENIED REQUEST FOR FORECLOSURE

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

indebtedness due to Plaintiff.

which should be added to and become a part of the

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follows:

designated by the court, shall give public notice of the sale as

3. ~~Notice of Sale.~~ The mortgagee, or such other party

after January 21, 1969.

(b) The time and date of the sale shall be: *on or*

Illinois.

Sheriff's Office, Room 701, Richard J. Daley Center, Chicago,

(a) The place of the sale shall be: Cook County

foreclosure.

estate shall be sold at a sale as provided in this judgment of

2. Upon expiration of the redemption period, the real

statutory provisions.

1. The real estate is ordered sold in accordance with

VII. ~~ORDER FOR JUDICIAL SALE~~

estate in accordance with statutory provisions.

purchaser shall be let into possession of the mortgaged real

shall be issued to the purchaser according to law and such

6. If no redemption is made prior to such sale, a deed

right to redeem in and to the mortgaged real estate.

foreclosed of any right, title, interest, claim, lien or

and any and all of them shall be forever barred and

and all persons claiming by, through or under them and each

of the foreclosure in accordance with statutory provisions,

and all unknown owners and Non-Record claimants given notice

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(a) The notice of sale shall include the following information, but an immaterial error in the information shall not invalidate the legal effect of the notice:

(1) the name, address and telephone number of the person to contact for information regarding the real estate;

(11) the common address and other common description, if any, of the real estate;

(12) a legal description of the real estate sufficient to identify it with reasonable certainty;

(13) a description of the improvements on the real estate;

(14) the real estate may be inspected prior to sale upon making reasonable arrangements with the person identified in paragraph (1) above;

(15) the time and place of the sale;

(16) the terms of the sale;

(17) the case title, case number and the court in which the foreclosure was filed; and

(18) no other information is required.

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have appeared and have not heretofore been found by the shall also give notice to all parties in the action who (c) The party who gives notice of public sale required.

(11) no other publication shall be single advertisement shall be sufficient; and and real estate advertisement sections, a newspaper does not have separate legal notices published in the same newspaper and that that where both advertisements could be advertised to the general public; provided,

sold as part of legal proceedings is commonly which real estate other than real estate being newspaper, which may be the same newspaper, in advertisement in the section of such are commonly placed and (b) a separate section of that newspaper where legal notices in which the real estate is located, in the circulated to the general public in the county (1) (A) an advertisement in a newspaper

days prior to the sale, by: the last such notice to be published not less than 7 be published not more than 35 days prior to the sale, Saturday), once in each week, the first such notice to least three consecutive calendar weeks (Sunday through (b) The notice of sale shall be published at

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unacceptable of division, the person conducting the sale may

4. ~~Eligibility of Property.~~ If the real estate is

than set forth in the notice of sale.

not be required to provide additional information other

contacted for information about the real estate shall

(g) The person named in the notice of sale to be

shall be necessary.

(f) No other notice by publication or posting

expiration of the redemption period.

(e) Notice of the sale may be given prior to the

then 5 days prior to the day of the adjourned sale.

any adjourned sale need be given only once, not less

than 10 days after the last scheduled sale, notice of

however, that if the adjourned sale is to occur less

shall again give notice of any adjourned sale; provided,

(d) The party who gives notice of public sale

section.

that notice has been served in compliance with this

together with a certificate of counsel or other proof

shall be filed in the office of the clerk of this court

is given as required in this section, a copy thereof

less than 7 days prior to the day of sale. After notice

than process and complaint, not more than 28 days nor

applicable rules of court for service of papers other

notice shall be given in the manner provided in the

court to be in default for failure to plead. Such

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2. Delivery of the deed executed on the sale of the real estate, even if the purchaser or holder of the certificate of sale is a party to the foreclosure, shall be sufficient to pass the title thereto. Such conveyance shall

on the part of the person executing it. but such deed shall not be construed to contain any covenant the facts recited and of such authority to execute the deed, the notices required by statute, shall be sufficient proof of or authority pursuant to this judgment and of the giving of title or authority of the person signing the deed as grantor, of the deed. Signature and the recital in the deed of the the case in which judgment was entered authorizing issuance title, which deed shall identify the court and the caption of the holder of the certificate of sale sufficient to convey who conducted the sale or the court shall execute a deed to 1. Upon or after confirmation of the sale, the person

VIII. TRANSFER OF TITLE

freely assignable by endorsement thereon. certificate of sale to be recorded. The certificate shall be certificate of sale to the purchaser and cause such real estate, the person conducting the sale shall give a 5. Certificate of Sale. Upon the sale of mortgaged determine the order in which separate tracts may be sold. estate shall be sold and the person conducting the sale may The person conducting the sale shall determine which real order it to be sold as necessary to satisfy this judgment.

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X. APPLICATION

mortgagee or as otherwise directed by the court.

(d) satisfaction of any surplus to the

foreclosure; and

priority adjudicated in this judgment of

(c) satisfaction of claims in the order of

mortgages;

1505 and other legal expenses incurred by the

Illinois Revised Statutes, Chapter 110, Section 15-

attorneys' fees, payments made pursuant to the

the mortgage and not prohibited by law, reasonable

management fees, and, to the extent provided for in

premiums on hazard and liability insurance,

payment of taxes and other governmental charges,

preparing the real estate for sale, including

possession before sale, holding, maintaining, and

(b) the reasonable expense of securing

(a) the reasonable expenses of sale;

applied in the following order:

The proceeds relating from the sale ordered herein shall

IX. APPLICATION OF PROCEEDS

provided by statute.

record claimants who are given notice of the foreclosure as

foreclosure and (ii) all claims of any unknown owners or non-

be an entire bar of (i) all claims of parties to the

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4. Appraisability. There is no just reason to delay

entered therefor, if appropriate.

deficiency in the report of sale, and a judgment shall be

conducting the sale; shall specify the amount of such

with interest and the costs and expenses of sale, the person

shall be insufficient to pay the amounts due to plaintiff

3. Deficiency. If the money arising from said sale

thereof to the holder of the certificate.

suit, has come into possession, shall surrender possession

premises, and any person who, since the commencement of this

of the parties in this cause who are in possession of said

sale shall have possession of the premises conveyed and any

confirmation of the sale, the holder of the certificate of

said real estate until the sale is confirmed. Upon

2. Possession. Plaintiff shall have possession of

disposition thereof.

specifying the amount of proceeds of sale realized and the

shall file a report of sale with the clerk of this court

1. Report of Sale. The person conducting the sale

XI. OTHER MATTERS

right to redeem the real estate herein.

the terms and conditions of the mortgage, has waived his

2. Defendant/mortgagor Phillip S. McCabe, pursuant to

real estate.

1. This is a foreclosure of mortgage of commercial

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Nathan H. Lichtenstein
Greenberg Kozle Lund & Aronberg
One IBM Plaza-Suite 4500
Chicago, Illinois 60611
(312) 828-9600
No. 90635

JUDGE
M. AILEY, JR.
NOV 21 1988
ENTER:
Dated:

enforcement of or appeal from this final appealable judgment
order.

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(10-84) CCDCR-6

Clerk

day of DECEMBER 19, 88

the seal of said Court, in said County, this 23rd,

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

and PHILIP S. McCABE; et al. defendant/respondent.

..... JOHANNES KORCGLUYAN plaintiff/petitioner

..... in a certain cause lately pending in said Court, between

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

..... and the keeper of the records, files and seal thereof, do hereby certify the above and foregoing to be true, perfect

STATE OF ILLINOIS,
COUNTY OF COOK
ss. AURELIA PUCINSKI
I, [REDACTED], Clerk of the Circuit Court of Cook County, in and for the State of Illinois,

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CAROL MCKEE BRAUN
REGISTRAR OF TITLES

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Ken Lee
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Chicago will board