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PLACITA JUDGMENT

(10-84) CCDCH-6

UNITED STATES OF AMERICA

COPY

STATE OF ILLINOIS,
COUNTY OF COOK

ss. . .

ARTHUR L. DUNNE

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
July 6,
58
in the year of our Lord, one thousand nine hundred and and of the Independence
thirteenth
of the United States of America, the two hundredth and

ARTHUR L. DUNNE

PRESENT: - The Honorable
Judge of the Circuit Court of Cook County.

RICHARD M. DALEY, State's Attorney

JAMES E. O'GRADY, Sheriff

AURILIA PUCINSKI

Attest: [Redacted] rk.

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Sharon K. M. deficiency 7/6, 373, 17

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

WESTAMERICA MORTGAGE COMPANY

PLAINTIFF

vs.

No. 88 CH 1970

LEROY ANTOINE; et al

DEFENDANTS

JUDGMENT FOR FORECLOSURE AND SALE

THIS CAUSE having been duly heard by this Court upon the record herein on the merits of the Complaint for Foreclosure filed by the Plaintiff and on Plaintiff's Motion for entry of Judgment for Foreclosure and Sale, the Court FINDS:

(1) JURISDICTION: The Court has jurisdiction over the parties hereto and the subject matter hereof.

(a) All parties defendant were served with a Summons and copy of the Complaint or by publication by the following method of service on the following dates:

Leroy Antoine by publication on April 25, 1988

Juanita Antoine by publication on April 25, 1988

Harry 'Bus' Yourell, Registrar of Titles by agent on March 23, 1988

West Side Federal Savings and Loan Association of New York City by publication on April 25, 1988

Unknown Owners and Nonrecord Claimants by publication on April 25, 1988

(b) In addition, the following defendants have submitted to the jurisdiction of this Court by filing or having filed on their behalf an Appearance and/or responsive pleading on the following date(s):

Harry 'Bus' Yourell, Registrar of Titles on March 25, 1988

(2) ALLEGATIONS PROVEN: All the material allegations of the Complaint filed pursuant to Illinois Revised Statutes Chapter 110, Section 15-1504, those allegations being both required and those deemed alleged by virtue of subsection (c), 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 evidences of indebtedness secured thereby alleged in the Complaint, there is due to the Plaintiff, and it has a valid subsisting lien on

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the property described hereafter for the following accounts:

Principal, Accrued Interest and Advances by Plaintiff:	\$53,066.67
Costs of Suit:	\$568.12
Attorneys' Fees:	\$600.00
<hr/>	
TOTAL	\$54,234.79

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

(3) SUBORDINATE LIENS AND INTERESTS:

(a) The rights and interests of all the Defendants to this cause in and to the property hereinbefore described are inferior to the lien and interest of the Plaintiff heretofore mentioned.

(b) The Court further finds that there is due and owing to the Defendants immediately hereinafter stated, if any, the sums set forth, as a lien(s) upon the subject premises subordinate and inferior to the lien and interest of the Plaintiff pursuant to the verified pleadings filed herein:

There have been no pleadings filed by any named Defendant, Unknown Owner or Non-Record Claimant which allege any interest in the subject property.

(4) ATTORNEY FEES: By its terms said mortgage provides that the attorneys for the Plaintiff shall be entitled to an award of reasonable attorneys fees herein, and, that included in the above indebtedness are attorneys' fees in the sum of \$600.00.

(5) COURT COSTS: 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 incurred to date totalling \$568.12 are hereby allowed to the Plaintiff.

(6) PROPERTY FORECLOSED UPON: The Mortgage described in the Complaint and hereby foreclosed appears of record in the Office of the Recorder and/or Registrar for Cook County, Illinois, as Document No. LR3508641, and the property herein referred to and directed to be sold is described as follows:

Lot 30 in Block 1 in Robin Hood Unit Number 2, a Subdivision of Lot 8 in Lau's Subdivision, being a Subdivision of the West 1/2 of the Northwest 1/4 (except 3 acres in the Northeast Corner thereof) also the South 1/2 of the Northeast 1/4 of the Northwest 1/4 of Section 8, Township 36 North, Range 14, East of the Third Principal Meridian,

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County of Cook, State of Illinois, as Document Number 1639971, April 7, 1892, except the East 75.0 feet of the West 166.0 feet of the South 160.0 feet of said lot 8, in Cook County, Illinois.

COMMONLY KNOWN AS: 14613 S. Myrtle
Harvey, IL 60426

TAX PARCEL NUMBER: 29-08-122-006

(7) MORTGAGE NOTE: The Mortgage herein referred to secures a Mortgage Note in the sum \$47,177.00 which has been duly accelerated pursuant to the terms of said Note and executed by:
Leroy Antoine
Juanita Antoine

(8) EXHIBITS: 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.

(9) REINSTATEMENT: The Court has obtained jurisdiction over the mortgagors and owners as set forth in paragraph 1 (a) and (b) and, pursuant to Illinois Revised Statutes, Chapter 110, Section 15-1602, the right to reinstate the subject mortgage has expired or will expire 90 days from this date. If this Judgment for Foreclosure and Sale is entered prior to the expiration of the 90 day reinstatement period, said Judgment is entered subject to the right of reinstatement; if reinstatement is tendered during this period, the Judgment will be promptly vacated on motion of Plaintiff and the cause dismissed pursuant to Section 15-1602.

(10) REDEMPTION: The owner(s) of the equity of redemption and the mortgagors, property owners and any other party defendant named in the Complaint with the statutory right of redemption, with the exception of the Registrar of Titles, if named, and any party dismissed by order of Court.

(A) The subject real estate is Residential as defined in Illinois Revised Statutes, Chapter 110, Section 15-1219.

(b) The Court has obtained jurisdiction over the owners of the right of redemption as set forth in paragraph 1(a) and (b).

(c) The redemption period will expire on the date as set forth in the provisions of Illinois Revised Statutes Chapter 110, Section 15-1603(b):

1. If the Court finds that the subject real estate is residential, the redemption period shall end on the later of (i) the date 7 months from the date the mortgagor/owner or, if more than one, all mortgagors/owners have been served with summons or by publication or have otherwise submitted to the jurisdiction of the Court, or (ii) the date 3 months

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from the date of entry of a Judgment of Foreclosure.

2. If the Court finds that the subject real estate is not residential as defined by statute, the redemption period shall end on the later of (i) the date 6 months from the date the mortgagor/owner or if more than one, all the mortgagors/owners have been served with summons or by publication or have otherwise submitted to the jurisdiction of the Court, or (ii) the date 3 months from the entry of a Judgment of Foreclosure.

3. The redemption period will end at the later of any reinstatement period provided for by Illinois Revised Statutes, Chapter 110, Section 15-1602 or the date 60 days after the date the Judgment of Foreclosure is entered if:

a. The Court finds in the Judgment of Foreclosure or by separate Order that the value of the real estate as of the date of the judgment is less than 90% of the amount specified in Illinois Revised Statutes, Chapter 110, Section 15-1603(d) and the mortgagor waives any and all rights to a personal judgment for a deficiency against the mortgagor and all other persons liable for the indebtedness or other obligations secured by the mortgage and note;

b. The Court finds in the Judgment of Foreclosure or by separate order that the mortgaged real estate has been abandoned; or

c. The Court enters a consent foreclosure judgment in accordance with Illinois Revised Statutes, Chapter 110, Section 15-1402.

(d) the redemption period will expire on November 26, 1988.

IT IS HEREBY ORDERED AND ADJUDGED THAT:

(1) **JUDGMENT:** A Judgment for Foreclosure and Sale be entered pursuant to Illinois Revised Statutes, Chapter 110, Article 15.

(2) **SALE:** The subject real estate is ordered to be sold pursuant to Illinois Revised Statutes, Chapter 110, Section 15-1507.

(3) **SALE PROCEDURES:**

(a) The subject real estate shall be sold pursuant to statute at the expiration of the reinstatement period and the redemption period found to expire on November 26 1988 in paragraph 10 above.

(b) The Judicial Sale to be conducted pursuant to this Judgment for Foreclosure and Sale shall be by public auction, by open

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verbal bid and conducted by the Sheriff for Cook County and shall be conducted in full compliance with the statutory requirements contained in Illinois Revised Statutes, Chapter 110, Section 15-1507.

(c) The real estate shall be sold for cash to the highest bidder with all sums due at the time of sale unless other terms are agreed to by the Plaintiff.

(d) Any purchaser at the Judicial Sale takes subject to any and all liens, encumbrances and any existing defects in title. The Plaintiff shall not be responsible for any damages resulting from existing liens, encumbrances or title defects nor makes any warranties, either express or implied, by virtue of the Judicial Sale.

(4) NOTICE OF SALE:

(a) The mortgagee, or such other party designated by the court, in a foreclosure under Article 15 shall give public Notice of the Sale pursuant to statute. The Notice of Sale shall include all information as stated in Illinois Revised Statutes, Chapter 110, Section 15-1507(c) parts (A)-(H) where such information is available to Plaintiff or Counsel for Plaintiff. Immaterial error in the information shall not invalidate the legal effect of the notice. Plaintiff shall include any information regarding improvements to the property where such information is available to the Plaintiff, however is not obligated to make a determination as to such improvements where such a determination would cause the incurrence of additional cost to the Plaintiff unless otherwise ordered by the court. The Notice of Sale shall contain at least the following information:

1. The name, address and telephone of the person to contact for information regarding the real estate.
2. The common address and other common description (other than legal description), if any, of the real estate.
3. A legal description of the real estate sufficient to identify it with reasonable certainty.
4. A description of the improvements on the real estate.
5. The times specified in the Judgment or separate order, if any, when the real estate may be inspected prior to sale.
6. The time and the place of the sale.
7. The terms of the sale.
8. The title, case number and the court in which the foreclosure was filed.
9. Any other information required herein or by separate

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order.

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(b) The notice of sale shall be published at least three consecutive calendar weeks (Sunday through Saturday), once in each week, the first such notice to be published not more than 35 days prior to the sale, the last such notice to be published not less than 7 days prior to the sale, by an advertisement in a newspaper circulated to the general public in the county in which the real estate is located, in the section of that newspaper where legal notices are commonly placed and a separate advertisement in the section of such newspaper, which may be the same newspaper, in which real estate other than real estate being sold as part of legal proceedings is commonly advertised to the general public; provided, that the separate advertisements in the real estate section need not include a legal description and that where both advertisements could be published in the same newspaper and that newspaper does not have separate legal notices and real estate advertisement sections, a single advertisement with the legal description shall be sufficient and that no other publications shall be required unless otherwise ordered by the Court.

(c) The party who gives notice of public sale shall also give notice of public sale to all parties in the action who have appeared and have not heretofore been found by the court to be in default for failure to plead. Such notice shall be given in the manner provided in the applicable rules of court for service of papers other than process and complaint, not more than 28 days nor less than 7 days prior to the day of sale. After notice is given as required by statute, a copy thereof shall be filed in the Office of the Clerk of this Court together with a certificate of counsel or other proof that notice has been served in compliance with this Section.

(d) The party who gives notice of public sale shall again give notice of any adjourned sale; provided, however, that if the adjourned sale is to occur less than 30 days after the last scheduled sale, notice of any adjourned sale need be given only once, not less than 5 days prior to the day of the adjourned sale.

(e) Notice of the sale may be given prior to the expiration of any reinstatement period or redemption period. No other notice by publication or posting shall be necessary.

(f) The person named in the notice of sale to be contacted for information about the real estate may, but shall not be required to, provide additional information other than that set forth in the notice of sale.

(5) SALE PROCEEDS:

(a) In the event the Plaintiff is purchaser of the mortgaged real estate at such sale, the Plaintiff may offset against the purchase price of such real estate the amounts due under the

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judgment for foreclosure at the statutory (interest) rate from the date of Judgment through the date of sale plus any fees, costs and advances made after the entry of this Judgment for Foreclosure and Sale pursuant to Illinois Revised Statutes, Chapter 110, Sections 15-1505 and 15-1603.

(b) The proceeds of the sale shall be distributed in the following order pursuant to Illinois Revised Statutes, Chapter 110, Section 15-1512:

1. The reasonable expenses of sale.
2. The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the real estate for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, management fees, and, to the extent provided for in the mortgage or other recorded agreement and not prohibited by law, reasonable attorneys' fees, payments made pursuant to Section 15-1505 and other legal expenses incurred by the mortgagee.
3. Satisfaction of all claims in the order of priority as set forth in the Judgment for Foreclosure and Sale. If the issue of priorities was reserved pursuant to Illinois Revised Statutes, Chapter 110, Section 15-1506(h), the proceeds will be distributed as set forth in the order confirming sale.
4. Any balance of proceeds due after the above distribution shall be distributed as directed by the court. Plaintiff shall provide for such distribution in the order confirming sale.
5. If the Plaintiff and Officer conducting the sale accept a deposit which is less than the bid at the time of sale with the balance due at a later date from a third party bidder, should the bidder fail or refuse to tender the balance of the sums due within the specified time period, the deposit will be forfeited to the Plaintiff. At the election of the Plaintiff, the deposit may be refunded to the third party bidder and the Plaintiff may accept the bid of the next highest bidder.

(6) **RECEIPT UPON SALE AND CERTIFICATE OF SALE:** Upon and at the sale of mortgaged real estate, the person conducting the sale shall give to the purchaser a receipt of sale. The receipt shall describe the real estate purchased and shall show the amount paid or to be paid therefor. After or at the confirmation of sale, the court shall issue or cause to be issued a Certificate of Sale in recordable form which describes the real estate purchased and states the amount paid. The Certificate of Sale shall be freely assignable.

(7) **REPORT OF SALE:** The person conducting the sale shall promptly make a report to the court. The report of sale may be prepared by the

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Plaintiff to be reviewed and executed by the person conducting the sale and the person conducting the sale shall submit or cause to be submitted the report for review by the court at the time of Confirmation of Sale. The report shall include a copy of all receipts of sale.

(8) **CONFIRMATION OF SALE:** Upon motion and notice in accordance with court rules applicable to motions generally, the court shall conduct a hearing to confirm the sale pursuant to Illinois Revised Statutes, Chapter 110, Section 15-1500.

(a) Unless the court finds that either a notice required in accordance with Illinois Revised Statutes, Chapter 110, Section 15-1507(c) was not given, that the terms of the sale were unconscionable, that the sale was conducted fraudulently, or that justice was otherwise not done, the court shall then enter an order confirming the sale.

(b) The order confirming the sale shall include an order for possession which shall become effective 30 days after entry. The order for possession may be included in the order confirming sale or may be by separate order to be entered at the time of sale confirmation.

(c) If the proceeds of the sale are not sufficient to satisfy those sums due the Plaintiff, the Court shall enter a personal deficiency judgment pursuant to Illinois Revised Statutes, Chapter 110, Section 15-1509(e) providing that the Court finds that it has personal jurisdiction over the parties personally liable on the note and that said liability has not been discharged in bankruptcy. The Court shall enter an In Rem deficiency Judgment if it finds there to be no personal jurisdiction over those parties liable on the note or if there is no personal liability based on other findings by the court.

(9) **SPECIAL RIGHT TO REDEEM:** If the subject real estate has been found to be residential as defined by statute and the purchaser at the judicial sale was a mortgagee who was a party to the foreclosure or its nominee, and the sale price is less than the amount specified in Illinois Revised Statutes, Chapter 110, Section 15-1603(d), then an owner of redemption as set forth in Section 15-1603(a) shall have the special right to redeem, for a period ending 30 days after the date the sale is confirmed, by paying the mortgagee the sale price plus all additional costs and expenses incurred by the mortgagee set forth in the report of sale and confirmation by the court.

(10) **TERMINATION OF SUBORDINATE INTERESTS:** In the event of such sale and the failure of the person entitled thereto to redeem prior to such sale pursuant to statutory provisions, the defendants made parties to the foreclosure in accordance with statutory provisions, and all nonrecord claimants given notice of the foreclosure in accordance with statutory provisions, and all persons claiming by, through or under them, and for each and any and all of them, shall be forever barred and foreclosed of any right, title, interest, claim, lien or right to

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redeem in and to the mortgaged real estate. 1 2 3 7 9

(a) This Judgment and all orders entered pursuant to said judgment are valid as stated above. The inadvertent failure to name a subordinate record claimant will not invalidate this judgment. Should such a record party not be party to this action, the Plaintiff may take title and file a subsequent action to determine the redemptive rights of such a party. Plaintiff may amend the complaint for foreclosure to name such a party if it is made aware of the claim prior to the judicial sale without affecting the validity of the judgment as to the other parties defendant. Should such a claimant not exercise its redemptive rights within the stated time, they shall be forever barred and foreclosed of any right, title, interest, claim, lien or right to redeem or otherwise enforce its claim against the subject property.

(11) **ISSUANCE OF DEED:** After the expiration of the mortgagor's reinstatement and redemption rights, rights of possession, payment of the purchase price by the successful bidder and confirmation of the sale, the person conducting the sale shall execute and issue a deed to the owner and holder of the Certificate of sale pursuant to Illinois Revised Statutes, Chapter 110, Section 15-1509. Delivery of the deed shall be sufficient to pass title and will bar all claims of parties to the foreclosure including unknown owners and Nonrecord Claimants.

(12) **TORRENS REAL ESTATE:** If the subject property is registered with the Registrar of Titles for Cook County, it is also ordered that the Registrar cancel the Certificate of Title and issue a new Certificate without the surrender of the Owner's Duplicate Certificate of Title or Affidavit of Lost Certificate.

(13) **JURISDICTION:** The Court retains jurisdiction over the parties and subject matter of this cause for the purpose of enforcing this Judgment or vacating said Judgment if a reinstatement is made as set forth in paragraph (9) of this Judgment.

(14) **APPEALABILITY:** This is a final and appealable order and there is no just cause for delaying the enforcement of this judgment or appeal therefrom.

ENTER:

DATED:

JUL - 6 1988
A. D. [Signature]

Codilis and Associates, P. C.
Attorneys for Plaintiff
2 S. 280 Summit Avenue, Court A
Oakbrook Terrace, IL 60181
(312) 629-8444
Attorney No. 21762

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STATE OF ILLINOIS,
COUNTY OF COOK

ss.

AURELIA PUCINSKI

..... 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:**

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

Certain cause lately pending in said Court, between

WESTAMERICA MTGE CO. Plaintiff/petitioner

BEROY ANTOINE, ET AL defendant/respondent.

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

2nd

the seal of said Court, in said County, this

day of March 23, 19 89

Aurelia Pucinski Clerk

Cook County Clerk's Office
12380 South LaGrange Road
Chicago, Illinois 60648

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COOK & ASSOCIATES, P.A.
 1 S. 200 Summit Avenue, Court A
 Oakbrook Terrace, Illinois 60181