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02797173

RICHARD M. DALEY, State's Attorney
JAMES E. O'GRADY
RICHARD J. KELLEY, Sheriff

PRESENT: The Honorable ROGER J. KILEY, JR., Judge of the Court of Cook County,
of the United States of America, the two hundredth and THIRTYEIGHTH
in the year of our Lord, one thousand nine hundred and EIGHTY-
Court at the Court House in said County, and State, on OCTOBER 21st,
one of the Judges of the Circuit Court of Cook County, in the State of Illinois, holding a branch Court of said
PLEASE before the Honorable ROGER J. KILEY, JR.,
COUNTY OF COOK
STATE OF ILLINOIS

PLACIT AFFIRMANT
UNITED STATES OF AMERICA
(10-21) ECDX-6
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(2) ALLEGATIONS PROVEN: All the material allegations of the complaint filed pursuant to Illinois Revised Statutes Chapter 110, Section 15-1004, 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 now which as the subject matter of these proceedings is extinguished and merged into judgment and default no longer exists, but has been

HARRY, Trust, Trustee, Registrar of Titles on June 24, 1988
United States of America on August 12, 1988

(3) 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):

1988
United States of America by agent on June 13, 1988
Unknown owners and record claimants by publication on July 1, 1988

HARRY, Trust, Trustee, Registrar of Titles by agent on June 13, 1988
12, 1988
Unknown spouse of Robert L. Taylor, Jr. by publication on July 1, 1988
Robert L. Taylor &/w/ Robert L. Taylor, Jr. by personal service on June 13, 1988

(4) 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:

(5) JURISDICTION: The court has jurisdiction over the parties herein and the subject matter hereof.

THIS CASE HAVING BEEN DULY HEARD BY THIS COURT UPON THE RECORD HEREIN AND UPON THE COMPLAINT FOR FORECLOSURE FILED BY THE PLAINTIFF AND UPON THE ANSWER OF THE DEFENDANT FOR JUDGMENT FOR FORECLOSURE AND SALE, THE COURT ENTERS:

JUDGMENT FOR FORECLOSURE AND SALE

WESTAMERICA MORTGAGE COMPANY
PLAINTIFF
VS.
ROBERT L. TAYLOR &/w/ ROBERT L. TAYLOR, JR.
DEFENDANTS
JULY 24 1988
NO. 88 CH 4605

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

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Lot 1 (except the west 100 feet thereof) in Block 95 in Harvey, a

is described as follows:
Record and/or Registrar for Cook County, Illinois, as Document No. [redacted] and the property herein referred to and directed to be sold

(c) PROPERTY FORWARDED UPON: The mortgage described in the complaint and hereby foreclosed appears of record in the office of the Registrar and/or Registrar for Cook County, Illinois, as Document No. [redacted] and the property herein referred to and directed to be sold

(d) 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 including \$565.04 are hereby allowed to the Plaintiff.

(e) PROPERTY FEES: By its terms said mortgage provides that the Plaintiff shall be entitled to an award of reasonable attorney's fees herein, and that included in the above indebtedness are attorney's fees in the sum of \$350.00.

(f) MORTGAGE DEBT: The mortgage described in the complaint and hereby foreclosed appears of record in the office of the Registrar and/or Registrar for Cook County, Illinois, as Document No. [redacted] and the property herein referred to and directed to be sold

(g) SUBJECT PREMISES SUBORDINATE AND INTEREST: The subject premises subordinate and interest set forth above in the verified pleadings filed herein:

(a) The title and interests of all the defendants to this cause as set forth in the verified pleadings filed herein 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 Plaintiff as a lien upon the subject premises subordinate and interest of the Plaintiff pursuant to the verified pleadings filed herein:

(c) SUBORDINATE LIENS AND INTERESTS:
All the foregoing amounts have been accounted for in the Affidavit filed by Plaintiff.

(d) MORTGAGE DEBT:
The mortgage described in the complaint and hereby foreclosed appears of record in the office of the Registrar and/or Registrar for Cook County, Illinois, as Document No. [redacted] and the property herein referred to and directed to be sold

(e) PROPERTY FEES:
By its terms said mortgage provides that the Plaintiff shall be entitled to an award of reasonable attorney's fees herein, and that included in the above indebtedness are attorney's fees in the sum of \$350.00.

(f) MORTGAGE DEBT:
The mortgage described in the complaint and hereby foreclosed appears of record in the office of the Registrar and/or Registrar for Cook County, Illinois, as Document No. [redacted] and the property herein referred to and directed to be sold

02/10/10

\$21,891.19

TOTAL

\$350.00

Attorneys' fees

\$565.04

Costs of suit

\$20,976.15

Principal, accrued interest and advances by Plaintiff

The property described hereafter for the following accounts:
there is due to the Plaintiff, and it has a valid subsisting lien on evidence of indebtedness secured thereby alleged in the complaint, repaid by payment, and that by virtue of the mortgage, and the

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1. If the court finds that the subject real estate is residential, the redemption period shall end on the later of (1) the date 7 months from the date the mortgage/owner or, if more than one, all mortgage/owners have been served with summons or by publication or have otherwise submitted to the jurisdiction of the court, or (2) the date 3 months from the date of entry of a judgment of foreclosure.

15-1602(b)

(c) The redemption period will expire on the date as set forth in the provisions of Illinois Revised Statutes, Chapter 110, Section 15-1602(b).
(b) The court has obtained jurisdiction over the heirs of the right of redemption as set forth in paragraph 1(a) and (b).
(a) The subject real estate is residential as defined in Illinois Revised Statutes, Chapter 110, Section 15-1215.

(1) REDEMPTION: The owner(s) of the equity of redemption are the mortgage/owner and any other party defendant named in the complaint with the statutory right of redemption, with the exception of the Registrar of Titles. It named, and any party dismissed by order of court.

(2) REINSTATEMENT: The court has obtained jurisdiction over the mortgage/owner 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 rendered during this period, the judgment will be properly vacated on motion of Plaintiff and the cause dismissed pursuant to Section 15-1602.

(3) 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.

Robert M. Taylor a/k/a Robert L. Taylor, Jr.
pursuant to the terms of said Note and executed by:
Mortgage Note in the sum \$18,000.00 which has been duly accelerated

(7) MORTGAGE NOTE: The mortgage herein referred to secures a

TAX PARCEL NUMBER: 03-17-009-018

HARVEY, IL 60438

COMPONENTS KNOWN AS: 15500 Lexington

Subdivision of part of Section 17, Township 36 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

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(a) The subject real estate shall be sold pursuant to statute as provided in the judgment of foreclosure and sale and the redemption period shall expire on January 22, 1989 in paragraph 10 above.

(b) The judicial sale to be conducted pursuant to this judgment of foreclosure and sale shall be by public auction, by open 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 15-1502.

SALE PROCEDURES:

(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.

IT IS HEREBY ORDERED AND ADJUDGED THAT:

(a) The redemption period will expire on January 22, 1989.

(b) The court enters a consent foreclosure judgment in accordance with Illinois Revised Statutes, Chapter 110, Section 15-1502.

(c) The court finds in the judgment of foreclosure or by separate order that the mortgaged real estate has been abandoned, or

(d) 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 15-1503(d) and the mortgagee 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;

(e) The redemption period will end at the later of any date provided for by Illinois Revised Statutes, Chapter 110, Section 15-1502 or the date 60 days after the date the judgment of foreclosure is entered;

(f) 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.

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(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 errors 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 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 25 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 15 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, 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 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

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Foreclosure and Sale pursuant to Illinois Revised Statutes, Chapter 110, Sections 15-1505 and 15-1601.

(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 15-1505(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 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

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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 15-1508.

(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 when 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 Statute, Chapter 110, Section 15-1508(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 redeem in and to the mortgaged real estate.

(a) This Judgment and all orders entered pursuant to said

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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 15-1609. Delivery of the deed shall be sufficient to pass title and will bar all claims of parties to the foreclosure including unknown owners and benrecord 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: _____

CLERK'S OFFICE
OCT 2 1993

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Codilis and Associates, P. C.
Attorneys for Plaintiff
1 S. 280 Summit Avenue, Court A
Oakbrook Terrace, IL 60181
(312) 629-8444
Cook #21762 DuPage #15170
BR-00701

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STATE OF ILLINOIS,
COUNTY OF COOK

AUREL J. CINIKI

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

WESTAMERICA MORTGAGE COMPANY, plaintiff/petitioner

and ROBERT L. TAYLOR, ET AL., defendant/respondent.

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

the seal of said Court, in said County, this 5th

day of MARCH 19 89

Aurel J. Ciniki Clerk

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COULIS & ASSOCIATES PC
1500 Randolph Avenue
Chicago, Illinois 60611

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