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CERTIFIED COPY (Rev. 6/85)

United States District Court

Northern District of Illinois

Eastern Division

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UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Name of Assigned Judge	Judge Bua	Sitting Judge if C Than Assigned Judge	
Case Number	89 C 2248	Date	March 15, 1990
Case Title	Fleet Mortgage Corp. v. Edward Jenkins, et. al.		

MOTION: (In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3d-party plaintiff, and (b) state briefly the nature of the motion being presented.)

Sent for Microfilming

Plaintiff's Attorney, SHAPIRO & KREISMAN	MAR 21 1990
	Filed on
MOTION FOR ENTRY OF DUPLICATE JUDGMENT OF FORECLOSURE AND SALE	
	MAR 21 1990

DOCKET ENTRY: (The balance of this form is reserved for notations by court staff.)

(1) Judgment is entered as follows: (2) [Other docket entry:]

Enter duplicate judgment of foreclosure and sale nunc pro tunc

May 23, 1989.

(3)	<input type="checkbox"/>	Filed motion of (use listing in "MOTION" box above)
(4)	<input type="checkbox"/>	Brief in support of motion due _____
(5)	<input type="checkbox"/>	Answer brief to motion due _____ Reply to answer brief due _____
(6)	<input type="checkbox"/>	Hearing on _____ set for _____ at _____
(7)	<input type="checkbox"/>	Status hearing <input type="checkbox"/> held <input type="checkbox"/> continued to <input type="checkbox"/> set for <input type="checkbox"/> re-set for _____ at _____
(8)	<input type="checkbox"/>	Pretrial conference <input type="checkbox"/> held <input type="checkbox"/> continued to <input type="checkbox"/> set for <input type="checkbox"/> re-set for _____ at _____
(9)	<input type="checkbox"/>	Trial <input type="checkbox"/> set for <input type="checkbox"/> re-set for _____ at _____
(10)	<input type="checkbox"/>	<input type="checkbox"/> Bench trial <input type="checkbox"/> Jury trial <input type="checkbox"/> Hearing held and continued to _____ at _____
(11)	<input type="checkbox"/>	This case is dismissed <input type="checkbox"/> without <input type="checkbox"/> with prejudice and without costs <input type="checkbox"/> by agreement <input type="checkbox"/> pursuant to <input type="checkbox"/> FRCP 4(j)(failure to serve) <input type="checkbox"/> General Rule 21 (want of prosecution) <input type="checkbox"/> FRCP 41(a)(1) <input type="checkbox"/> FRCP 41(a)(2)
(12)	<input checked="" type="checkbox"/>	[For further detail see <input type="checkbox"/> order on the reverse of <input checked="" type="checkbox"/> order attached to the original minute order form.]

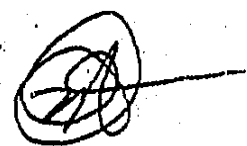
<input type="checkbox"/> No notices required.			number of notices	Document #
<input type="checkbox"/> Notices mailed by judge's staff.			date docketed	
<input type="checkbox"/> Notified counsel by telephone.			docketing dpy. initials	
<input checked="" type="checkbox"/> Docketing to mail notices.			date mid. notices	29
Mail AO 450 form.			mailing dpy. initials	
<i>fd</i>	courtroom deputy's initials			
		3/16/90		
	Date/time received in Central Clerk's Office			

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88-8184

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Fleet Mortgage Corp)

PLAINTIFF,)

vs.)

No. 89 C 2248
Judge Sua

Edward Jenkins, Sadelia Jenkins,)
Carol Mosley Braun Registrar of)
Titles)

DEFENDANTS.)

DOCKETED
MAR 21 1990

DUPLICATE
JUDGMENT OF FORECLOSURE AND SALE

This cause having been duly heard by this Court upon the record herein, the Court FINDS:

1. It has jurisdiction of the parties hereto and the subject matter hereof.

2. That all the material allegations of the Complaint are true and proven, 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 the property described hereinafter for the following:

(a). Principal, Advances and Accrued Interest by Plaintiff:	\$45,124.85
Costs of Suit:	\$ 862.20
Attorneys' Fees:	\$ 375.00
TOTAL:	\$46,362.05

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

(b). For such advances made in order to protect the lien of the judgment and preserve the real estate, such as, but not limited to: property inspections,, real estate taxes or assessments, property maintenance, and insurance premiums incurred by the Plaintiff and not included in this Judgment is entered and prior to the Commissioner's sale; that any such item expended shall become so much

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additional indebtedness secured by the judgment lien and bear interest from date of the advance at the mortgage rate of interest.

3. (a). The date when the last of the owners of the equity of redemption were served with summons or by publication was April 30, 1989 and the right to reinstate has or will expire on July 30, 1989.

(b). The mortgaged real estate is residential property as defined in Chapter 110, Section 15-1219 Illinois Revised Statutes; that the period of redemption herein shall end (i) seven (7) months from the date the last mortgagor, as described herein, was served by summons or by publication or have otherwise submitted to the jurisdiction of the court or (ii) the date three (3) months from the date of entry of this Judgment, whichever is later.

(c). The rights of redemption shall expire on November 30, 1989, unless shortened by further Order of Court.

4. That under the provisions of said mortgage, the costs of foreclosure and reasonable attorneys fees are an additional indebtedness for which the Plaintiff should be reimbursed and that such expenses and reasonable attorneys fees are hereby allowed to the Plaintiff.

5. That the Mortgage described in the Complaint and hereby foreclosed appears of record in the Office of the Cook County Recorder of Deeds and the property herein referred to and directed to be sold is described as follows:

Lot Five Hundred Ten (510) in Dewey and Cunningham's Subdivision of the North Three Quarters (3/4) of the East Half (1/2) of the Northeast Quarter (1/4) of Section 30, Township 38 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois. Commonly known as 7217 B. Wood, Chicago, IL 60636.

Permanent Index No. 20-30-212-006

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

7. That true and correct copies of the original Note and original Mortgage are attached to the Complaint.

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IT IS THEREFORE ORDERED AND ADJUDGED BY THIS COURT as follows:

1. SALE OF THE PREMISES: The premises hereinabove described, covered by the security foreclosed in this action, shall be sold at public venue by a Special Commissioner of this Court. The attorneys for the Plaintiff shall give public notice of the time, place and terms of sale. The notice of sale shall be published at least three (3) consecutive calendar weeks (Sunday through Saturday), once in each week, the first such notice to be published not more than thirty-five (35) days prior to the sale, the last such notice to be published not less than seven (7) days prior to the sale, by:

- (a). advertisements 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;
- (b). separate advertisements in the section of such newspaper, which may be the same newspaper, in which the real estate other than real estate being sold as part of legal proceedings is commonly advertised to the general public; provided, 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 shall be sufficient.
- (c). Notice of public sale shall be given by attorneys for the Plaintiff to all parties in the action who have appeared and have not theretofore 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 of complaint, not more than 28 days nor less than seven (7) days prior to the day of sale. After notice is given as required in this Section, a copy thereof shall be filed in the office of the clerk of the court entering the judgment, together with a certificate of counsel or other proof that notice has been served.

The Plaintiff or any of the parties to this cause, may become the purchasers at such sale. The Commissioner may adjourn or continue the sale subject to the Notice and advertisement pursuant to the requirements of Chapter 110, Section 15-1507(4)(c) of the Illinois Revised Statutes as amended (1987).

2. TERMS OF SALE: The Commissioner shall offer for sale the real estate described in Paragraph Five (5) above, with all improvements, fixtures and appurtenances thereto; or so much of said real estate which may be divisible and sold separately without

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material injury to the parties in interest. The real estate shall be sold at public auction to the highest bidder for cash; requiring payment not less than ten percent (10%) at the time of sale and the balance within twenty-four (24) hours plus interest at the statutory Judgment rate on any unpaid portion of the sale price from the date of sale to the date of payment. All payments of the amount bid shall be in cash or certified funds payable to the Special Commissioner. In the event the bidder fails to comply with the terms of the purchase as required, then upon demand by the Plaintiff in a notice served on the Commissioner and the bidder, the funds submitted shall be forfeited to Plaintiff or Plaintiff has the option to have the property sold to the next highest bidder. In the event there is a third party bidder other than Plaintiff, the Commissioner shall obtain the name, address (other than a post office box), and telephone number of that bidder. Notice by regular mail to the address given by the bidder and to the Commissioner shall be deemed sufficient notification by the Plaintiff to exercise its option to forfeit the funds. The subject property is offered for sale without any representation as to quality or quantity of title or recourse to Plaintiff.

3. PROCEEDS OF SALE: The out of the proceeds of such sale, the Commissioner's distribution shall be made in the following order of priority:

- (a). The Commissioner shall be paid his/her reasonable fees and costs;
- (b). The reasonable expenses of sale;
- (c). 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, receiver's and 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;
- (d). Out of the remainder of such proceeds, the amount found due to the Plaintiff in the Judgment shall be paid to the Plaintiff.
- (e). If Plaintiff is the successful bidder at said sale, the amount due the Plaintiff, plus all costs, advances and fees hereunder with interest incurred between entry of Judgment and confirmation of sale shall be taken as a credit on its bid.
- (f). If the remainder of the proceeds shall not be sufficient to pay the above described amounts and interest, the

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"residential" real estate to the mortgagee who is a party to this foreclosure or its nominee for a sale price less than the amount required to redeem as specified in Chapter 110, Section 15-1603(d) of the Code of Civil Procedure, an owner of redemption as specified in Chapter 110, Section 15-1603(a) of the Illinois Code of Civil Procedure shall have a special right to redeem for a period ending 30 days after the date the sale is confirmed. Redemption shall be made by paying the amount required by and in conformity with the procedures specified in Chapter 110, Section 15-1604 Illinois Code of Civil Procedure. Property so redeemed shall be subject to a lien for any deficiency remaining with the same lien priority as the underlying mortgage herein foreclosed, without any rights of Homestead.

7. COMMISSIONER'S DEED: That upon confirmation of the sale, payment of the purchase price and any other amounts required to be paid by the purchaser at sale, and after the expiration of all the mortgagor's reinstatement and redemption rights and rights to possession, the party conducting said sale shall execute and deliver to the holder of the certificate of sale or if no certificate has been issued, then to the holder of the receipt of sale or the assignee thereof, a deed sufficient to convey title; said conveyance shall be an entire bar to all claims of the parties to the foreclosure and all persons claiming thereunder; that thereupon, the grantee in such deed, or legal representative or assign, be let into possession of the premises.

8. That the parties hereto who shall be in possession of said premises, or any part thereof, including leaseholders, or any person who may have come into such possession under them or any of them, since the inception of the mortgage or commencement of this suit, shall upon presentment of said Commissioner's Deed of Conveyance, surrender possession of said premises to said grantee, his representative or assigns, and in default of so doing, an Order of Possession shall issue.

9. The Court hereby retains jurisdiction of the subject matter of this cause, and of all the parties hereto, for the purpose of enforcing this judgment and appointing or continuing a Receiver herein at any time during the period of redemption.

ENTER:


Nunc Pro Tunc to May 23, 1989

SHAPIRO & KREISMAN
Attorneys for Plaintiff
1161 Lake Cook Road
Deerfield, Illinois 60015
(312) 945-6040

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ESD APR -1 PM 12:14
CAROL MOSELEY BRAUN
REGISTRAR OF TITLES

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Registry of Titles	
Enter Vol. Document	
on Certificate of Title	
No.	H68 511
Vol.	2941-2 256
IDENTIFIED	
Date	4-4-90
No. 90	
MUNTER	
Registrar of Terrors-Titles	
CAROL MOSELEY BRAUN	
MUNTER	

SHAPIRO & KREISMAN
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