

CAROL MOSELEY BRAUN

RECORDER OF DEEDS / REGISTRAR OF TORRENS TITLES COOK COUNTY, ILLINOIS

Re: Certificate of Title 1327040 Vol. 2660-1 Page 21 LOT THREE HUNDRED SIXTH SIX (except South 26 feet thereof)

LOT THREE HUNDRED SIXTY SEVEN-----(367)
South 4 feet of LOT THREE HUNDRED SIXTY EIGHT----(368)
In F.J. Lewis South Eastern Development, being a Subdivision in the West Half (½) and in the Northeast Quarter (½) of Section 18, all in Township 37 North, Range 15, East of the Third Principal Meridian.
First National Bank of Chicago vs. Timothy P. Day, et al.

Case No. 89 CH 1508

Carol Moseley Braun Registrar of Titles Cook County, Illinois

Dear Ms. Braun:

I have examined proceedings is the Circuit Court of Cook County, Illinois, above described, being a proceeding to foreclose a mortgage registered as document no. 3103847, covering the premises described in the foregoing Certificate of Tirle, also a Sheriff's Deed issued by James E. O'Grady, Sheriff of Cook County, Illinois, to First National Bank of Chicago, and I find that title to premises aforesaid will be vested in:

FIRST NATIONAL BANK OF CHICAGO

3893874

Subject to:

All unpaid general taxes and special assessments shown by our tax search and all sales, forfeitures and withdrawals for unbaid general taxes and special assessments.

- 2. Possible Federal Tax Liens and State of Illinois Tax Liens on the premises as provided by CH. 30 Par. 84 and 84.1 of the Illinois Revised Statute and other Statutes of the State of Illinois.
- 3. Right of any party interested by appeal, writ of error, proceedings instituted under the Soldiers' and Sailors' Civil Relief Act or other proceedings to have set aside, modified or reversed within the time allowed by law the Judgment for Foreclosure entered October 2, 1989 and Order Approving Sheriff's Sale and Report of Distribution dated February 5, 1990 in the Circuit Court of Cook County, Illinois, Case No. 89 CH 1508, and entitled First National Bank of Chicago vs. Timothy P. Day, et al.

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Certificate of Title 1327040 Case No. 89 CH 1508

Page 2

- 4. Uncancelled memorials appearing on the outstanding Certificate of Title.
- 5. Right of any party served by publication and their heirs, devisees, executors, administrators or other representatives of any such party to appear and be heard touching the matter of the Judgment of Foreclosure entered October 2, 1989 and Order Approving Sheriff's Sale and Report of Distribution dated February 5, 1990 in the Circuit Court of Cook County, Illinois, Case No. 89 CH 1508, and entitled First National Bank of Chicago vs. Timothy P. Day, et al.
- 6. Upon registration of:
 - (a) Certifica copy of Judgment of Foreclosure,
 - (b) Certificate of Sale, if required by Judgment of Foreclosure,
 - (c) Certified copy of Order Approving Sheriff's Sale,
- (d) Sheriff's Deed dated June 8, 1990, issued by James E. O'Grady, Sheriff of Cook County, Illinois; without surrender of Owner's Duplicate Certificate of Title; without surrender of Mortgagee's Duplicate Certificate of Title No. £28577.

Very truly yours,

Lekey W. Lemke Examiner of Titles

June 26, 1990 vgi

3893874

UNOFFICIAL COPY 7 4 (10-84) CCDCH-6

UNITED STATES OF AMERICA

STATE OF ILLINOIS, COUNTY OF COOK ss.	389387.4
PLEAS, before the HonorableA. one of the Judges of the Circuit Court of Cook	Scotilio
Court, at the Court House in said County, and State	e, on October 2
in the year of our Lord, one thousand nine hundred	and
of the United States of America, the two hundredth	andFourteenth
Oponia de la companya della companya della companya de la companya de la companya della companya	A. Scotillo PRESENT: - The Honorable
Opp	RICHARDAMAEXAState's Attorney Cecil A. Partee JAMES E. O'GRADY, Sheriff
AURELIA PUCINSKI Att	24
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A PARTY (ALPH)

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		AURECLIA PURTISME
		The second secon
	STATE OF ILLINOIS, COUNTY OF COOK ss.	
	I, MORGAN M. FINLEY, Clerk of the Circuit Court of Look Co and the keeper of the records, files and seal thereof, do hereby certify the	ounty, in and for the State of Illinois, above and foregoing to be true, perfect
	and complete COPY OF A CERTAIN JUDGMENT MADE AND ENTER	
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	in a certain cause lately pending in said Court, between	
		plaintiff/petitioner
	and	defendant/respondent.
	IN WITNESS WHEREOF, I h	ave hereunto set my hand, and affixed
	the seal of said Court, in s	aid County, this
f	day of	,19
,	(10.94) CCDCH-6	a

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

FIRST NATIONAL BANK OF CHICAGO)				
PLAINTIFF)				
vs.)	No.	89	СН	1508
TIMOTHY P. DAY; et al	Ì				
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:

Timothy P. Day by publication to May 12, 1989
Carol M. Day by publication on May 12, 1989
Carol Moseley Braun, Registrar of Titles by agent on March 15, 1989
Melvin Coldwell, Successor Trustee to Joseph DeZonna, Trustee, or His Successor Trustee by personal service on March 14, 1989
Ron Wood, Successor Trustee to Thomas Larson, or His Successor Trustee by personal service on March 14, 1939
Northwest National Bank of Chicago by agent on March 14, 1989
Danley Lumber Co., Inc. by agent on March 14, 1989
Unknown Owners and Nonrecord Claimants by publication on May 12, 1989

(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):

Carol Moseley Braun, Registrar of Titles on April 12, 1989

(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 to 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 the property described hereafter for the following accounts:

Principal, Accrued Interest and Advances by Plaintiff: \$31,733.89

Costs of Suit: \$760.72

Attorneys' Fees: \$600.00

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 finas that there is due and owing to the Defendants immediately heroinafter 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 verified pleadings supported by affidavit filed by any defendant herein praying to be included in this Judgment for Foreclosure. An order of default or summary judgment has been entered against all parties defendant.

- (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 \$760.72 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. LR3103847, and the property herein referred to and directed to be sold

is described as follows:

Lot Three Hundred Sixty Six (except South 26 feet thereof) (366) Lot Three Hundred Sixty Seven (367) South 4 feet of Lot Three Hundred Sixty Eight (368) in F. J. Lewis' South Eastern Development, being a Subdivision in the West Half (1/2) and in the Northeast Quarter (1/4) of Section 17 and the Southeast Quarter (1/4) of Section 18, all in Township 37 North, Range 15, East of the Third Principal Meridian, in Cook County, Illinois.

COMMONLY KNOWN AS: 11131 Avenue O

Chicago, IL 60617

TAX PARCEL NUMBER:

- (7) MCRIGAGE NOTE: The Mortgage herein referred to secures a Mortgage Note in the sum \$36,600.00 which has been duly accelerated pursuant to the terms of said Note and executed by: Timothy P. Day
 Carol M. Day
- (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 are 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 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 separat. 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 15-1663(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;
 - 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 for eclosure judgment in accordance with Illinois Revised Statutes, Chapter 110, Section 15-1402.
- (d) The redemption period will expire on January 3, 1990.

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

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the expiration of the reinstallement period and 7th redemption period found to expire on January 3, 1990 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 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 al. Cliens, 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 warrancies, 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 (3)-(H) where such information is available to Plaintiff or Coursel 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 votice of Sale shall contain at least the following information: 1. The name, address and telephone of the person to contact to 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. - 5 -

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- 8. The title, case number and the court in which the foreclosure was filed.
- 9. Any other information required herein or by separate order.
- (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 the of 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: .

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- (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 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 210, 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 forfieted 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 3 7 4

- (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 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 unconsciouable, 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 Gale 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 15-1508(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 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 115. 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:	DCT 2 1989	

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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 88-01886

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STATE OF ILLINOIS.		
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and the keeper of the records.	tiles and seal thereof, do hereby certif	y the above and foregoing to be true, perfect
and complete COPY OF A	CERTAIN JUDGMENT MADE AND E	EN (ERFD OF RECORD IN SAID COURT:
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in a certain cause lately pendin	g in said Court, between	
FIRST NATIONAL BANK OF	CHICAGO	plaintiff/petitioner
TIMOTHY P. DAY;	et al	defendant/recognident
and!IMOTHER I. DATE.		defendant/respondent.
	IN WITNESS WHEREC	OF, I have hereunto set my hand, and affixed
	the seal of said Cou	rt, in said County, this6th
	•	February 90
	day of	
(10-84) CCDCH-6	aureli	a turnski Clerk

UNITED STATES OF AMERICA

STATE OF ILLINOIS,
COUNTY OF COOK

55.

the state of the s	ook County, in the State of Illinois, holding a branch Court of said
Court, at the Court House in said County, and	State, on
in the year of our Lord, one thousand nine hu	ndred and and of the Independence
of the United States of America, the two hund	redth and
	PRESENT: - The Honorable
Ox	RICHARD M. DALEY, State's Attorney
Attest: MORGAN M. FINLEY, Clerk.	JAMES E. O'GRADY, Sheriff
	CARVILLET ALTERIA
pr#	



