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Fisher And Fisher
File # 19649

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

Fleet Mortgage Corporation)
)
Plaintiff)
VS.)
Lloyd R. Williams, Carol)
Moseley Braun, Registrar of)
Titles)
Defendant)

NO. 89 C 2943
Judge Conlon

DOCKETED
MAY 31 1989

JUDGMENT OF FORECLOSURE

This cause coming on to be heard on motion by Plaintiff for Judgment, the Court FINDS:

I. JURISDICTION.

1. That it has jurisdiction of the parties hereto and the subject matter hereof.
2. The court specifically finds service of process in each instance was properly made.
3. That the date when the last of the owners of the equity of redemption were served with summons or publication was May 3, 1989.
4. That the redemption period in this case shall expire on December 4, 1989, unless shortened by further order of this court.

II. EVIDENTIARY FINDINGS.

1. Plaintiff filed a complaint herein to foreclose the mortgage (or other conveyance in the nature of a mortgage) ("mortgage") joined the following persons as defendants: Lloyd R. Williams, Carol Moseley Braun, Registrar of Titles.

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 Exhibits "A" and "B" are admitted into evidence, and any originals presented may be withdrawn.

3. Information concerning mortgage:

- (A) Nature of instrument: Mortgage
- (B) Date of mortgage: October 16, 1987
- (C) Name of mortgagor: Lloyd R. Williams
- (D) Name of mortgagee: Capital Mortgage Funding Corporation
- (E) Date and place of recording: October 19, 1987
Cook County Registrar of Titles Office
- (F) Identification of recording: LR3660236

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(G) Interest subject to the mortgage: Fee Simple

(H) Amount of original indebtedness including subsequent advances made under the mortgage: \$51,750.00

(I) The legal description of the mortgaged premises:

The South 38.33 feet of Lot 3 (except the West 180 feet thereof) in William Randall's Resubdivision of part of Block 1 of Arthur Dunas' South Shore Resubdivision of part of Blocks 1, 4, 5, 6, 11 and 12 of Calumet Trust's Subdivision No. 3, also part of Block 125 of South Chicago Subdivision together with portions of vacated alley and streets, all in Fractional Section 7, Township 37 North, Range 15, East of the Third Principal Meridian, North of the Indian Boundary Line, according to plat of said William Randall's Resubdivision registered in the Office of the Registrar of Titles of Cook County, Illinois, on June 28, 1960, as Document No. 1928974, in Cook County, Illinois.

c/k/a 9554 South Colfax, Chicago, IL 60619

ID #26-07-103-095

(J) That by virtue of the mortgage and the evidence of indebtedness secured thereby, there is due from the mortgagors to the Plaintiff, and the Plaintiff has a valid and subsisting lien upon the hereinafter described property as follows:

Unpaid Principal:	\$51,577.26
Accrued interest on unpaid principal to date of judgment:	4,365.99
Advances by Plaintiff:	388.28
Costs of suit:	594.00
Plaintiff's Attorneys' fees:	575.00

TOTAL BALANCE DUE \$57,500.53

(K) The name of the present owners of said real estate are: Lloyd R. Williams

(L) 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: NONE.

which lien(s) is(are) subservient and subordinate to the lien of Plaintiff.

(M) The names of defendants personally liable for the deficiency, if any are: Lloyd R. Williams

(N) The capacity in which plaintiff brings this foreclosure is as the owner and legal holder of said note, mortgage and indebtedness.

III. FEES AND COSTS.

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

2. The 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

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foregoing, filing fees, service of process fees, copying charges, stenographer's fees, witness fees, costs of publication, costs of procuring and preparing documentary evidence and costs of procuring abstracts of title, Torrens certificates, foreclosure minutes and a title insurance policy.

3. Under the terms of the mortgage, all such advances, costs, attorneys' fees and other fees, expenses and disbursements are made a lien upon the mortgaged real estate and the plaintiff is entitled to recover all such advances, costs, attorneys' fees, expenses and disbursements, together with interest on all advances at the rate of interest provided in the mortgage, from the date on which such advances are made.

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 mortgage real estate, it has or may also become necessary for the 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.

IV. ULTIMATE FINDINGS.

1. The allegations and deemed allegations of plaintiff's complaint are true substantially as set forth, and the equities in the cause are with Plaintiff, and Plaintiff is entitled to the relief prayed for in the complaint including foreclosure of said mortgage upon the real estate described therein in the amount of the total Balance Due, as found in II. paragraph 3. (J) above, together with interest thereon at the statutory rate after the entry of this judgment and additional advances, expenses, and court costs, including publication costs and expenses of sale.

2. Said real estate is free and clear of all liens and encumbrances except unpaid general real estate taxes for the present or past years and thereafter and special assessments, if any, subject to any defendant's right of redemption.

3. Plaintiff's mortgage is prior and superior to all other mortgages, claims of interests and liens upon said real estate except for real estate taxes and special assessments, if any.

4. The sum of attorney fees allowed herein as stated above is the fair, reasonable and proper fee to be allowed to plaintiff as attorney's fees in this proceeding in accordance with the terms of the note and mortgage given to plaintiff by said defendants, which should be added to and become a part of the indebtedness due to plaintiff.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED:

V. ORDER UPON DEEMED REQUEST FOR FORECLOSURE.

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1. An accounting has been taken in the direction of the court of the amounts due and owing to the plaintiff as declared herein.

2. The defendants are ordered to pay to the plaintiff before expiration of any redemption period (or, if no redemption period, within seven days after the date of this judgment) whatever sums may appear to be due upon the taking of such account, together with attorneys' fees, costs, advances, and expenses of the proceedings (to the extent provided in the mortgage or by law).

3. In default of such payment in accordance with this judgment, the mortgaged real estate shall be sold as directed by the court, to satisfy the amount due to the plaintiff as set forth in this judgment, together with the interest advances, and expenses incurred after judgment at the statutory judgment rate from the date of the judgment.

4. In the event the plaintiff is a purchaser of the mortgaged real estate at such sale, the plaintiff may offset against the purchase price of such real estate the amount due under the judgment for foreclosure and order confirming the sale

5. 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 persons claiming by, through or under them, and 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.

6. If no redemption is made prior to such sale, a deed shall be issued to the purchaser according to law and such purchaser shall be let into possession of the mortgaged real estates in accordance with statutory provisions.

VI. ORDER UPON SPECIAL MATTERS.

1. The sale shall be by public auction.

2. The sale shall be by open verbal bid.

3. The sale shall be conducted by any judge of this court, the Sheriff of County, or Special Commissioner as this Court shall designate

4. Exceptions to which title shall be subject at the sale shall include general real estate taxes for past years, (if any) the current year, and for the preceding year which have not become due and payable as of the date of this judgment and any special assessments upon the real estate and easements and restrictions of record.

5. In the event any party to this foreclosure is a successful bidder at the sale, such party may offset against the purchase price to be paid for such real estate the amount due such party under this judgment of foreclosure or the order

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confirming the sale.

VII. ORDER FOR JUDICIAL SALE.

1. The real estate is ordered sold according to law.

2. Upon expiration of the redemption period, the real estate shall be sold at a sale as provided by law.

3. NOTICE OF SALE: The mortgagee, or such other party designated by the court, in a foreclosure under this Article shall give public notice of the sale.

a. The notice of sale shall be published at least three consecutive calendar weeks (Sunday through Saturday) once in each week. The first such notice is to be published no more than 30 days prior to the sale, the last such notice is to be published no more than 10 days prior to the sale.

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any person who, since the commencement of this suit, has come into possession shall surrender possession thereof to such purchaser. If said parties in possession refuse to vacate the property this order may be placed with the Sheriff to begin an eviction and the Sheriff is hereby directed to remove all parties in possession and to place into possession such purchaser.

3. DEFICIENCY

If the money arising from said sale shall be insufficient to pay the amounts due to the plaintiff with interest and the costs and expenses of sale, or if there is a surplus from said sale the person conducting the sale shall specify the amount of such deficiency or surplus in the report of sale, and a judgment shall be entered therefor, if appropriate.

4. JURISDICTION

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 for appointing a Receiver during the redemption period if necessary.

ENTERED:

Suzanne B. Cook
Judge

DATED: May 27, 1987

FISHER AND FISHER
Attorneys at Law, P.C. #3309
30 North LaSalle, Suite 2720
Chicago, IL 60602
Telephone: (312) 372-4784

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DOCKETED

MAY 31 1989

Fleet Mortgage Corporation)

Plaintiff)

VS.)

Lloyd R. Williams, et.al.)
Defendant)

NO. 89 C 2941
Judge Conlon

DEFAULT ORDER

THIS CAUSE COMING ON TO BE HEARD ON motion of plaintiff for entry of an Order finding certain Defendants in default;

IT IS ORDERED the following defendants are in default:

Lloyd R. Williams.

ENTER:

May 25, 1989

JUDGE

Suzanne B. Conlon

FISHER AND FISHER
ATTORNEYS AT LAW, PC
33 N. LASALLE, SUITE 2720
CHICAGO, IL 60602
TELEPHONE: 312-372-4784

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

RECORDED
MAY 31 1989

Fleet Mortgage Corporation)

Plaintiff)

VS.)

Lloyd R. Williams, et.al.)

Defendant)

NO. 89 C 2941

Judge Conlon

ORDER APPOINTING SPECIAL COMMISSIONER

IT IS ORDERED THAT Charles R. Powell is hereby appointed Special Commissioner of this Court for the purpose of the sale at public vendue of the property that is the subject matter of this action.

ENTERED:

Suzanne B. Conlon
JUDGE

May 25, 1989

FISHER AND FISHER
Attorneys at Law PC
30 N. LaSalle St.
Chicago, IL 60602
(312)-372-4784

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FISHER AND FISHER
ATTORNEYS AT LAW
CHICAGO, ILLINOIS

FISHER AND FISHER
ATTORNEYS AT LAW
30 N. LAUREL STREET
CHICAGO, ILLINOIS 60602

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