

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

Name of Assigned Judge or Magistrate	<b>JOHN A. NORDBERG</b>	Sitting Judge/Mag. If Other Than Assigned Judge/Mag.	
Case Number	89 C 5675	Date	April 25, 1990
Case Title	FEDERAL HOME LOAN MORTGAGE V. PATRICK STANDRING 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)

JUDGMENT OF FORECLOSURE	Sent for Microfilming
	MAY 2 - 1990
	Filed on MAY 14 1990

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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 judgment of foreclosure. Defendants Patrick Standring, Midlothian Partners, Concord, Unknown Owners and nonrecord claimants have been defaulted. Defendants Friedman, BMD, ACRG, Vanguard and WGL consented to entry of judgment on Count 1. Carol Mosely Braun has consented to entry of judgment on Count I. Defendant County of Cook has not contested material allegations and judgment on pleadings was granted in favor of plaintiff and against Cook County on Count I of the complaint. Defendant United States filed a disclaimer of any interest in this property.

(3)  Filed motion of (use listing in "MOTION" box above).

(4)  Brief in support of motion due \_\_\_\_\_.

(5)  Answer brief to motion due \_\_\_\_\_ Reply to answer brief due \_\_\_\_\_.

(6)  Ruling on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(7)  Status hearing  held  continued to  set for  reset for \_\_\_\_\_ at \_\_\_\_\_.

(8)  Pretrial conference  held  continued to  set for  reset for \_\_\_\_\_ at \_\_\_\_\_.

(9)  Trial  set for  reset for \_\_\_\_\_ at \_\_\_\_\_.

(10)  Bench trial  Jury trial  Hearing held and continued to \_\_\_\_\_ at \_\_\_\_\_.

(11)  This case is dismissed  without  with prejudice and with costs  by agreement  pursuant to  FRCP 4(j) (failure to serve)  General Rule 21 (want of prosecution)  FRCP 41(a) (1)  FRCP 41(a)(2)

(12)  (For further detail see  order on the reverse of  order attached to the original minute order form.)

<input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate.	RECEIVED FOR DOCKETING ED-1 90 MAY -1 PM 4: 29 MAY 2 - 1990 MAY 2 - 1990	number of notices date docketed docketing dpty initials date mailed notices mailing dpty initials	Document #
			63
courtroom deputy's initials <b>EP</b>	Date/time received in central Clerk's Office <b>car</b>		

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

FEDERAL HOME LOAN MORTGAGE CORPORATION, )

Plaintiff, )

v. )

No. 89 C 5675

PATRICK STANDRING, MARK S. )  
FRIEMAN, BMD REALTY GROUP, LTD., )  
ACRG MANAGEMENT, INC., WASHINGTON )  
GARDENS, LTD., VANGUARD MANAGEMENT )  
CORPORATION, MIDLOTHIAN PARTNERS, )  
LTD., CONCORD MORTGAGE CO., )  
CAROL BRAUN, not individually but )  
as Registrar of Titles of Cook )  
County, Illinois, COUNTY OF COOK, )  
a body politic and corporate of )  
the State of Illinois, the UNITED )  
STATES OF AMERICA, UNKNOWN OWNERS )  
and NONRECORD CLAIMANTS, )

Defendants. )

Hon. John A. Nordberg

DOCKETED  
MAR 8 1990

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JUDGMENT OF FORECLOSURE

THIS MATTER COMING TO BE HEARD UPON Count I of the Amended Complaint (the "Complaint") filed by Federal Home Loan Mortgage Corporation ("FHLMC") for entry of a judgment of foreclosure; the Court having held a hearing and heard from all interested parties; the Court having considered the evidence and arguments of counsel; the Court having jurisdiction over the subject matter of this proceeding and the parties hereto; and the Court being fully advised in the premises;

IT IS HEREBY FOUND THAT:

I. JURISDICTION

1. Patrick Standring ("Standring"), Concord Mortgage Co. and Midlothian Partners, Ltd. ("Midlothian"),

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were properly served with the Complaint and, having failed to answer the Complaint or otherwise enter any appearance herein although more than thirty days had passed since such service, this Court entered default judgments against such defendants on October 26, 1989.

2. The Unknown Owners and Nonrecord Claimants were duly served by publication of a notice in The Chicago Daily Law Bulletin, a secular daily newspaper of general circulation in Cook County, Illinois, on November 14, 21 and 28, and December 5, 12 and 19, 1989. The Unknown Owners and Nonrecord Claimants have failed to answer the Complaint or otherwise enter any appearance herein although more than thirty days have passed since the first date of publication. The default date published in the notice, December 29, 1989, has passed.

3. On November 22, 1989, FHLMC and Mark S. Friedman ("Friedman"), BMD Realty Group, Ltd. ("BMD"), ACRG Management, Inc. ("ACRG"), n/k/a Vanguard Management Corporation ("Vanguard"), and Washington Gardens, Ltd. ("WGL"), filed a stipulation whereby Friedman, BMD, ACRG, Vanguard and WGL consented to the entry of judgment on Count I of the Complaint.

4. Carol Mosley Braun, Recorder of Deeds and Ex Officio Registrar of Titles of Cook County, Illinois (the "Registrar"), has filed a responsive pleading herein, but has not contested any of the material allegations of the Complaint. The Registrar has executed a stipulation

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consenting to the entry of judgment on Count I of the Complaint, a copy of which was filed with the Court on April 5, 1990.

5. County of Cook, a body politic and corporate of the State of Illinois ("Cook County"), has filed an Answer And Counterclaim, but has not contested any of the material allegations of the Complaint. On April 3, 1990, this Court entered an Order granting judgment on the pleadings in favor of FHLMC and against Cook County on Count I of the Complaint.

6. By Order entered on October 26, 1989, nunc pro tunc October 24, 1989, this Court dismissed Cecil Partee, not individually, but as State's Attorney for Cook County, Illinois (the "State's Attorney"), without prejudice.

7. On December 1, 1989, the United States of America (the "United States") filed a Disclaimer whereby the United States disclaimed any interest in the properties which are the subject of this foreclosure action (the "Properties").

8. The Court specifically finds that service of process in each instance was properly made in accordance with the Federal Rules of Civil Procedure and the General Rules of the United States District Court for the Northern District of Illinois.

9. This Court has jurisdiction over all the parties hereto and the subject matter presented herein.

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## II. EVIDENTIARY FINDINGS

1. Plaintiff filed the Complaint to foreclose the mortgage hereinafter described and joined the following parties as defendants:

- (a) Standring;
- (b) Friedman;
- (c) BMD;
- (d) ACRG;
- (e) WGL;
- (f) Vanguard;
- (g) Midlothian;
- (h) Concord;
- (i) The Registrar;
- (j) Cook County;
- (k) The United States;
- (l) The State's Attorney;
- (m) Unknown Owners; and
- (n) Nonrecord Claimants.

2. Attached to the Complaint as Exhibit "A" is a copy of a Multifamily Mortgage, Assignment of Rents and Security Agreement dated August 20, 1985 (the "Mortgage"), and as Exhibit "B" is a copy of the Multifamily Note (the "Note") secured thereby.

3. Information concerning the Mortgage:

- (a) Nature of instrument: Mortgage.
- (b) Date of Mortgage: August 20, 1985.
- (c) Names of mortgagor: Patrick Standring.

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- (d) Name of mortgagee: Concord Mortgage Co.
- (e) The Mortgage was filed with the Registrar on August 20, 1985.
- (f) Identification of recording: Doc. No. 3456413.
- (g) Interest subject to mortgage: Fee simple.
- (h) Amount of original indebtedness, including subsequent advances made under the mortgage: \$1,250,000.00.
- (i) Legal descriptions of the Properties:

## Parcel 1:

A tract of land comprising part of Lot 7 in Block 8 in South Washington Heights subdivision of the North West 1/4 of Section 30, Township 37 North, Range 14 East of the third principal meridian, in Cook County, Illinois said tract of land being described as follows:

Beginning at the Northwesterly corner of said Lot 7 and running thence East along the North line of said Lot 7, a distance of 107.41 feet; thence Southwesterly along a straight line (the extension of said straight line passing through a point on the South line of Lot 9 in said Block 8, said point being 163.57 feet East of the Southwesterly corner of said Lot 9), a distance of 55.47 feet to an intersection with a line drawn parallel with and 54.76 feet South of (measured at right angles thereto) said North line of Lot 7; thence West along said parallel line, a distance of 117.75 feet to the Westerly line of said Lot 7; thence Northeasterly along said Westerly line, a distance of 58 feet to the point of beginning, in Cook County, Illinois.

## Parcel 2:

A tract of land comprising part of Lots 7 and 8 in Block 8 in South Washington Heights, a subdivision of the North West 1/4 of Section 30, Township 37 North, Range 14 East of the third principal meridian, in Cook County, Illinois, said tract of land being described as follows:

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Beginning at the intersection with the Westerly line of said Lot 8 with a line drawn parallel with and 5.15 feet South of (measured at right angles thereto) the North line of said Lot 8, and running thence East along said parallel line, a distance of 127.12 feet to an intersection with a straight line drawn from a point on the south line of Lot 9, in said Block 8, said point being 163.57 feet East of the Southwesterly corner of said Lot, to a point on the North line of said Lot 7, said point being 107.41 feet East of the Northwestern corner of said Lot 7; thence Northeasterly along said straight line, a distance of 50.31 feet to an intersection with a line drawn parallel with and 54.76 feet South of (measured at right angles thereto) the North line of said Lot 7; thence West along last described parallel line, a distance of 117.75 feet to the Westerly line of said Lot 7; thence Southwesterly along said westerly line of Lots 7 and 8, a distance of 52.62 feet to the point of beginning, in Cook County, Illinois.

## Parcel 3:

A tract of land comprising part of Lots 8 and 9 in Block 8 in South Washington Heights, a subdivision of the North West 1/4 of Section 30, Township 37 North, Range 14 East of the third principal meridian, in Cook County, Illinois, said tract of land being described as follows:

Beginning at the intersection of the Easterly line of said Lot 8 with a line drawn parallel with and 54.82 feet South of (measured at right angles thereto) the North line of said Lot 8; and running thence West along said parallel line, a distance of 108.56 feet to an intersection with a straight line drawn from a point on the North line of Lot 7 in said Block 8, said point being 127.67 feet East of the Northwestern corner of said Lot 7, to a point on the South line of said Lot 9, said point being 183.83 feet East of the Southwesterly corner of said Lot 9; thence Southwesterly along said straight line, a distance of 50.22 feet to an intersection with a line drawn parallel with and 5.11 feet South of (measured at right angles thereto) the North line of said Lot 9; thence East along last described parallel line, a distance of

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108.34 feet to the Easterly line of said Lot 9; thence Northeasterly along said Easterly line of said Lots 8 and 9, a distance of 50.25 feet to the point of beginning, in Cook County, Illinois.

## Parcel 4:

A tract of land comprising part of Lots 8 and 9 in Block 8 in South Washington Heights, a subdivision of the Northwest 1/4 of Section 30, Township 37 North, Range 14 East of the third principal meridian, in Cook County, Illinois, said tract of land being described as follows:

Beginning at the intersection of the Westerly line of said Lot 9 with a line drawn parallel with and 5.11 Feet South of (measured at right angles thereto) the North line of said Lot 9 and running thence East along said parallel line, a distance of 145.82 feet to an intersection with a straight line drawn from a point on the south line of said Lot 9, said point being 163.57 feet East of the Southwesterly corner of said Lot to a point on the North line of Lot 7 in Block 8, said point being 107.41 feet East of the Northwesterly corner of said Lot 7; thence Northeasterly along said straight line, a distance of 50.22 feet to an intersection with a line drawn parallel with and 54.82 feet South of (measured at right angles thereto) the North line of said Lot 8; thence West along last described parallel line, a distance of 136.48 feet to the Westerly line of Lot 8; thence Southwesterly along said Westerly line of Lots 8 and 9, a distance of 52.62 feet to the point of beginning, in Cook County, Illinois.

## Parcel 5:

A tract of land comprising part of Lot 9 in Block 8 in South Washington Heights a subdivision of the North West 1/4 of Section 30, Township 37 North, Range 14 East of the third principal meridian, in Cook County, Illinois, said tract of land being described as follows:

Beginning at the intersection of the Easterly line of said Lot 9 with a line drawn parallel with and 44.50 feet North of (measured at right angles thereto) the South line of said

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lot; and running thence West along said parallel line, a distance of 108.12 feet to an intersection with a straight line drawn from a point on the South line of said Lot 9, said point being 183.83 feet East of the Southwesterly corner of said lot, to a point on the North line of Lot 7 in said Block 8, said point being 127.67 feet East of the Northwesterly corner of said lot; thence Northeasterly along said straight line, a distance of 50.31 feet to an intersection with a line drawn parallel with and 5.11 feet South of (measured at right angles thereto) the North line of said Lot 9; thence East along last described parallel line, a distance of 108.34 feet to the Easterly line of Lot 9; thence Southwesterly along said Easterly line, a distance of 50.35 feet to the point of beginning, in Cook County, Illinois.

## Parcel 6:

A tract of land comprising part of Lot 9 in Block 8, in South Washington Heights, a subdivision of the North West 1/4 of Section 30, Township 37 North, Range 14 East of the third principal meridian, in Cook County, Illinois, said tract of land being described as follows:

Beginning at a point on a line drawn perpendicular to the South line said Lot 9 and passing through a point on said South line 56 feet East of the Southwesterly corner of said lot and said point of beginning being 44.50 feet North of said South line of Lot 9; and running thence North along said perpendicular line, a distance of 49.67 feet to an intersection with a line drawn parallel with and 5.11 feet South of (measured at right angles thereto) the North line of said Lot 9; thence East along said parallel line, a distance of 122.74 feet to an intersection with a straight line drawn from a point on the South line of said Lot 9, said point being 163.57 feet East of the Southwesterly corner of said Lot to a point on the North line of Lot 7 in said Block 8, said point being 107.41 feet East of the Northwesterly corner of said Lot 7; thence Southwesterly along said straight line, a distance of 50.31 feet to an intersection with a line drawn parallel with and 44.50 feet North of (measured at right angles thereto) said South line of Lot 9;

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thence West along last described parallel line, a distance of 114.74 to a point of beginning, in Cook County, Illinois.

## Parcel 7:

A tract of land comprising part of Lot 9 in Block 8 in South Washington Heights, a subdivision of the North West quarter of Section 30, Township 37 North, Range 14 East of the third principal meridian, in Cook County, Illinois said tract of land being described as follows:

Beginning at a point on the South line of said Lot 9, said point being 56 feet East of the Southwesterly corner of said Lot 9; thence North, perpendicular to said South line of Lot 9 a distance of 44.50 feet; thence East parallel with said south line, a distance of 114.74 feet to an intersection with a straight line drawn from a point on the South line of said Lot 9, said point being 163.57 feet East of the Southwesterly corner of said Lot to a point on the North line of Lot 7 in Block 8, said point being 107.41 feet East of the Northwesterly corner of said Lot 7; thence Southwesterly along said straight line, a distance of 45.07 feet to said South line of Lot 9; thence West along said South line of Lot 9; thence West along said South line, a distance of 107.57 feet to the point of beginning, in Cook County, Illinois.

## Parcel 8:

That part of Block 2 in resubdivision of Blocks 5 and 6 in South Washington Heights subdivision of the North West 1/4 of Section 30, Township 37 North, Range 14 East of the third principal meridian, described as follows:

Beginning at a point in the Westerly line of said Block 2 said point being 161.92 feet Northeasterly of the South West corner of said Block 2; thence Southeasterly along a line making an angle of 90 degrees with the Easterly line of Block 2, a distance of 140.50 feet to a point in said Easterly line of Block 2, said point being 112 feet Northeasterly of the South East corner of said Block 2; thence Northeasterly along said Easterly line of Block 2, a distance of

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83 feet; thence Northwesterly along a line making an angle of 90 degrees with said Easterly line, a distance of 126.09 feet to a point in the Westerly line of Block 2, a distance of 84.24 feet to a point of beginning, all in Cook County, Illinois.

## Parcel 9:

A tract of land comprising part of Lot 9 in Block 8 in South Washington Heights, a subdivision of the North West 1/4 of Section 30, Township 37 North, Range 14 East of the third principal meridian, in Cook County, Illinois said tract of land being described as follows:

Beginning at the Southeasterly corner of said Lot 9 and running thence West along the South line of said Lot, a distance of 107.92 feet to a point 183.83 feet East of the Southwesterly corner of said Lot; thence Northeasterly along a straight line (the extension of said line passing through a point on the North line of Lot 7 in said Block 8, said point being 127.67 feet East of the Northwesterly corner of said Lot 7), a distance of 45.07 feet, to an intersection with a line drawn parallel with and 44.50 feet, North of (measured at right angles thereto) said South line of Lot 9; thence East along said parallel line, a distance of 108.12 feet to the Easterly line of said Lot 9; thence Southwesterly along said Easterly line, a distance of 45.11 feet to the point of beginning in Cook County, Illinois.

## (j) Common addresses of the Properties:

<u>Street Address</u>	<u>City</u>	<u>State</u>
12230 South Washington,	Blue Island,	Illinois;
12236 South Washington,	Blue Island,	Illinois;
12249 South Washington,	Blue Island,	Illinois;
12250 South Washington,	Blue Island,	Illinois;
12255 South Washington,	Blue Island,	Illinois;
12256 South Washington,	Blue Island,	Illinois;
12259 South Washington,	Blue Island,	Illinois;
12660 South Washington,	Blue Island,	Illinois;
12139 South Vincennes,	Blue Island,	Illinois;

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(k) Statement, separately itemized, as to unpaid principal, interest, other charges and total amount due:

Unpaid principal balance due under the Note as of the date of default:	\$1,233,171.34
Unpaid interest due under the Note as of April 15, 1990:	\$ 203,558.90
Real estate taxes advanced:	\$ 35,790.29
Insurance premiums advanced:	\$ 6,605.00
Accrued late charges as of April 15, 1990:	\$ 15,934.00
Default interest	\$ 27,445.92
Cost of property inspections:	\$ 2,800.00
Balance of payment due December 1, 1989:	\$ 5,084.96
Expenses of the Receiver advanced by Concord:	\$ 5,000.00
Attorneys' fees and costs as of April 15, 1990:	\$ 31,454.60
TOTAL:	\$1,556,845.01
Less: Unapplied amount held by Concord:	\$ <u>12,747.11</u>
TOTAL BALANCE DUE:	\$1,554,097.90

- (l) WGL is the present owner of the Property.
- (m) The following additional parties are joined as defendants and their interests in or liens on the Properties are sought to be terminated:
- (i) Standring
  - (ii) Friedman
  - (iii) BMD

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- (iv) ACRG, n/k/a Vanguard
- (v) Midlothian
- (vi) Concord
- (vii) The Registrar
- (viii) Cook County
- (ix) The United States
- (x) Unknown Owners
- (xi) Nonrecord Claimants

(n) FHLMC brings this foreclosure as owner and legal holder of the Note, Mortgage and indebtedness pursuant to an Assignment from Concord dated August 20, 1985 (the "Assignment"). A copy of the Assignment is attached to the Complaint as Exhibit C.

### III. DEEMED ALLEGATIONS PROVED

1. On August 20, 1985, Standring was indebted to the original mortgagee in the amount of \$1,250,000.00.

2. The exhibits attached to the Complaint are true and correct copies of the Mortgage, the Note and the Assignment.

3. Standring was, on August 20, 1985, the owner of the Property and, as of that date made, executed and delivered the Mortgage as security for the Note.

4. The Mortgage was filed with the Registrar on August 20, 1985, as Document No. 3456413

5. Payment defaults have occurred and are occurring as indicated in Subparagraph 6(J) of the Complaint.

6. WGL is the present owner of the Properties.

7. The Mortgage constitutes a valid, prior and paramount lien upon the indicated interest in the Properties,

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which lien is prior and superior to the right, title, interest, claim, or lien of all parties and nonrecord claimants whose interests in the Properties are terminated by this foreclosure.

8. By reason of the defaults alleged in Subparagraph 6(J) of Count I of the Complaint, the indebtedness secured by the Mortgage has become due and payable by FHLMC's exercise of its right to declare immediately due and payable the whole of all indebtedness secured by the Mortgage.

9. Any and all notices of default or election to declare the indebtedness due and payable, or other notices required to be given which relate to Count I of the Complaint, have been duly and properly given.

10. Any and all periods of grace or other periods of time allowed for the performance of the covenants or conditions claimed to be breached under Count I of the Complaint, or for the curing of any breaches under Count I of the Complaint, have expired.

11. The amount indicated to be due is broken down in the statement in the Complaint or in the evidence or affidavits presented to the Court into various items. The amounts of those items are correctly stated and, if such break-down indicates any advances made or to be made by FHLMC, such advances were, in fact, made or will be required to be made, and under and by virtue of the Mortgage the same

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constitute additional indebtedness secured by the Mortgage.

## IV. FINDINGS REGARDING COSTS AND ATTORNEYS' FEES

1. In order to protect the lien of the Mortgage, FHLMC has been and will be required to pay taxes which have been and will be levied upon the Properties.

2. In order to protect and preserve the Properties, FHLMC has sought and obtained the appointment of a receiver in order to manage and maintain the Properties and to make repairs to the Properties.

3. FHLMC has been compelled to employ and retain attorneys to prepare and file the Complaint and other pleadings and to represent and advise FHLMC in the foreclosure of the Mortgage. FHLMC is liable for the usual, reasonable and customary fees of the attorneys it has retained.

4. FHLMC has been compelled to advance, or will be compelled to advance, various sums of money in payment of costs, attorneys' fees, expenses and disbursements incurred in connection with the foreclosure of the Mortgage and the management, maintenance, preservation and repair of the Properties. Under the terms of the Note and the Mortgage, all such advances, costs, attorneys' fees, expenses and disbursements are made a lien upon the Properties and constitute additional indebtedness secured by the Mortgage. FHLMC is entitled to recover all such sums, together with interest at the statutory judgment rate from the date on which such

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advances were or are made, from the proceeds of the sale of the Properties as provided in Section VII below.

## V. ULTIMATE FINDINGS

1. The allegations of Count I the Complaint are true substantially as set forth, the equities in the cause are with FHLMC, and FHLMC is entitled to foreclose the Mortgage and obtain a judgment in the amount of the Total Balance Due as found in Section II, Subparagraph 3(k) above, together with interest thereon at the statutory rate after the entry of this judgment and additional court costs, including publication costs and expenses of sale.

2. All lien or mortgage claimants defaulted are found and declared to have no interest in the Properties, as they have offered no evidence of said interest.

3. Subject to the provisions of Paragraph V.6. below, the Properties are free and clear of all liens and encumbrances except:

- (a) General real estate taxes and special assessments, if any; and
- (b) The Mortgage;

4. The Mortgage is prior and superior to all other mortgages, claims of interest and liens upon the Properties, except for real estate taxes and special assessments, if any, and except for any mortgages or liens found herein to be prior and superior to the Mortgage or prior liens of non-parties.

5. For purpose of entering judgment on Count I of the Complaint, the costs, attorneys' fees, expenses and

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disbursements allowed herein as stated above are fair, reasonable and proper and, as provided by the Note and Mortgage, shall be added to and become part of the indebtedness due to FHLMC. Nothing herein shall be deemed to determine FHLMC's right, if any, to recover costs, attorneys' fees, expenses and disbursements under the remaining Counts of the Complaint.

6. This Judgment of Foreclosure shall not be deemed to determine the validity or invalidity of the subordinate lien on the Properties asserted by Cook County, or Cook County's right, if any, to receive any excess proceeds from the sale of the Properties, after satisfaction of FHLMC's claim in full. Such determinations shall be subject to further order of this Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

## VI. ORDER UPON DEEMED REQUEST FOR FORECLOSURE

1. An accounting has been taken of the amounts due and owing to FHLMC as declared herein.
2. The defendants are ordered to pay to FHLMC, within seven days after the date of this judgment, whatever sums may appear to be due upon the taking of such account, together with costs 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 Properties shall be sold as directed by the Court in order to satisfy the amount due and owing to FHLMC as set forth in this judgment, together with interest



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thereon at the statutory judgment rate from the date of the judgment.

4. In the event FHLMC is the purchaser of the Properties at such sale, FHLMC may offset against the purchase price of the Properties the amounts due to FHLMC 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 this foreclosure action in accordance with statutory provisions, all nonrecord claimants given notice of the foreclosure in accordance with statutory provisions, and all persons claiming by, through, or under them, and each and any and all of them, forever shall be barred and foreclosed of any right, title, interest, claim, lien, or right to redeem in and to the Properties.

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

## VII. 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 the United States Marshal for the Northern District of Illinois, Eastern Division.

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4. Exceptions to which title to the Properties shall be subject at the sale shall include general real estate taxes for the current year and for the preceding year (if any) which have not become due and payable as of the date of this judgment, 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 amounts due such party under this judgment of foreclosure or the order confirming the sale.

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VIII. ORDER FOR JUDICIAL SALE

1. Default judgments be and hereby are entered against Unknown Owners and Nonrecord Claimants.

2. The Properties are ordered sold in accordance with statutory provisions.

3. Notice of Sale. FHLMC shall give public notice of the sale as follows:

- (a) The notice of sale shall include the following information, but an immaterial error in the information shall not invalidate the legal effect of the notice:
  - (i) the name, address and telephone number of the person to contact for information regarding the Properties;
  - (ii) the common address and other common description (other than legal description), if any, of the Properties;
  - (iii) a legal description of the Properties sufficient to identify them with reasonable certainty;

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- (iv) a description of the improvements on the Properties;
  - (v) the Properties may be inspected prior to sale upon making reasonable arrangements with the person identified in Sub-subparagraph 2(a)(i) above;
  - (vi) the time and place of the sale;
  - (vii) the terms of the sale;
  - (viii) the case title, case number and the court in which the foreclosure was filed; and
  - (ix) no other information is required.
- (b) The notice of sale shall be published at least three consecutive calendar weeks (Sunday through Saturday), once 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:
- (i) An advertisement in a newspaper circulated to the general public in the county in which the Properties are located, in the section of that newspaper where legal notices are commonly placed and (ii) 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, however, 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; and
  - (ii) No other publications shall be required.
- (c) FHLMC also shall give notice 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

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required in this Section, 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) FHLMC again shall 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 the redemption period.
- (f) No other notice by publication or posting shall be necessary.
- (g) The person named in the notice of sale to be contacted for information about the Properties shall not be required to provide additional information other than that set forth in the notice of sale.

4. Certificate of Sale. Upon the sale of the Properties, the person conducting the sale shall give a certificate of sale to the purchaser and cause such certificate of sale to be recorded. The certificate shall be freely assignable by endorsement thereon.

IX. TRANSFER OF TITLE.

1. Upon or after confirmation of the sales, the person who conducted the sale or the Court shall execute deeds to the holders of the certificates of sale sufficient to convey title, which deeds shall identify the Court and the caption of the case in which judgment was entered authorizing issuance of the deeds. Signature and the recital in the deeds of the title or authority of the person signing the deeds as grantor, of authority pursuant to this judgment and

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of the giving of the notices required by statute shall be sufficient proof of the facts recited and of such authority to execute the deeds, but such deeds shall not be construed to contain any covenant on the part of the person executing it.

2. Delivery of the deeds executed on the sale of the Properties, even if the purchaser(s) or holder(s) of the certificates of sale is a party to the foreclosure, shall be sufficient to pass title thereto. Such conveyance shall be an entire bar of (i) all claims of parties to the foreclosure and (ii) all claims of any nonrecord claimant who is given notice of the foreclosure as provided by statute.

X. APPLICATION OF PROCEEDS

The proceeds resulting from the sale ordered herein shall be applied in the following order:

1. The reasonable expenses of sale;
2. The reasonable expenses of securing possession before sale, holding, maintaining and preparing the Properties for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance and management fees;
3. Satisfaction of claims in the order of priority adjudicated in this judgment of foreclosure; and
4. Remittance of any surplus as provided by further Order of this Court.

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XI. REDEMPTION - NON-RESIDENTIAL.

1. Only the owner of redemption may redeem from this foreclosure, and such owner of redemption may redeem only during the redemption period specified herein.

2. This is not a foreclosure of a mortgage of residential real estate.

3. The redemption period in this case shall expire ninety (90) days after the date this Judgment Of Foreclosure is entered by this Court.

4. The amount required to redeem shall consist of the Total Balance Due as declared above in Section II, Subparagraph 3(k), plus interest thereon and all additional costs and other expenses allowed by the Court as provided by Ill. Rev. Stat. ch. 110, § 15-1603(d).

XII. OTHER MATTERS

1. REPORT OF SALE

The person conducting the sale shall file a report of sale with the clerk of this Court specifying the amount of proceeds of sale realized and the disposition thereof.

2. HOMESTEAD WAIVER

The Property is not subject to homestead or other exemptions, and defendants therefore are barred from claiming any right to homestead or other exemptions in the Properties.

3. DEFICIENCY

No deficiency judgment shall be entered against defendants under Count I of the Complaint; provided, however, that nothing herein shall be deemed to warrant either entry

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or denial of a judgment against Friedman, BMD, ACRG, and/or Vanguard under Counts II, III, or IV of the Complaint.

#### 4. POSSESSION

Zink Partners, Inc. ("Zink"), has been appointed Receiver of the Properties by order of this Court dated October 10, 1989. Zink is authorized to remain in possession of the Properties until legal title to the Properties is transferred to the successful bidder at the foreclosure sale ordered herein. Thereafter, upon approval by the Court of the Final Accounting and Report of Receiver, upon notice to interested parties, Zink shall be discharged as Receiver, subject to further order of Court.

#### 5. WITHDRAWAL OF ORIGINAL DOCUMENTS

FHLBC is granted leave to withdraw the original Mortgage, Note and Assignment and to substitute therefor true and correct copies of the same.

#### 6. APPEALABILITY

The Court hereby expressly determines that there is no just reason for delay of entry of this final judgment on Count I of the Complaint, and hereby directs the entry of judgment in accordance with the terms set forth herein.

ENTERED:

Dated: April 25, 1990

*John A. Nordberg*  
United States District Court Judge

James A. McKenna  
Jay S. Geller  
JENNER & BLOCK  
One IBM Plaza  
Chicago, Illinois 60611  
(312) 222-9350  
JSG00413.BRF

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CERTIFICATE OF SERVICE

I, Jay S. Geller, hereby certify that I caused copies of the foregoing Notice Of Entry Of Judgment and accompanying Judgment Of Foreclosure to be served upon the parties listed on the attached Service List by depositing the same in the United States mail receptacle located at One IBM Plaza, Chicago, Illinois 60611, before the hour of 5:00 p.m. on Monday, April 30, 1990.

  
Jay S. Geller

JSG00471.CER

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FEDERAL HOME LOAN MORTGAGE CORPORATION v.  
PATRICK STANDRING, et al.

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	424 -	204640

1800 OCT 30 PM 4:15  
CLERK OF SUPERIOR COURT  
REGISTER OF DEEDS

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