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Pierce & Associates
Dennis B. Pierce, Attorney

registered with the Registrar of Titles office.
knowingly had the assignment of mortgage recorded instead of being
Pierce & Associates further states that Westamerica Mtg. Co. un-

Illinois.
14 East of the third Principal Meridian, in Cook County,
the South East 1/4 of Section 28, Township 36 North, Range
Bank Addition to Chicago, a subdivision of the West 1/2 of
20 in Block 9 in Albert Crane's subdivision in United States
Lot 19 (except the West 3.69 feet thereof) in Block 9 & Lot

D.) That the legal description on Certificate number
1469728, volume 2944-2, page 365 is as follows:

C.) That Westamerica Mtg. Co. assigned said mortgage
Document number 3558126 on December 22, 1986 unto
Bancplus Mtg. Corp.

B.) That the mortgage should have been registered instead
of recorded as this property.

A.) That said mortgage document 3558126 dated October 8,
1986, is the mortgage in questioned.

for the above mentioned firms:

information is true to the best of our knowledge as acting counsel

The undersign, as attorney and agent for WESTAMERICA MORTGAGE CO.
and BANCPLUS MORTGAGE CORP., hereby state that the following

A F F I D A V I T O F L A T E
D E L I V E R Y

PIERCE & ASSOCIATES
ATTORNEYS AT LAW
Suite 1200
18 South Michigan Avenue
Chicago, Illinois 60603
(312) 346-9088
FAX (312) 346-1557

Barbara J. Dutton
Patricia O'Brien Norum
Of Counsel

Dennis B. Pierce
Katherine G. Pileg
Sylvia J. Neumann
Jay W. Tibou
Janice L. Berman
Michael P. Kelleher

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20090505

Property of Cook County Clerk's Office

Attest: AURELIA PUCINSKI, Clerk.

JAMES E. O'GRADY, Sheriff

CECIL PARTER, State's Attorney

Judge of the Circuit Court of Cook County.

PLEASE, before the Honorable,
one of the Judges of the Circuit Court of Cook County, in the State of Illinois, holding a branch Court, at the
Court, at the Court House in said County, and state, on
in the year of our Lord, one thousand nine hundred and
Independence of the United States of America, the two hundredth and
PRESENT: The Honorable,
A. Dunne
Fifteenth

STATE OF ILLINOIS,
COUNTY OF COOK
ss. }

UNITED STATES OF AMERICA

PLACITA JUDGMENT (2-90) CCDCJ-6

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(2-90) CCDC-6

..... Clerk

..... day of, 19

..... the seat of said Court, in said County, this

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

..... and

..... plaintiff/petitioner

..... in a certain cause lately pending in said Court, between

.....

.....

.....

.....

.....

..... and complete

..... **COPY OF A CERTAIN JUDGMENT MADE AND ENTERED OF RECORD IN SAID COURT:**

..... **I, AURELIA PUCINSKI, Clerk of the Circuit Court of Cook County, in and for the State of Illinois,**

..... **and the keeper of the records, files and seal thereof, do hereby certify the above and foregoing to be true, perfect**

**STATE OF ILLINOIS,
COUNTY OF COOK**

.....]
59

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TOTAL \$ 68,066.14

Principals, Accrued Interest and Advances by Plaintiff: \$ 66,386.36
Costs of Suit: \$ 1,054.78
Attorneys' Fees: \$ 625.00

That all the material allegations of the Complaint and those deemed to be made pursuant to Chapter 110, Section 15-1504 (c) 1-11, Illinois Code of Civil Procedure are true and proven; that by entry of this judgment, or foreclosure and Sale, the Mortgage and Note which are the subject matter of these proceedings is extinguished and merged into judgment and default no longer exists, but has been replaced by judgment; and that by virtue of the mortgage and the affidavits presented as evidence of indebtedness secured thereby, there is due to the Plaintiff, and it has a valid and subsisting lien on the property described hereafter for the following accounts:

It has jurisdiction to the parties hereto and the subject matter hereof.

THIS CAUSE having been duly heard by this Court upon the record herein, the Court FINDS:

JUDGMENT FOR FORECLOSURE AND SALE

EDWARD MARTIN, SR.; MARILYN MARTIN; CAROL MOSELEY BRAUN, REGISTRAR OF TITLES; CHICAGO CITY BANK & TRUST CO., as trustee; UNKNOWN TENANTS; UNKNOWN OWNERS & NON RECORD CLAIMANTS; DEFENDANTS
VS
PLAINTIFF
EQUITABLE MORTGAGE COMPANY

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

STATE OF ILLINOIS COUNTY OF COOK

NO. 90 CH 2914

Judge

Arthur L. Dunne

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7617 S. GRANDON AVE.
CHICAGO, IL. 60649

COMMONLY KNOWN AS:

LOT 4 IN MOE'S SUBDIVISION OF THE NORTHWEST 1/4 OF BLOCK 3
IN THE CIRCUIT COURT PARTITION OF THE EAST 1/2 OF THE EAST
1/2 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 38 NORTH,
RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK
COUNTY, ILLINOIS.

F. That the mortgage described in the complaint and hereby
foreclosed appears of record in the Office of the Recorder or
Registrar of Deeds, Cook County, Illinois, as Document No.
3568979, and the property herein referred to and directed to
be sold is described as follows:

E. That advances made in court to protect the lien of the
judgment and preserve the real estate, such as, but not
limited to: real estate taxes or assessments, property
inspections, property maintenance, and insurance premiums,
incurred by the plaintiff and not included in this judgment,
but incurred prior to the foreclosure sale, shall become an
additional indebtedness secured by the judgment lien and bear
interest from the date of the advance at the mortgage rate of
interest pursuant to Sections 15-1503 and 15-1603.

D. That 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 are
hereby allowed to the plaintiff.

\$625.00

C. That 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, and that the following
sum is hereby allowed to the plaintiff:

NONE

B. That there is due and owing to the defendants immediately
hereinafter 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:

All the foregoing amounts have been accounted for in the
affidavits filed by plaintiff.

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NOTICE OF SALE: That Plaintiff shall give notice of the sale pursuant to Sec. 15-1507, and said notice shall include the following information, but an immaterial error in the

That a judicial sale of the subject property be conducted by the Sheriff or Judge of Cook County, Illinois in accordance with statutory provisions.

IT IS FURTHER ORDERED:

IT IS THEREFORE ORDERED that this judgment is entered pursuant to Section 15-1506 and 15-1603 (b)(1) and (11).

That true and correct copies of the original Note and the original mortgage are attached to the complaint.

The rights of redemption shall expire on December 27, 1990, unless shortened by further order of court.

The mortgaged real estate is residential as defined in Chapter 110, Sec. 15-1214 Illinois Revised Statutes. Provided the real estate is "Residential", the redemption period shall expire the later of (1) seven (7) months from the date the mortgage as described herein was served by summons or publication, or (2) the date three (3) months from the date of entry of this judgment. Provided the real estate is "Not Residential", the redemption period shall expire the later of (1) six (6) months from the date the mortgage was served by summons or publication, or (2) the date three (3) months from the date of entry of this judgment.

The date when the last of the owners of the equity of redemption were served with summons or by publication was May 26, 1990. The rights of reinstatement shall expire ninety days from the aforesaid date when the court obtained jurisdiction over the mortgages.

That the rights and interests of all the defendants to this cause in and to the property hereinbefore described are inferior to the lien of Plaintiff.

That the mortgagors and any other owners or co-owner of the subject property are the owner(s) of the equity of redemption as set forth in Complaint heretofore filed.

EDWARD MARTIN, SR.; MARILYN MARTIN;

That the mortgage herein referred to is secured by a mortgage Note personally executed by:

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The party who gives notice of public sale shall also 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 complaints, not more than 28 days nor less than 7 days prior to the date of sale. After notice is given as 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.

4.

The notice of the sale shall be published at least three consecutive calendar weeks, once in each week, the first such notice to be published not more than 15 days prior to the sale; the last such notice to be published not less than 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 real estate other than real estate being sold as part of a legal proceeding 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 the newspaper does not have separate legal notices and real estate advertisement sections, a single advertisement with the legal description shall be sufficient; and (c) no other publication shall be required.

3.

- (a) the name, address and telephone number of the person to contact for information regarding the real estate;
- (b) the common address and other common description (other than legal description), if any, of the real estate;
- (c) a legal description of the real estate sufficient to identify it with reasonable certainty;
- (d) a description of the improvements on the real estate;
- (e) the time specified in the judgment, if any, when the real estate may be inspected prior to sale;
- (f) the time and place of the sale;
- (g) the terms of the sale;
- (h) the case title, case number and the court in which the foreclosure was filed;
- (i) no other information is required.

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and

(c) Satisfaction of claims in the order of priority adjudicated in this judgment of foreclosure or order confirming the sale;

(b) the reasonable expenses of securing possession before 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 and by statute, other expenses of any nature incurred by the mortgagee;

(a) the reasonable expenses of sale;

PROCEEDS OF SALE: That proceeds of sale shall be distributed in the following order of priority:

7. TERMS OF SALE: The Officer conducting the sales shall offer for sale the real estate described herein above, with all improvements, fixtures and appurtenances thereto; or so much of said real estate which may be divisible and sold separately without 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 Officer conducting the sale. 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 Officer conducting the sale and the bidder, the funds submitted shall be forfeited to the Plaintiff or the 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 the Plaintiff, the Officer conducting the sale 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 Officer conducting the sale shall be deemed to be 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 without recourse to the Plaintiff.

8. 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.

9. That notice of the sale may be given prior to the expiration of any reinstatement period or redemption period.

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Upon confirmation of the sale, the court may issue or order to be issued a certificate of sale in recordable form describing the real estate purchased and the amount paid therefor. The certificate shall be freely assignable.

14.

(c) Determine the priority of the judgments of parties who deferred proving the priority pursuant to subsection (h) of section 15-1506, but the court shall not defer confirming the sale pending the determination of such priority.

(a) Approve the mortgagee's fees, costs and additional advances arising between the entry of the judgment of foreclosure and the confirmation hearing.
(b) Provide for a personal judgment against those deemed personally liable therein.

The officer conducting the sale shall promptly make a report of sale to the court. Upon motion and notice in accordance with court rules applicable to motions generally, the court shall conduct a hearing to confirm the sale. The court shall then enter an order confirming the sale, which order shall include an award for possession which shall become effective thirty (30) days after entry of the order. The confirmation order may also:

13.

Any bid at sale shall be deemed to include without the necessity of a court order, interest at the statutory judgment rate on any unpaid portion of the sale price from the date of sale to the date of payment.

12.

Upon and at the sale of mortgaged real estate, the officer 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. An additional receipt shall be given at the time of each subsequent payment.

11.

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

10.

If the remainder of the proceeds shall not be sufficient to pay the above described amounts and interest, the amount of the deficiency shall be specified in the Report of Sale. The plaintiff shall be entitled to a judgment in favor of the person for the amount of such deficiency and a memorandum of judgment shall issue to the plaintiffs with the same lien priority as to the underlying mortgage herein foreclosed, without any rights of Homestead.

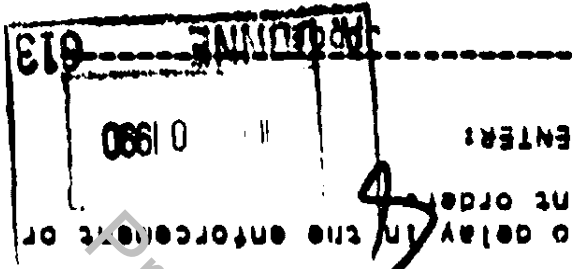
9.

(d) Remittance of any surplus to be held by the Sheriff's office until further order of court.

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PIERCE & ASSOCIATES
Attorneys for Plaintiff
Twelfth Floor
18 South Michigan Avenue
Chicago, Illinois 60603
Tel. (312) 346-3766
ATTORNEY CODE #91220
PA909544



- 15. That upon judicial sale of "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 15-1503(d) of the Code of Civil Procedure, an owner of redemption as specified in Chapter 110, Section 15-1503(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 15-1504 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.
- 16. After (1) the expiration of all the mortgagor's reinstatement and redemption rights and rights to possession; (2) confirmation of the sale; and (3) payment of the purchase price and any other amount required to be paid by the purchaser at sale; the court (or if the court shall so order, the person who conducted the sale or such person's successor or some persons specifically appointed by the court for that purpose) shall upon the request of the holder of the certificate of sale (or the purchaser if no certificate of sale was issued) promptly execute a deed to the holder or purchaser sufficient to convey title.
- 17. In the event the subject real estate is registered with the Registrar of Torts Titles of Cook County, Illinois, it is further ordered that the Registrar of Torts is hereby directed to cancel the outstanding certificate of title and issue a new certificate without requiring the surrender of the mortgagor's Duplicate Certificate of Title.
- 18. That the court retains jurisdiction of the subject matter of this cause and of all parties hereto, for the purpose of enforcing this judgment.
- 19. There is no just reason to delay in the enforcement of appeal from this final judgment order.

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(2-90) CCDCH-6

day of August 19 90
the seal of said Court, in said County, this 1st
Clerk

Aurelia Pucinski

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

and defendant/respondent

EDWARD MARTIN; et al

plaintiff/petitioner

EQUITABLE MORTGAGE COMPANY

in a certain cause lately pending in said Court, between

Property of Cook County Clerk's Office

and complete . . . COPY OF A CERTAIN JUDGMENT MADE AND ENTERED OF RECORD IN SAID COURT

I, AURELIA PUCINSKI, Clerk of the Circuit Court of Cook County, in and for the State of Illinois, and the keeper of the records, files and seal thereof, do hereby certify the above and foregoing to be true, perfect

STATE OF ILLINOIS,
COUNTY OF COOK

ss. [

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COOK COUNTY CLERK'S OFFICE
REGISTER OF DEEDS

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NCS
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1409790
2824-2 SAC
3/19/91

CHICAGO, ILL. 60603

JAMES E. O'GRADY, Sheriff
CECIL PARTEE, State's Attorney

Alice: AURELIA PUCINSKI, Clerk.

Judge of the Circuit Court of Cook County.

PRESENT: - The Honorable
Independence of the United States of America, the two hundredth and
in the year of our Lord, one thousand nine hundred and and of the
Court, at the Court House in said County, and state, on
one of the Judges of the Circuit Court of Cook County, in the State of Illinois, holding a branch Court, at the
PLEAS, before the Honorable

STATE OF ILLINOIS,
COUNTY OF COOK

UNITED STATES OF AMERICA