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PLACITA JUDGMENT

(2-90) CCDCH-6

UNITED STATES OF AMERICA

STATE OF ILLINOIS,
COUNTY OF COOK

ss.

T. O'Brien

PLEAS, 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 October 3
in the year of our Lord, one thousand nine hundred and 90 and of the
Independence of the United States of America, the two hundredth and Fifteenth

PRESENT: - The Honorable T. O'Brien
Judge of the Circuit Court of Cook County.

CECIL PARTEE, State's Attorney

JAMES E. O'GRADY, Sheriff

3972438

Attest: AURELIA PUCINSKI, Clerk.

Register of Titles Enter this Document	
No. 3972438	105
Vol. 26931	53
Date 6/14/91	
MERCE AND ASSOCIATES SUITE 1200 18 SOUTH MICHIGAN CHICAGO, IL 60603	
CLARK	

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CAROL MOSELEY BRAUN
REGISTRAR OF TITLES

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N/D

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STATE OF ILLINOIS,
COUNTY OF COOK

] ss.

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

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.
.

in a certain cause lately pending in said Court, between
. plaintiff/petitioner
and defendant/respondent.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed
the seal of said Court, in said County, this
day of, 19
. Clerk

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STATE OF ILLINOIS

COUNTY OF COOK

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

EQUITABLE MORTGAGE COMPANY

PLAINTIFF

VS

JESSE M. MARTINEZ, JR.; DELORES J.
MARTINEZ, a/k/a DOLORES J. MARTINEZ;
CAROL MOSELEY BRAUN, REGISTRAR OF
TITLES; THE UNITED STATES OF AMERICA;
UNKNOWN TENANTS; UNKNOWN OWNERS & NON
RECORD CLAIMANTS;

DEFENDANTS

)
)
) NO. 90 CH 5112
)
) Judge
) Dean J. Sodaro

JUDGMENT FOR FORECLOSURE AND SALE

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

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

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 For 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.

Principal, Accrued Interest and Advances by Plaintiff:	\$	83,240.87
Costs of Suit:	\$	1,090.90
Attorneys' Fees:	\$	625.00
TOTAL		\$ 84,956.77

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

- 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:

NONE

- 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:

\$625.00

- 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.

- E. That advances made in order to protect the lien of the Judgment and preserve the real estate, shall become an additional indebtedness secured by the Judgment lien pursuant to Chapter 110, Sec. 15-1504 (c).

- 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. 3171431, and the property herein referred to and directed to be sold is described as follows:

ALL OF LOT 40 AND THE NORTH 5 FEET OF LOT 39 IN C.J. MEHLING'S MAYCLIFF SUBDIVISION IN THE NORTH 1/2 OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS:

10654 S. OAK PARK
CHICAGO RIDGE, IL. 60418

- G. That the Mortgage herein referred to is secured by a Mortgage Note personally executed by:

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JESSE M. MARTINEZ, JR.; DOLORES J. MARTINEZ, a/k/a DOLORES J. MARTINEZ;

- H. 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.
- I. 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.
- J. The date when the last of the owners of the equity of redemption were served with summons or by publication was June 18, 1990. The rights reinstatement shall expire ninety (90) days from the aforesaid date when the court obtained jurisdiction over the mortgagors.
- K. The mortgaged real estate is residential as defined in Chapter 110, Sec. 15-1219 Illinois Revised Statutes. Provided the real estate is "Residential", the redemption period shall expire the later of (i) seven (7) months from the date the mortgagor, as described herein, was served by summons or publication, or (ii) 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 (i) six (6) months from the date the mortgagor was served by summons or publication, or (ii) the date three (3) months from the date of entry of this Judgment.
- L. The rights of redemption shall expire on January 19, 1991, unless shortened by further Order of court.
- M. That true and correct copies of the original Note and the original mortgage are attached to the complaint.

IT IS THEREFORE ORDERED that this Judgment is entered pursuant to Section 15-1506 and 15-1603 (b)(i) and (ii).

IT IS FURTHER ORDERED:

1. That a Judicial Sale of the subject property be conducted by a Foreclosure Sale Officer in accordance with statutory provisions.
2. NOTICE OF SALE: That Notice of the Sale shall be given pursuant to Sec. 15-1507, and said notice shall include the following information, but an immaterial error in the information shall not invalidate the legal effect of the notice:

(a) the name, address and telephone number of the person

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to contact for information regarding the real estate;

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(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.

3. 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 45 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.

4. 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 complaint, not more than 45 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. In the event of adjournment, the person conducting the sale shall, upon adjournment, announce the date, time and place upon which the adjourned sale shall be held. Notwithstanding any language to the contrary, for any adjourned sale that is

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to be conducted more than 90 days after the date on which it was to first be held. The party giving notice of such sale shall again give notice in accordance with this Section.

5. That notice of the sale may be given prior to the expiration of any reinstatement period or redemption period.
6. 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.
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 and without recourse to Plaintiff.
8. **PROCEEDS OF SALE:** That proceeds of sale shall be distributed in the following order of priority:
 - (a) the reasonable expenses of 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, liability and mortgage 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;
 - (c) Satisfaction of claims in the order of priority adjudicated in this Judgment of Foreclosure or Order

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and

(d) Remittance of any surplus to be held by the Officer conducting the Sale subject to further Order of Court.

9. 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 Rem or In Personam 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.
10. If Plaintiff is the successful bidder at said sale, the amount due the Plaintiff, plus all costs, advances and fees hereunder with interest incurred between entry of Judgment and confirmation of sale shall be taken as a credit on its bid.
11. Upon and at the sale of mortgaged real estate, the Officer Conducting the Sale shall issue to the purchaser a receipt of sale and Certificate of Sale pursuant to Chapter 110, Section 15-1507 (c) and (f).
12. 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.
13. 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:
- (a) Approve the mortgagee's fees, costs and additional advances arising between the entry of the judgment of foreclosure and the confirmation hearing pursuant to terms of the mortgage and Chapter 110, Sec. 15-1504.
 - (b) Provide for a personal judgment against those deemed personally liable therein.
 - (c) Determine the priority of the judgments of parties who deferred proving the priority pursuant to subsection (h) or Section 15-1506, but the Court shall not defer confirming the sale pending the determination of such priority.
 - (d) Direct the Officer to hold any surplus funds

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

15. After (1) confirmation of the sale, and (2) 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), immediately execute a Deed to the holder or purchaser sufficient to convey title.

16. In the event the subject real estate is registered with the Registrar of Torrens Titles of Cook County, Illinois, it is further ordered that the Registrar of Torrens is hereby directed to cancel the outstanding Certificate of Title and issue a new Certificate without requiring the surrender of the Mortgagee's Duplicate Certificate of Title.

17. That the Court retains jurisdiction of the subject matter of this cause and of all parties hereto, for the purpose of enforcing this judgment.

18. There is no just reason to delay in the enforcement or appeal from this final judgment order.

PIERCE & ASSOCIATES
 Attorneys for Plaintiff
 Twelfth Floor
 18 South Michigan Avenue
 Chicago, Illinois 60603
 Tel. (312) 346-3766
 ATTORNEY CODE #91220
 PA909478

ENTER:

JUDGE

ENTERED	
OCT 3 1990	
T. O'BRIEN	139

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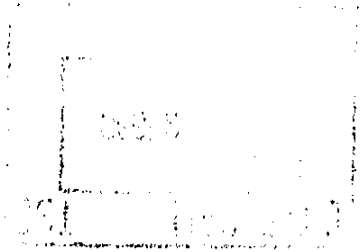
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STATE OF ILLINOIS,]
COUNTY OF COOK] ss.

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

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in a certain cause lately pending in said Court, between

EQUITABLE MORTGAGE COMPANY plaintiff/petitioner

and JESSE M. MARTINEZ; et al defendant/respondent

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

the seal of said Court, in said County, this 10th

day of October 19

Aurelia Pucinski

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PLACITA JUDGMENT

(2-90) CCDCH-6

UNITED STATES OF AMERICA

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STATE OF ILLINOIS,
COUNTY OF COOK

} ss.

PLEAS, 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 and of the
Independence of the United States of America, the two hundredth and

PRESENT: - The Honorable
Judge of the Circuit Court of Cook County.

CECIL PARTEE, State's Attorney

JAMES E. O'GRADY, Sheriff

Attest: AURELIA PUCINSKI, Clerk.

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