

UNOFFICIAL COPY

03977162

NEW REAL ESTATE & ...
 300 Dear ...
 Report Address: ...
 ...
 ...
 Attorney R/E # ...
 ...
 ...

Attest: AURELIA PUCINSKI, Clerk.

JAMES E. O'GRADY, Sheriff

CECIL PARTEE, State's Attorney

3977162

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
 January 9
 90
 and of the
 in the year of our Lord, one thousand nine hundred and
 Independence of the United States of America, the two hundredth and
 Fourteenth
 A. Green
 PRESENT: - The Honorable
 Judge of the Circuit Court of Cook County.

STATE OF ILLINOIS,
COUNTY OF COOK

ss.

3977162

UNITED STATES OF AMERICA

PLACITA JUDGMENT

(2-90) CCDCH-6

UNOFFICIAL COPY

(2-99) CCDC-6

Clerk

day of 19

the seal of said Court, in said County, this

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

and defendant/respondent

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

]

3977163

Property of Cook County Clerk's Office

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

Sears Mortgage Corporation)
)
PLAINTIFF,)
-vs-)
)
Duane Simmons, Carol Moseley)
Braun Registrar of Titles,)
Illinois Housing Development)
Authority, Margaret Baitee, Lois)
Burton, MORTGAGE CLAIMANTS)
)
DEFENDANTS.)

NO. 89 CH 6639

JUDGMENT OF FORECLOSURE AND SALE

This cause having been duly heard by this Court upon the record herein, the Court FINDS:

1. It has jurisdiction of the parties hereto and the subject matter hereof.

2. That all the material allegations of the Complaint are true and proven, 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 hereinafter for the following:

(a). Principal, Advances and Accrued Interest by Plaintiff:	\$51,008.19
Costs of Suit:	\$ 1,150.20
Attorneys' Fees:	\$ 700.00
TOTAL:	\$55,858.39

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

(b). For such advances made in order to protect the lien of the judgment and preserve the real estate, such as, but not limited to: property inspections,, real estate taxes or assessments, property maintenance, and insurance premiums incurred by the Plaintiff and not included in this Judgment is entered and prior to the Sheriff's sale; that any such item expended shall become so much additional indebtedness secured by the judgment lien and

3977162

UNOFFICIAL COPY

Property of Cook County Clerk's Office

3011102

UNOFFICIAL COPY

bear interest from date of the advance at the mortgage rate of interest.

3. (a). The date when the last of the owners of the equity of redemption were served with summons or by publication was October 18, 1989 and the right to reinstate has or will expire on January 18, 1990.
- (b). The mortgaged real estate is residential property as defined in Chapter 110, Section 15-1219 Illinois Revised Statutes; that the period of redemption herein shall end (i) seven (7) months from the date the last mortgagor, as described herein, was served by summons or by publication or have otherwise submitted to the jurisdiction of the court or (ii) the date three (3) months from the date of entry of this Judgment, whichever is later.
- (c). The rights of redemption shall expire on May 18, 1990, unless shortened by further Order of Court.

4. That under the provisions of said mortgage, the costs of foreclosure and reasonable attorneys fees are an additional indebtedness for which the Plaintiff should be reimbursed and that such expenses and reasonable attorneys fees are hereby allowed to the Plaintiff.

5. That the Mortgage described in the Complaint and hereby foreclosed appears of record in the Office of the Cook County Recorder of Deeds and the property herein referred to and directed to be sold is described as follows:

All of Lot 36 and the East 9 feet and 4 1/2 inches of Lot 37 in the Subdivision of Lot 36 and the North 1/2 of Lot 37 in School Trustees' Subdivision of Section 16, Township 37 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois. Commonly known as 115 West 109th Place, Chicago, IL 60628.

Permanent Index No. 25-16-421-016, Vol 459

6. That the rights and interests of all Defendants to this cause in and to the property hereinbefore described, are inferior to the lien of Plaintiff heretofore mentioned.

7. That the original note and the original mortgage or Affidavit of Documents has been offered in evidence and exhibited in open Court, and Plaintiff is hereby given leave to withdraw, if any, the original note and the original mortgage and in lieu thereof substitute true and correct copies thereof which are attached to the Complaint filed herein, and no further copies need be filed.

UNOFFICIAL COPY

Property of Cook County Clerk's Office

3041708

UNOFFICIAL COPY

3977162

IT IS THEREFORE ORDERED AND ADJUDGED BY THIS COURT as follows:

1. SALE OF THE PREMISES: The premises hereinabove described, covered by the security foreclosed in this action, shall be sold at public venue by the Sheriff of the County of Cook or other judicial officer as designated by this Court, (hereinafter referred to as "Sale Officer"). The attorneys for the Plaintiff shall give public notice of the time, place and terms of sale. The notice of sale shall be published at least three (3) consecutive calendar weeks (Sunday through Saturday), once in each week, the first such notice to be published not more than thirty-five (35) days prior to the sale, the last such notice to be published not less than seven (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 the real estate other than real estate being sold as part of legal proceedings is commonly advertised to the general public; provided, 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.
- (c). Notice of public sale shall be given by attorneys for the Plaintiff to all parties in the action who have appeared and have not theretofore 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 of complaint, not more than 28 days nor less than seven (7) days prior to the day of sale. After notice is given as required in this Section, a copy thereof shall be filed in the office of the clerk of the court entering the judgment, together with a certificate of counsel or other proof that notice has been served.

The Plaintiff or any of the parties to this cause, may become the purchasers at such sale. The "Sale Officer" may adjourn or continue the sale subject to the Notice and advertisement pursuant to the requirements of Chapter 110, Section 15-1507 (4)(c) of the Illinois Revised Statutes as amended (1987).

2. TERMS OF SALE: The "Sale Officer" shall offer for sale the real estate described in Paragraph Five (5) above, with all improvements, fixtures and appurtenances thereto; or so much of said real estate which may be divisible and sold separately without

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

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 "Sale Officer". 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 "Sale Officer" and the bidder, the funds submitted shall be forfeited to Plaintiff or 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 Plaintiff, the "Sale Officer" 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 "Sale Officer" shall be deemed 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 recourse to Plaintiff.

3. PROCEEDS OF SALE: That out of the proceeds of such sale, the "Sale Officer's" distribution shall be made in the following order of priority:

- (a). The "Sale Officer" shall be paid his/her reasonable fees and costs;
- (b). The reasonable expenses of sale;
- (c). 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, receiver's and 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;
- (d). Out of the remainder of such proceeds, the amount found due to the Plaintiff in the Judgment shall be paid to the Plaintiff.
- (e). 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.
- (f). If the remainder of the proceeds shall not be sufficient to pay the above described amounts and interest, the

UNOFFICIAL COPY

Property of Cook County Clerk's Office

6021708

UNOFFICIAL COPY

3977162

"Sale Officer" shall then specify the amount of the deficiency in his/her Report of Sale. The Plaintiff shall be entitled to a judgment in personam for the amount of such deficiency against NONE and a Memorandum of Judgment shall issue to Plaintiffs with the same lien priority as to the underlying mortgage herein foreclosed, without any rights of Homestead. If such remainder shall be more than sufficient to pay such amounts and interest, the Clerk of the Court or other party designated by the Court shall hold the surplus subject to the further order of Court.

4. CERTIFICATE OF SALE/RECEIPT: Upon the sale of mortgaged real estate, the person conducting the sale shall promptly give a receipt of sale for funds tendered. The Sheriff, after entry of an order approving sale and upon the request of the successful bidder shall execute and deliver a certificate of sale to the successful bidder and record a duplicate of said certificate in accordance with Sections 12-119 and 12-121 of the Code of Civil Procedure. The certificate shall be freely assignable by endorsement thereon.

5. REPORT OF SALE AND CONFIRMATION OF SALE:

(a). Report of Sale - The person conducting the sale shall promptly make a report of sale to the Court.

(b). Hearing - 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 a judgment for possession which judgment shall become effective thirty (30) days after entry. The confirmation Order may also:

(1). approve the mortgagee's fees, costs, and additional advances arising between the entry of the judgment of foreclosure and the confirmation hearing.

(2). provide for a personal judgment against any party for a deficiency; and

(3). determine the priority of the judgments of parties who deferred proving the priority pursuant to subsection (i) of Section 15-1506, but the Court shall not defer confirming the sale pending the determination of such priority.

6. SPECIAL REDEMPTION: That upon judicial sale of "residential" real estate to the mortgagee who is a party to this

3977162

UNOFFICIAL COPY

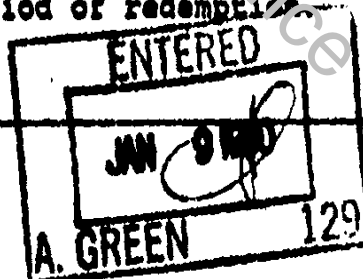
foreclosure or its nominee for a sale price less than the amount required to redeem as specified in Chapter 110, Section 15-1603(d) of the Code of Civil Procedure, an owner of redemption as specified in Chapter 110, Section 15-1603(a) of the Illinois Code of Civil Procedure shall have a special right 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.

7. JUDICIAL/SHERIFF'S DEED: That upon confirmation of the sale, payment of the purchase price and any other amounts required to be paid by the purchaser at sale, and after the expiration of all the mortgagor's reinstatement and redemption rights and rights to possession, the party conducting said sale shall execute and deliver to the holder of the certificate of sale or if no certificate has been issued, then to the holder of the receipt of sale or the assignee thereof, a deed sufficient to convey title; said conveyance shall be an entire bar to all claims of the parties to the foreclosure and all persons claiming thereunder and all claims of Unknown Owners and any Non-record Claimants; that thereupon, the grantee in such deed, or legal representative or assign, be let into possession of the premises.

8. That the parties hereto who shall be in possession of said premises, or any part thereof, including leaseholders, or any person who may have come into such possession under them or any of them, since the inception of the mortgage or commencement of this suit, shall upon presentment of said Judicial/Sheriff's Deed of Conveyance, surrender possession of said premises to said grantee, his representative or assigns, and in default of so doing, an Order of Possession shall issue.

9. 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 appointing or continuing a Receiver herein at any time during the period of redemption.

ENTER:



SHAPIRO & KRISHMAN
Attorneys for Plaintiff
1161 Lake Cook Road
Deerfield, Illinois 60015
(708) 948-6040
Attorney No.: 91140

3977162

UNOFFICIAL COPY

Property of Cook County Clerk's Office

COOK

10/15/11

UNOFFICIAL COPY

PLACITA JUDGMENT

(2-90) CCDCH-6

UNITED STATES OF AMERICA

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.

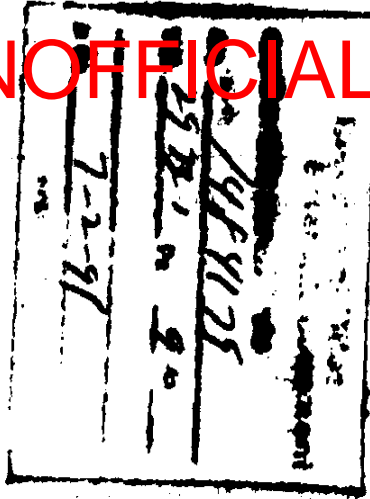
Property of Cook County Clerk's Office

3977162

UNOFFICIAL COPY

✓
1484179
N19
VCS

3977162



JUL -2 11 10 10
CASO...
REGISTRATION...

3977162

Shapiro & Kreisman
55 W. Monroe
Chicago, IL 60603

Property of Cook County Clerk's Office

3977162

STATE OF ILLINOIS,
COUNTY OF COOK

} ss.

I, AURELIA PUCINSKI, Clerk of the Clerk 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:

.....
.....
.....
.....
.....
.....

In a certain cause lately pending in said Court, between
Sears Mortgage Corporation plaintiff/petitioner
and Duane Simmons; et al defendant/respondent.

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

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

Aurelia Pucinski Clerk