

UNITED STATES OF AMERICA

STATE OF ILLINOIS,  
COUNTY OF COOK

} ss.

PLEAS, before the Honorable ..... SOPHIA H. HALL.....  
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 ..... FEBRUARY, 5.....  
in the year of our Lord, one thousand nine hundred and ..... NINETY -ONE and of the  
Independence of the United States of America, the two hundredth and ..... FIFTEENTH.....

PRESENT: - The Honorable ..... SOPHIA H. HALL,.....  
Judge of the Circuit Court of Cook County.

JACK O'MALLEY

State's Attorney

MICHAEL F. SHEAHAN

Deputy Sheriff

Attest: AURELIA PUCINSKI, Clerk.

Property of Cook County Clerk's Office

3391619

# UNOFFICIAL COPY

Property of Cook County Clerk's Office

STATE OF ILLINOIS,  
COUNTY OF COOK



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:** . . . . .

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

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

3991519

JS

# UNOFFICIAL COPY

STATE OF ILLINOIS) )  
 ) SS  
COUNTY OF COOK )

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

ST. PAUL FEDERAL BANK FOR SAVINGS,	)	
	)	
Plaintiff,	)	
-vs-	)	NO. 90 CH 4165
	)	
ROSARIO D. SALERNO III, et al.,	)	
	)	
Defendants.	)	

### JUDGMENT OF FORECLOSURE AND SALE

This day came the plaintiff, ST. PAUL FEDERAL BANK FOR SAVINGS, by Rieheimer Martin & Cinquino P.C., its attorneys and ROSARIO D. SALERNO III and ARLENE C. SALERNO, having appeared and answered by their attorneys Gabe, Gabe & Associates, CAPOL MOSELEY BRAUN, Registrar of Titles having appeared and answered by her attorney Leroy W. Lemke and an order of Summary Judgment having been entered against said defendants and all other defendants having failed to appear or otherwise make answer to the Complaint filed herein and a default order having been entered against said defendants; and this cause coming on now to be heard upon the Complaint and upon the record herein, this Court FINDS:

That it has jurisdiction of the parties to and the subject matter of this action.

That all material allegations of the Complaint are true and proven, and the allegations are supported by the appropriate affidavits filed pursuant to the Illinois Mortgage Foreclosure Law (110 Ill. Sup. Ct. 119, 615-1506 (Jan. 1982)).

3391649

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

that the evidence of the indebtedness ("Note") has been exhibited in open court and has been marked "Plaintiff's Exhibit 'A'", and that the security ("Mortgage") foreclosed on referred to in the Complaint has likewise been exhibited in open court and has been marked "Plaintiff's Exhibit 'B'"; that copies of the aforesaid evidence of indebtedness and security foreclosed have been and are attached to the Complaint, and leave has been given to withdraw the originals and to substitute therefore said copies.

By virtue of the Note and Mortgage, each of which has been in said Complaint described, there is due to the plaintiff the following amounts:

Unpaid principal balance	\$ 86,946.04
Accrued unpaid interest as of 2/5/91 with per diem of \$23.62 thereafter	\$ 13,872.39
Late charges	\$ 548.44
Escrow advances	\$ 2,704.36
Unapplied funds	\$ <u>(387.00)</u>
MORTGAGE BALANCE	\$103,684.23
Attorney's Fees	\$ 2,000.00
Title Insurance	\$ 250.00
Costs of Suit	\$ <u>628.86</u>
TOTAL	\$ <u>106,732.09</u>

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

# UNOFFICIAL COPY

4. That under the provisions of said Mortgage herein sought to be foreclosed it is provided that the attorneys for the plaintiff are entitled to reasonable attorney's fees for which the plaintiff should be reimbursed, the Court having reviewed said sum and finding that said fees are the usual, customary and reasonable charge incurred in like causes, the Court orders that such fees are hereby allowed to the plaintiff.

5. That under the provisions of said Mortgage herein sought to be foreclosed the costs of the foreclosure are an additional indebtedness for which the plaintiff should be reimbursed, the Court having reviewed said costs and finding that they are the usual, customary and reasonable expenses incurred in like causes, the Court orders that such expenses are hereby allowed to the plaintiff.

6. That 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 after the date this judgment is entered and 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 Ill. Rev. Stat. Ch. 119, §15-1505 (1989) and 15-1603 (1989).

7. That the Mortgage described in the Complaint and hereby foreclosed appears of record in the Office of the Cook County Recorder of Deeds as Document Number 1677268, and the property herein referred to and directed to be sold is described as follows:

# UNOFFICIAL COPY

Lot Two (2) in David Gowdy Company's Subdivision of that part of the West Half (1/2) lying West of the West Line of public alley (except the South 148.50 feet thereof) of Block Nineteen (19) in A. Gale's Subdivision of the South East Quarter (1/4) of Section 31 and the South West Quarter (1/4) of Section 32, Township 40 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, Permanent Tax Index No. 13-31-410-002-0000, commonly known as 1855 N. Nagle, Chicago, Illinois 60635.

8. That the Note herein referred to and the Mortgage securing said lien were personally executed by ROSARIO D. SALERNO III and ARLENE C. SALERNO, his wife, as Mortgagors.

9. The date when the last of the mortgagors were served with summons by publication or otherwise submitted to the jurisdiction of this Court was August 16, 1990. The right of reinstatement expired on November 14, 1990, pursuant to Ill. Rev. Stat. Ch. 110, §15-1602 (1989).

10. That ROSARIO D. SALERNO III and ARLENE C. SALERNO, his wife, are the owners of the right of redemption pursuant to Ill. Rev. Stat. Ch. 110, §10-1212 (1989).

11. The mortgaged real estate is residential as defined by Ill. Rev. Stat. Ch. 110, §15-1219 (1989). Therefore, the right of redemption shall expire on July 5, 1991, unless shortened by further order of this Court.

12. Redemption shall be made by paying the amount required by and in conformity with the procedures specified in Ill. Rev. Stat. Ch. 110, §15-1603 (1989).

13. The Mortgage constitutes a valid lien upon the real estate which is prior paramount and superior to the rights and interests of all other parties and persons and claims known and unknown. From entry hereinafter, the rights of the plaintiff shall be secured by a lien upon the mortgaged real estate which lien shall have the same priority as the Mortgage to which the judgment relates. The rights and

# UNOFFICIAL COPY

interests of all other parties and nonrecord claimants are subject, subordinate and inferior to the rights of the plaintiff herein.

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

IT IS THEREFORE ORDERED AND ADJUDGED:

15. Judgment of Foreclosure and Sale is entered in favor of plaintiff, ST. PAUL FEDERAL BANK FOR SAVINGS.

16. That upon expiration of the redemption period the premises herein legally described shall be sold by the Sheriff of Cook County, Illinois, in Room 701-A of the Richard J. Daley Center, in the City of Chicago, County of Cook, State of Illinois.

17. The attorneys for the plaintiff shall give public notice of the time, place and terms of sale. The public notice of sale shall be published at least three (3) consecutive calendar weeks (Sunday through Saturday), once each week, the first such notice to be published not more than forty-five (45) days prior to the sale, the last such notice to be published not less than seven (7) days prior to the sale, by advertisement 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 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 with the legal description shall be sufficient.

3391819



# UNOFFICIAL COPY

18. Said public notice shall include the information required pursuant to Ill. Rev. Stat. Ch. 110, §15-1507 (c)(1) (1989), but an immaterial error in the information shall not invalidate the legal effect of the public notice.

19. Notice of sale shall also be given by the attorneys for plaintiff 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 seven (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.

20. The notice of sale may be given prior to the expiration of the redemption period previously determined.

21. The Sheriff may adjourn or continue the sale subject to the notice and advertisement requirements of Ill. Rev. Stat. Ch. 110, §15-1507 (c) (4) (1989).

22. The Sheriff shall offer for sale the real estate described herein, 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 Sheriff. In the event the bidder fails to comply with the terms of the purchase as required, then none of the amount bid shall be returned to the bidder and the amount bid shall be paid to the plaintiff in a notice served on the Sheriff and

399-1519

# UNOFFICIAL COPY

on 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 Sheriff 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.

23. The plaintiff or any of the parties to this cause may become the purchasers at such sale. If plaintiff is the successful bidder at said sale, the amount due the plaintiff, plus all costs, advances and fees hereunder together with interest incurred between entry of Judgment and confirmation of sale shall be taken as a credit on its bid.

24. That out of the proceeds of said sale, the Sheriff shall make distribution in the following order of priority:

(a) The Sheriff shall be paid his 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, conservator'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 Ill. Rev. Stat. Ch. 110, §15-1505 (1989), 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;

3391519

# UNOFFICIAL COPY

(e) If after payment of the above items there shall be a remainder, the Sheriff shall hold this surplus subject to the further order of this Court;

(f) If the remainder of the proceeds shall not be sufficient to pay the above described amounts and interest, the Sheriff shall then specify the amount of the deficiency in his Report of Sale. The plaintiff shall be entitled to a judgment in personam for the amount of such deficiency against ROSARIO D. SALERNO III and ARLENE C. SALERNO, his wife, and a Memorandum of Judgment shall issue to plaintiff with the same Lien priority as to the underlying mortgage herein foreclosed, without any rights of Homestead.

25. At the sale of the mortgaged real estate, the Sheriff 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 the subsequent payment.

26. Upon the sale of the mortgaged real estate, the Sheriff may give and record a certificate of sale in accordance with Ill. Rev. Stat., Ch. 110, §12-119 and 12-121 (1989). The certificate of sale shall be freely assignable.

27. The Sheriff 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 confirmation Order may also

approve the mortgagee's fees, costs and additional charges referred to in the entry of the judgment of foreclosure, and the confirmation hearing;

and provide for a personal judgment against any party who is delinquent; and

determine the priority of the mortgage of parties who deferred proving the priority pursuant to Ill. Rev. Stat., Ch. 110, §12-156 (Ch. 110, §12-156 (1989)), but the Court shall not determine

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

confirming the sale pending the determination of such priority.

28. Upon confirmation of the sale and payment of the purchase price and any other amount required to be paid by purchaser at sale, the Sheriff 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 to the parties to the foreclosure and all persons claiming thereunder.

29. Thereupon, the grantee in such deed, or its legal representative or assigns shall be let into possession of the premises. 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 Sheriff's Deed surrender possession of said premises to said grantee, its representative or assigns, and in default of so doing, an Order of Possession shall issue.

30. As the subject real estate is registered with the Registrar of Titles of Cook County, Illinois, it is further ordered that the Registrar of Terrens 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.

31. The Court hereby retains jurisdiction of the entire matter of this cause, and of all the parties hereto, for the purpose of entering this judgment.

3391549

# UNOFFICIAL COPY

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

ENTER: \_\_\_\_\_

ENTERED	
FEB - 5 1991	1
J D G E	6
SOPHIA H. HALL	2

DATED:

Frank R. Martin  
Elizabeth A. Krinsky  
RIGHEIMER MARTIN & CINQUINO P.C.  
135 S. LaSalle Street, #1460  
Chicago, Illinois 60603  
(312) 726-5546  
Attorney #90683

Property of Cook County Clerk's Office

3991513

UNOFFICIAL COPY

Property of Cook County Clerk's Office

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:

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

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

..... ST. PAUL FEDERAL BANK FOR SAVINGS ..... plaintiff/petitioner

and ..... ROSARIO D. SALERNO III, et al ..... defendant/respondent.

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

the seal of said Court, in said County, this 29th .....

day of ..... JULY ..... 19 91

..... Aurelia Pucinski ..... Clerk

339 16-19

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

*Handwritten signature/initials*

649466C

6494649

1591 SEP 11 AM 9 30

CAROL ROBERTSON  
REGISTRAR

*Handwritten notes and stamps:*  
16-11-91  
1916-2-26-91  
1910-7-26-91  
1911-1-91  
ALICE M. ...  
135 ...  
1911-1-91