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United States District Court
Northern District of Illinois
Eastern Division

Seurat Cunningham, Clerk of the United States District Court for the District of Illinois, do hereby attest and certify that the foregoing is a full, true, and correct copy of the original file and is in my legal custody.

IN TESTIMONY WHEREOF, I have subscribed my name and seal of the aforesaid Court at on 6-18-91

R. STUART CUNNINGHAM

BY: 

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FILE #21417

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

Name of Assigned Judge or Magistrate	HOLDERMAN	Sitting Judge/Mag. If Other Than Assigned Judge/Mag.	
Case Number	90 C 4059	Date	JANUARY 18, 1991
Case Title	GOVERNMENTAL NATIONAL MORTGAGE ASSOCIATION VS. DAVID COLON, FRANCISCA COLON, MR. MURPHY, MRS. MURPHY AND CAROL MOSELEY BRAUN, REGISTRAR OF TITLES		

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
AFFIDAVIT FOR JUDGMENT OF FORECLOSURE
DEFAULT ORDER
MOTION FOR DEFAULT ORDER
ORDER APPOINTING SPECIAL COMMISSIONER
NOTICE OF MOTION
MOTION FOR SUMMARY JUDGMENT OF FORECLOSURE AND ORDER

sent for microfilming
JAN 22 1991

Filed on JAN 25 1991

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 order of default against David Colon, Francisca Colon, Mr. Murphy and Mrs. Murphy. Enter summary judgment in favor of plaintiff. Enter judgment of foreclosure and sale. Thomas E. Johnson appointed special commissioner.

(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) Hearing 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 without costs by agreement pursuant to FRCP 4(j) (failure to serve) Gen' 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.)

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<input checked="" type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 410 form <input type="checkbox"/> Copy to judge magistrate courtroom deputy's initials <i>EB</i>	RECEIVED FOR DOCKETING ED-5 DAUGHTER RECEIVED IN CENTRAL CLERK'S OFFICE JAN 22 1991 PM 3:27	number of notices date docketed docketing dpty. initials date mtd. notices mailing dpty. initials	Document # 19
		JAN 22 1991 <i>plr</i>	

njfl

Fisher And Fisher
File No. 21417

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

Government National Mortgage Association
Plaintiff
vs.
David Colon and Francisca Colon,
Mr. Murphy, Mrs. Murphy and
Carol Moselny Braun, Registrar
of Titles
Defendant

No. 90 C 4059
Judge Holderman

DOCKETED
JAN 22 1991

JUDGMENT OF FORECLOSURE

This cause coming on to be heard on Plaintiff's Motion for Judgment, the Court FINDS;

1. That it has jurisdiction of the parties hereto and the subject matter hereof and that service of process in each instance was properly made.

2. That the date when the last of the owners of the equity of redemption were served with summons or by publication was July 21, 1990.

3. That the redemption period in this case shall expire on April 19, 1991, unless shortened by further order of this Court.

4. That by virtue of the mortgage and the note secured thereby, there is due from the mortgagors to the Plaintiff, and the Plaintiff has a valid and subsisting lien for said amount upon the hereinafter described property the following:

Unpaid Principal:	\$51,278.19
Accrued interest on unpaid principal to January 18, 1991:	13,719.87
Advances by Plaintiff:	2,260.63
Costs of Suit:	587.00
Plaintiff's Attorneys' fees:	<u>900.00</u>
TOTAL JUDGMENT INDEBTEDNESS	\$68,745.69

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REGISTRATION OF TITLES
CAROL MOSTLEY
631 OCT - 1 AM 11:03

of Title
this document

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2998-2-405

10-1508666E

WOLLEY

FISHER + FISHER
30 N LaSalle St #2720
CHICAGO 60602

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5. The mortgagor described in the Complaint at and hereby foreclosed appears on record in the Office of the Recorder of Deeds of Cook County, Illinois as Document No. LR3537337, and the subject property is legally described as follows:

Lot 31 (EXCEPT THE WEST 16-2/3 FEET THEREOF) all of Lot 32 in Block 7 in First Addition to Ray Quinn and Company's Ford Center, being a Resubdivision of Blocks 1, 7 and Lots 1, 2 and 3 in block 5, (Except Portions of Alleys Heretofore Dedicated, in Mary W. Ingram's Subdivision of the Northwest 1/4 of the Southwest 1/4 of Section 30, Township 37 North, Range 15, East of the third Principal Meridian, in Cook County, Illinois.

c/k/a 2754 E. 128th St., Chicago, IL 60633
Tax ID # 26-30-310-051

6. The names of defendants personally liable for the deficiency if any are: David Colon and Francisca Colon.

7. The rights and interest of all the other parties to this cause to the property hereinafter described, are inferior and subordinate to the lien of the Plaintiff, are described as follows: Mr. Murphy and Mrs. Murphy as tenants in possession..

8. The Plaintiff has been compelled to retain legal counsel and to advance, various sums of money in payment of costs, fees, expenses and disbursements for taxes, assessments and insurance in connection with this foreclosure, which under the terms of the mortgage are made a lien upon the mortgaged real estate and which the plaintiff is entitled to recover together with interest on all advances at the rate of interest provided in the mortgage, from the date on which such advances are made.

9. The allegations in Plaintiff's complaint are true, and the equities in the cause are with Plaintiff, and Plaintiff is entitled to the relief prayed for in the complaint including foreclosure of said mortgage upon the real estate described therein in the amount of the Total Judgment Indebtedness as found above, together with interest thereon at the statutory rate after the entry of this judgment and with additional advances, expenses, and court costs as may be paid out by Plaintiff thereafter.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. REDEMPTION: The Defendants are ordered to pay to the Plaintiff the Total Judgment Indebtedness found due above before the expiration of the redemption period, together with additional attorneys' fees, costs, advances, and expenses incurred thereafter with interest. In default of such payment, upon expiration of the redemption period, the mortgaged real estate shall be sold to satisfy the amount due to the Plaintiff together with the interest, advances, and expenses incurred after judgment at the statutory judgment rate from the date of the judgment.

2. THE SALE shall be by public auction with open verbal bid conducted by a Special Commissioner to be appointed by this court. Exceptions to which title shall be subject at the sale shall include unpaid general real estate taxes and, special

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assessments upon the real estate and easements and restrictions of record, as well as any liens of records or in right and interest to the lien herein foreclosed.

3. PUBLICATION FOR SALE A Notice Of Sale specifying the time, date and location of the sale and identifying and describing the real estate to be sold shall be published at least four consecutive calendar weeks, once in each week. The first such notice is to be published no more than 42 days prior to the sale, the last such notice to be published not less than 7 days prior to the sale, pursuant to law. If the sale is to be continued to a later date 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.

4. 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. Out of the proceeds of the sale, the person conducting the sale shall retain his fees and costs. Out of the remainder of such proceeds, the person conducting the sale shall pay to the Plaintiff the amount of this Judgment found to be due with interest on said sum, at the rate of Nine (9%) percent per annum from the date of this Judgment to the date of sale plus advances by Plaintiff for the publication for Sale, taxes, maintenance, late charges, and other necessary items, plus interest thereon from the date of said expenditure to the date of sale.

In the event any party to this foreclosure is the 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 plus amounts advanced for costs and expenses with interest thereon. In the event of a 3rd party bidder, the successful bidder shall pay to the person conducting the sale, no less than 10% down in certified funds, and the balance within 24 hours of the date of the sale. If the remainder of the proceeds shall not be sufficient to pay the above described amounts the person conducting the sale shall then specify the amount of the deficiency in his Report of Sale. If such remainder shall be more than sufficient to pay such amounts, the person conducting the sale shall hold the surplus subject to the further order of this Court.

5. CERTIFICATE OF SALE: After the sale, the person conducting the sale shall give a Certificate of Sale to the purchaser. The certificate shall be freely assignable by endorsement thereon. Upon confirmation of the sale by Order of this Court, the person who conducted the sale shall execute a deed to the holder of the Certificate of Sale sufficient to convey title. Such conveyance shall be an entire bar of all claims of parties to the foreclosure and all claims of non record claimants given notice of the foreclosure as provided by statute.

6. POSSESSION The Mortgagor shall have possession of said real estate until the sale is confirmed unless an order of Court to the contrary is entered. Thirty (30) days after the confirmation of the sale by Order of this Court, the purchaser or his assigns, shall have a right to possession of the premises

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conveyed and any of the parties in this cause who are in possession of said premises, and any person who, since the commencement of this suit, have come into possession shall surrender possession thereof to such purchaser or be subject to immediate eviction pursuant to Order of this Court.

7. 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 for appointing a Receiver during the redemption period if necessary.

ENTERED:

James F. Alderman
Judge

Dated: 1-18-91

FISHER AND FISHER
Attorneys At Law PC
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Chicago, IL 60603
312-372-4784

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