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Minute Order Form
(rev. 3/88e)

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

Name of Assigned Judge or Magistrate	judge Conlon	Sitting Judge/Mag. if Other Than Assigned Judge/Mag.	
Case Number	91 C 1655	Date	May 9, 1991
Case Title	REAL ESTATE FINANCING, INC. vs. GEORGE J. SCHRANK et al.		

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]

Plaintiff's Attorney: SHAPIRO & KREISMAN

MOTION FOR JUDGMENT OF FORECLOSURE AND SALE AND ORDER APPOINTING SPECIAL COMMISSIONER; MOTION FOR JUDGMENT ON THE PLEADINGS

DOCKET ENTRY: (The balance of this form is reserved for notations by court staff.)

(1) Judgment is entered as follows: (2) [Other docket entry:]

AMENDED

Plaintiff's motion for entry of judgment of foreclosure is granted. Michael Polelle is appointed as special commissioner.

Suzanne B. Conlon

(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 on _____ set for _____

(7) Ruling on _____ set for _____

(8) Status hearing held continued to set for reset for _____

(9) Pretrial conference held continued to set for reset for _____

(10) Trial set for reset for _____ at _____

(11) Bench trial Jury trial Hearing held and continued in _____ at _____

(12) This case is dismissed without with prejudice and without costs by agreement pursuant to _____

FRCP 4(j) (failure to serve) General 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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MAY 10 1991
MAY 13 1991
Filed on

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<p>No notices required.</p> <p>Notices mailed by judge's staff.</p> <p>Notified counsel by telephone.</p> <p><input checked="" type="checkbox"/> Docketing to mail notices.</p> <p>Mail AO 450 form.</p> <p>Copy to judge/magistrate.</p>	<p>costroom deputy's initials <input checked="" type="checkbox"/></p> <p>Date/time received in central Clerk's Office</p>	<p>4</p> <p>MAY 10 1991</p> <p><i>ll</i></p> <p>MAY 10 1991</p> <p><i>ll</i></p>	<p>number of notices</p> <p>date docketed</p> <p>docketing dpty. initials</p> <p>date mid. notices</p> <p>mailing dpty. initials</p>	<p>Document #</p> <p style="font-size: 2em; text-align: center;">25</p>
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2025/09/11

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

4017996

Real Estate Financing Inc.)
)
Plaintiff)
)
vs.)
)
George J. Schrank a/k/a)
George Julius Schrank; Karen)
L. Schrank a/k/a Karen Louis)
Schrank; Household Finance)
Corporation III, Carol)
Moseley Braun, Registrar of)
Titles)
)
Defendant)

No. 91 C 1655

BOOKED
MAY 10 1991

AMENDED ORDER

THIS CAUSE COMING on to be heard on the Motion of Plaintiff for Judgment, notice having been given; the Plaintiff having taken no objection; and the Court being advised in the premises:

IT IS HEREBY ORDERED: That the Judgment entered is amended to reflect the second mortgage lien interest in the amount of 5,732.73 ~~\$6,514.97~~ of Household Finance Corporation III as a valid lien interest junior and inferior to the interest of the Plaintiff; with all remaining terms of the judgment to stand undisturbed and in full force and effect.

ENTER:
DATE: 9 May 1991
JUDGE: Therese B. Conlon

Richard A. Kamerman
Attorney for Household Finance Corporation III
961 Weigel Dr.
Elmhurst, IL 60126
(708) 617-7680
Attorney No. 22698

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3/20/2014

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CAROL HOEHELY DRAUX
REGISTRAR OF TITLES

Register of Titles
Instrument
on Certificate
1482352
29701 177
141356
12-12-91

Shapiro & Kreisman
55 W. Monroe
Chicago, IL 60603

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 March 23, 1991 and the right to reinstate has or will expire on June 23, 1991.

(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 October 23, 1991, 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:

LOT ONE HUNDRED FORTY SIX (146) IN FOURTH ADDITION TO BLACKHAWK MANOR, BEING A RESUBDIVISION OF ALL THAT PART OF THE THIRD ADDITION TO BLACKHAWK MANOR LYING NORTH OF THE NORTH LINE OF ELMA AVENUE, EXCEPT THE NORTHERLY 60.0 FEET THEREOF AND ALSO EXCEPTING THAT PART LYING WESTERLY OF THE EAST 17.0 FEET OF LOT 422 AND ALL OF LOTS 423 AND 424, IN SECTION 6, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID FOURTH ADDITION TO BLACKHAWK MANOR, REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES, OF COOK COUNTY, ILLINOIS ON OCTOBER 6, 1959 AS DOCUMENT NUMBER 1889895. COMMONLY KNOWN AS 1307 BLACKHAWK DRIVE, ELGIN, ILLINOIS 60120.

PERMANENT INDEX NUMBER 06-06-119-028

6. (a). 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.

(b). The Court further finds that the defendant, Household Finance Corporation III, has a Lien by virtue of a Mortgage dated

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October 20, 1989 and registered October 27, 1989 as Document No. 3835882, made by George J. Schrank and Karen L. Schrank to Household Finance Corporation III, to secure a Note in the amount of \$13,800.00

That the Lien of the defendant, Household Finance Corporation III, is a good and subsisting Lien and is subordinate and inferior to the Liens of the Plaintiff herein.

7. That true and correct copies of the original Note and original Mortgage are attached to the Complaint.

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 a Special Commissioner of this Court. 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 Commissioner 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 Commissioner 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 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 Special Commissioner. 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 Commissioner 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 Commissioner 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 Commissioner 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 Commissioner's distribution shall be made in the following order of priority:

- (a). The Commissioner 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

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- 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 any sums remain, the amount found due to defendant(s) set forth in Paragraph 6 (b) above, if any, shall be paid to such defendant in the order of priority as determined by the court. If such defendant is the successful bidder at sale, the amount due to said defendant, plus all costs, advances, fees hereunder with interest incurred between entry of Judgment and confirmation of sale shall be taken as a credit on its bid.
 - (g). If the remainder of the proceeds shall not be sufficient to pay the above described amounts and interest, the Commissioner 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 the following named persons, if any, 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.

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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 Commissioner, 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

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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, if applicable; 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 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. COMMISSIONER'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; 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 Commissioner's Deed of Conveyance, surrender possession of said premises to said grantee, his representative or assigns, and in default of so doing, an Order

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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.

MAY 9 1991 ENTER:

Suzanne B. Conlon

SHAPIRO & KREISMAN
Attorneys for Plaintiff
1161 Lake Cook Road
Deerfield, Illinois 60015
(708) 945-8040

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

REAL ESTATE FINANCING, INC.)
)
 PLAINTIFF,)
 -vs-)
)
 GEORGE J. SCHRANK A/K/A GEORGE)
 JULIUS SCHRANK; KAREN L.)
 SCHRANK A/K/A KAREN LOUIS)
 SCHRANK; HOUSEHOLD FINANCE)
 CORPORATION III; CAROL MOSELEY)
 BRAUN, REGISTRAR OF TITLES)
)
 DEFENDANTS.)

NO. 91 C 1655
Honorable Judge
Conlon

BOOKETED

MAY 10 1991

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ORDER APPOINTING SPECIAL COMMISSIONER

IT IS ORDERED THAT MICHAEL PUELLE be and the
same is hereby appointed Special Commissioner of this Court for the
purpose of the sale at public venue of the property commonly known
as:

1307 Blackhawk Drive, Elgin, Illinois 60120

DATED: MAY 9 1991

ENTERED: Suzanne B. Conlon
JUDGE

SHAPIRO & KREISMAN
Attorney's at Law
1161 A Lake Cook Road
Deerfield, Illinois 60015
(708) 945-6040

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