

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

IN THE PORTER SUPERIOR COURT
SITTING AT
VALPARAISO, INDIANA

793600

FILED
IN OPEN COURT

FEB 25 1985

HOBART FEDERAL SAVINGS AND)
LOAN ASSOCIATION, a United)
States Corporation,)

Plaintiff)

-vs-)

LOIS L. COOK, CLAYTON R.)
GREENWELL, DENISE GREENWELL,)
and BANK OF INDIANA, N.A.,)

Defendants)

Roger V Bradford
CAUSE NO. 84-1151 SUPERIOR COURT

Judgment and Decree
entered February 25, 1985

This cause came on for hearing, pursuant to order of Court for this date and hour on plaintiff, Hobart Federal Savings and Loan Association's, Motion for Summary Judgment. Plaintiff appears by counsel and advises the Court that the attorney for Lois L. Cook, Clayton R. Greenwell and Denise Greenwell has contacted him by phone and advised that he does not intend to attend the hearing and argue against the plaintiff's summary judgment motion. The attorney for the Bank of Indiana advised by telephone his consent to entry of judgment.

The Court finds that the complaint in the above cause was filed in this Court on February 10, 1984, and that summons and complaint were duly served on the defendants. Further, the defendants have been duly notified of plaintiff's Motion for Summary Judgment supported by affidavits of plaintiff's Vice President, Richard D. Zickmund, and no counter affidavits have been filed by any of the defendants. In addition, the defendants were sent notice of their default by letter dated January 23, 1985 by certified mail.

The attorney for Hobart Federal Savings Association, having been duly sworn, testifies as to the amount of attorney fees requested in this case.

And the Court having heard the evidence and reviewed the plaintiff's Summary Judgment Affidavit, and being duly advised in the premises, finds for the plaintiff, that the allegations of plaintiff's complaint are true, and that the prayer thereof should be granted, and that there is due plaintiff from defendants, Lois L. Cook, Clayton R. Greenwell and Denise Greenwell, and the property described in plaintiff's complaint, on the mortgage instruments sued upon, the sum of \$99,466.07, as follows:

STATE OF INDIANA/S.S.-NO. 1151
VALPARAISO COUNTY
FILED FOR RECORD
FEB 27 11 54 AM '85
RUDOLPH BLAY
RECORDER

1151

| | |
|------------------------------|--------------|
| Principal | \$74,036.80 |
| Interest | 16,869.80 |
| Late Charges | 90.00 |
| Hazard Insurance Premiums | 1,778.38 |
| Balance of Real Estate Taxes | 486.09 |
| Attorney Fees | 6,000.00 |
| Title Report Expenses | 170.00 |
| Preforeclosure Inspection | <u>35.00</u> |

TOTAL:.....\$99,466.07

and that judgment for said amount should bear interest from date at the rate of 12% per annum, all without relief whatsoever from valuation and appraisement laws.

That said sums of money are secured to the plaintiff by the mortgage sued upon and sought to be foreclosed by plaintiff's complaint; that said mortgage is dated March 16, 1981, and was duly recorded on March 18, 1981 as Document Number 17629 of the Mortgage Records of Porter County, in the State of Indiana; that plaintiff's mortgage is a valid and subsistent first lien upon and against the mortgaged property therein described, same being the property hereinafter described, and is superior and paramount to any and all rights, titles, interest, and claims for the defendants, and of each of them, in or to said mortgaged property; that under and by virtue of the terms and conditions of plaintiff's mortgage instruments, a default has occurred therein and in the indebtedness evidenced and secured thereby, and that the plaintiff is entitled to have its said mortgage foreclosed as against each and all of the defendants in this cause and to have the hereinafter described mortgaged property and all rights, title, interest, and claims of the defendants, Lois L. Cook, Clayton R. Greenwell and Denise Greenwell, and of all persons claiming from, under or through them, or any of them, in or to said mortgaged property sold to make and satisfy the amounts of money found and adjudged due the plaintiff upon its mortgage instruments sued upon.

And the Court further finds that the defendant, Bank of Indiana, holds a valid second mortgage lien against the mortgaged property, which lien is described as follows, to-wit:

Mortgage dated April 10, 1981 and recorded April 27, 1981 in the Recorder's Office, in Porter County, Indiana, in Mortgage Record 415, page 31, as Document No. 18959, made by Lois L. Cook, and Clayton Greenwell and Denise Greenwell, husband and wife, to Bank of Indiana, N.A. Merrillville, Indiana, to secure one note

for \$12,770.52, payable as therein provided, and the covenants, conditions and agreements therein contained.

but that said lien is junior and inferior to the first mortgage lien of the plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court as follows:

(1) The plaintiff is hereby granted judgment in the sum of \$99,466.07 against the defendants, Lois L. Cook, Clayton R. Greenwell and Denise Greenwell, and the property described in plaintiff's complaint, computed as follows:

| | |
|------------------------------|--------------|
| Principal | \$74,036.80 |
| Interest | 16,869.80 |
| Late Charges | 90.00 |
| Hazard Insurance Premiums | 1,778.38 |
| Balance of Real Estate Taxes | 486.09 |
| Attorney Fees | 6,000.00 |
| Title Report Expenses | 170.00 |
| Preforeclosure Inspection | <u>35.00</u> |

TOTAL:.....\$99,466.07

together with all costs and accruing costs of this action, including the costs of the sale herein ordered, such judgment shall bear interest at the rate of 12% per annum from this date, all without relief from valuation and appraisal laws;

(2) That plaintiff's said mortgage lien be, and it is hereby, foreclosed as against all the defendants in this cause; that the equity of redemption of the defendants, Lois L. Cook, Clayton R. Greenwell and Denise Greenwell, and of any and all persons claiming from, under or through them, or any of them, in or to the mortgaged property in plaintiff's complaint described, to-wit:

Commencing at a point which is the Northwest corner of the West Half of the East Half of the East Half of the Northeast Quarter of Section 27, Township 36 North, Range 7 West of the Second Principal Meridian, in Porter County, Indiana; thence East for a distance of 8 rods; thence South 20 rods; thence West 8 rods; and thence North 20 rods to the point of beginning.

be, and the same is hereby, forever barred and foreclosed, and that said mortgaged property and all rights, titles, interest, and claims of the said defendants, and of any of them, and of all persons claiming from, under or through them, or any of them, in or to said mortgaged property, shall be sold by the Sheriff of Porter County as required and provided by law in such cases, saving, however, unto such of the defendants as are entitled

thereto their statutory right of redemption, only; and such sale shall be made without any relief from valuation and appraisement laws.

(3) That the Sheriff be, and he is hereby directed and ordered to apply the proceeds arising from such sale of said mortgaged property in the manner and order following:

First, to the payment of the costs of this action, accrued and to accrue, together with the costs and expenses of the Sheriff's Sale of the real estate; and

Second, to the payment of the plaintiff of any amounts expended for taxes, insurance, etc. prior to the date of Sale; (Delivery of copies of checks issued to the appropriate payee shall be sufficient evidence of payment by plaintiff); and

Third, to the payment of the plaintiff of the full balance then still owing on the judgment rendered in favor of plaintiff herein; and

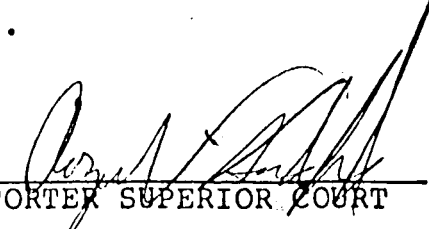
Fourth, to the payment of the defendant, Bank of Indiana, of the balance remaining due on its second mortgage; and

Fifth, the balance, if any, to be paid to the Clerk of Porter County, Indiana, for the use and benefit of those rightfully entitled thereto, and subject to further order of this Court.

(4) If the proceeds from such sale shall not be sufficient to satisfy the amount herein found to be due and owing to the plaintiff, the Sheriff of Porter County, Indiana, shall immediately levy upon the goods and chattels of the defendants, Lois L. Cook, Clayton R. Greenwell and Denise Greenwell, until such judgment is paid in full.

(5) Upon the execution by the Sheriff of a deed of conveyance of said mortgaged property sold hereunder, if not previously redeemed by the person or persons entitled thereto, any person who may be in possession of said mortgaged property, or any part thereof, upon demand and exhibition of said Sheriff's Deed, or a true copy thereof, shall forthwith surrender said mortgaged property to the holder of such deed.

(6) A copy of this decree, duly certified by the Clerk of Porter County, Indiana under the seal of this Court, shall be sufficient authority to the Sheriff of Porter County, Indiana, to proceed as herein directed.



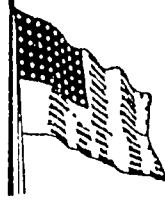
JUDGE, PORTER SUPERIOR COURT

Dated: February 25, 1985

Theodoros Anderson & Tuberc
404 E. 86th Ave. P.O.
Merr. Ind. 46410

United States of America

793600



STATE OF INDIANA, COUNTY OF PORTER, SS:

I, Betty R. Cole Clerk of the Superior Court of Porter County, and the keeper of the records and files thereof, in the State aforesaid, do hereby certify the annexed and foregoing to be a full, true and complete Copy of a Judgment and Decree entered February 25, 1985.

STATE OF INDIANA/S.S. NO. 12
FEB 27 11 28 AM '85
RUDOLPH CLAY
RECORDER

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Valparaiso, in the said County, this 25th day of February A. D. 1985

Betty R. Cole
Clerk of the Superior Court
By: J.A. [Signature]

STATE OF INDIANA, COUNTY OF PORTER, SS:

I, Roger V. Bradford, Judge of the 67th Judicial Circuit Court of the State of Indiana, and as such sole presiding Judge of the Superior Court of Porter County, in the State of Indiana, do hereby certify that Betty R. Cole, Esq., whose name is subscribed to the foregoing certificate of attestation, now is, and was at the time of signing and sealing the same, the Clerk of the Superior Court of Porter County, aforesaid, and keeper of the records, files and seals thereof, duly elected and qualified to office; and that full faith and credit are, and of right ought to be, given to all official acts as such, in all Courts of Record and elsewhere, and that said attestation is in due form of law and by the proper officer.

Given under my hand and seal at Valparaiso, this 25th day of February A. D. 1985

Roger V. Bradford (Seal)
Presiding Judge of the Superior Court of Porter County, State of Indiana.

Clerk's Certificate Under Act of Congress

STATE OF INDIANA, }
PORTER COUNTY } SS:

IBetty R. Cole....., Clerk
of the.....Superior.....Court of Porter County, in the State of Indiana, do hereby certify
thatRoger V. Bradford..... whose signature appears
to the foregoing certificate, is, and was at the time of signing said certificate, the presiding
Judge of said Court, duly commissioned and qualified, in accordance with the Laws of the State
of Indiana.

In Testimony Whereof, I have hereunto set my hand and the seal of said Court,
affixed at Valparaiso, this.....25th.....day of
.....February....., A. D., 19.....85

.....Betty R. Cole.....

Clerk of Porter.....Superior.....Court

JA Fike