

EXHIBIT 71

WEBSITE DESIGN

71.82

**TOTAL PAYMENT DUE****\$ 3,039.64****2020 First Installment Property Tax Bill**

Property Index Number (PIN)	Volume	Code	Tax Year (Payable In)	Township	Classification
15-21-301-206-0000	170	31088	2020 2021	PROVISO	2-12

By 03/02/21 (on time)

<b>IF PAYING AFTER</b>	03/03/21 - 04/01/21	<b>OR</b>	04/02/21 - 05/03/21	<b>OR</b>	05/04/21 - 06/01/21
<b>03/02/21, PLEASE PAY</b>	<b>\$3,039.64</b>		<b>\$3,039.64</b>		<b>\$3,085.23</b>

**TAXING DISTRICT DEBT AND FINANCIAL DATA**

Your Taxing Districts	Money Owed by Your Taxing Districts	Pension and Healthcare Amounts Promised by Your Taxing Districts	Amount of Pension and Healthcare Shortage	% of Pension and Healthcare Costs Taxing Districts Can Pay
Des Plaines Valley Mosq Abat Dist Lyons	\$0	\$3,519,565	-\$267,854	107.61%
Metro Water Reclamation Dist of Chicago	\$3,404,722,000	\$2,909,890,000	\$1,377,581,000	52.66%
Westchester Park District	\$4,167,446	\$5,685,344	\$875,879	84.59%
Triton Community College 504 (River Grv)	\$93,607,540	\$29,906,940	\$29,906,940	0.00%
Proviso Township HS Dist 209 (Maywood)	\$101,807,303	\$63,261,830	\$24,376,686	61.47%
Westchester School District 92 1/2	\$13,477,884	\$16,259,394	\$1,113,101	93.15%
Village of Westchester	\$25,204,408	\$110,330,900	\$47,194,684	57.22%
Town of Proviso	\$572,132	\$7,571,496	-\$456,116	106.02%
Cook County Forest Preserve District	\$193,646,842	\$457,040,680	\$246,669,734	46.03%
County of Cook	\$6,898,027,070	\$23,257,290,307	\$13,395,266,525	42.40%
<b>Total</b>	<b>\$10,735,232,625</b>	<b>\$26,860,756,456</b>	<b>\$15,122,260,579</b>	

**PAY YOUR TAXES ONLINE**at [cookcountytreasurer.com](http://cookcountytreasurer.com) from your bank account or credit card**TAX CALCULATOR**

2019 TOTAL TAX		5,526.62
2020 ESTIMATE	X	55%
2020 TOTAL TAX	=	3,039.64

The First Installment amount is 55% of last year's total taxes. All exemptions, such as homeowner and senior exemptions, will be reflected on your Second Installment tax bill.

**IMPORTANT MESSAGES****PROPERTY LOCATION**1606 WESTCHESTER BLVD  
WESTCHESTER IL 60154**MAILING ADDRESS**FRANK/DARLENE BARRETT  
1606 WESTCHESTER BLVD  
WESTCHESTER IL 60154-4332

**EXHIBIT 72**

**TOTAL PAYMENT DUE****\$ 1,253.19****2020 First Installment Property Tax Bill**

Property Index Number (PIN)	Volume	Code	Tax Year (Payable In)	Township	Classification
15-21-301-207-0000	170	31088	2020 2021	PROVISO	2-12

By 03/02/21 (on time)

IF PAYING AFTER  
03/02/21, PLEASE PAY03/03/21 - 04/01/21  
\$1,253.19

OR

04/02/21 - 05/03/21  
\$1,253.19

OR

05/04/21 - 06/01/21  
\$1,271.99**TAXING DISTRICT DEBT AND FINANCIAL DATA**

Your Taxing Districts	Money Owed by Your Taxing Districts	Pension and Healthcare Amounts Promised by Your Taxing Districts	Amount of Pension and Healthcare Shortage	% of Pension and Healthcare Costs Taxing Districts Can Pay
Plaines Valley Mosq Abat Dist Lyons	\$0	\$3,519,565	-\$267,854	107.61%
Stro Water Reclamation Dist of Chicago	\$3,404,722,000	\$2,909,890,000	\$1,377,581,000	52.66%
Westchester Park District	\$4,167,446	\$5,685,344	\$875,879	84.59%
Ston Community College 504 (River Grv)	\$93,607,540	\$29,906,940	\$29,906,940	0.00%
Proviso Township HS Dist 209 (Maywood)	\$101,807,303	\$63,261,830	\$24,376,686	61.47%
Westchester School District 92 1/2	\$13,477,884	\$16,259,394	\$1,113,101	93.15%
Village of Westchester	\$25,204,408	\$110,330,900	\$47,194,684	57.22%
Village of Proviso	\$572,132	\$7,571,496	-\$456,116	106.02%
Cook County Forest Preserve District	\$193,646,842	\$457,040,680	\$246,669,734	46.03%
County of Cook	\$6,898,027,070	\$23,257,290,307	\$13,395,266,525	42.40%
<b>Total</b>	<b>\$10,735,232,625</b>	<b>\$26,860,756,456</b>	<b>\$15,122,260,579</b>	

**PAY YOUR TAXES ONLINE**at [cookcountytreasurer.com](http://cookcountytreasurer.com) from your bank account or credit card**TAX CALCULATOR**

2019 TOTAL TAX		2,278.53
2020 ESTIMATE	X	55%
2020 TOTAL TAX	=	1,253.19

The First Installment amount is 55% of last year's total taxes. All exemptions, such as homeowner and senior exemptions, will be reflected on your Second Installment tax bill.

**IMPORTANT MESSAGES****PROPERTY LOCATION**1606 WESTCHESTER BLVD  
WESTCHESTER IL 60154**MAILING ADDRESS**FRANK/DARLENE BARRETT  
1606 WESTCHESTER BLVD  
WESTCHESTER IL 60154-4332

**EXHIBIT 73**

# 2020 Second Installment Property Tax Bill

## TOTAL PAYMENT DUE

**\$ 2,066.55**

By 10/01/21 (on time)

Property Index Number (PIN)	Volume	Code	Tax Year	(Payable In)	Township	Classificat
15-21-301-206-0000	170	31088	2020	2021	PROVISO	2

<b>IF PAYING LATE, PLEASE PAY</b>	10/02/21 - 11/01/21 <b>\$2,097.55</b>	<b>OR</b>	11/02/21 - 12/01/21 <b>\$2,128.55</b>	<b>OR</b>	12/02/21 - 01/01/22 <b>\$2,159.55</b>	<b>LATE INTEREST IS 1.5% PER MONTH, BY STATE LAW</b>
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## TAXING DISTRICT BREAKDOWN

Taxing District	2020 Tax	2020 Rate	2020 %	Pension	2019 Tax
<b>MISCELLANEOUS TAXES</b>					
Des Plaines Valley Mosq Abate Dist Lyons	6.85	0.012	0.13%		7.91
Metro Water Reclamation Dist of Chicago	215.63	0.378	4.22%	23.95	221.9
Westchester Park District	186.54	0.327	3.65%		205.3
<b>Miscellaneous Taxes Total</b>	<b>409.02</b>	<b>0.717</b>	<b>8.00%</b>		<b>435.2</b>
<b>SCHOOL TAXES</b>					
Triton Community College 504 River Grove	160.87	0.282	3.15%	1.71	174.51
Proviso Township HS District 209 Maywood	1,353.13	2.372	26.50%	43.35	1,630.91
Westchester School District 92 1/2	1,749.03	3.066	34.25%	46.20	1,931.0
<b>School Taxes Total</b>	<b>3,263.03</b>	<b>5.720</b>	<b>63.90%</b>		<b>3,736.5</b>
<b>MUNICIPALITY/TOWNSHIP TAXES</b>					
Westchester Spec Serv Area 2	0.00	0.000	0.00%		0.01
Westchester Library Fund	128.92	0.226	2.52%	10.26	142.6
Village of Westchester	861.39	1.510	16.87%	306.33	722.7
Proviso Mental Health District	67.88	0.119	1.33%		80.4
Road & Bridge Proviso	0.00	0.000	0.00%		0.01
General Assistance Proviso	27.95	0.049	0.55%		33.0
Town of Proviso	56.48	0.099	1.11%		66.1
<b>Municipality/Township Taxes Total</b>	<b>1,142.62</b>	<b>2.003</b>	<b>22.38%</b>		<b>1,045.01</b>
<b>COOK COUNTY TAXES</b>					
Cook County Forest Preserve District	33.09	0.058	0.65%	1.14	33.61
Consolidated Elections	0.00	0.000	0.00%		17.1
County of Cook	155.18	0.272	3.05%	49.63	156.8
Cook County Public Safety	75.30	0.132	1.47%		76.4
Cook County Health Facilities	27.95	0.049	0.55%		25.6
<b>Cook County Taxes Total</b>	<b>291.52</b>	<b>0.511</b>	<b>5.72%</b>		<b>309.71</b>
<b>(Do not pay these totals)</b>	<b>5,106.19</b>	<b>8.951</b>	<b>100.00%</b>		<b>5,526.6</b>

## TAX CALCULATOR

2019 Assessed Value	29,019	2020 Total Tax Before Exemptions	10,296.60
2020 Property Value	356,870	Homeowner's Exemption	-626.57
2020 Assessment Level X	10%	Senior Citizen Exemption	-501.26
2020 Assessed Value	35,687	Senior Freeze Exemption	-4,062.59
2020 State Equalizer X	3.2234		
2020 Equalized Assessed Value (EAV)	115,033	2020 Total Tax After Exemptions	5,106.19
2020 Local Tax Rate X	8.951%	First Installment	3,039.64
2020 Total Tax Before Exemptions	10,296.60	Second Installment +	2,066.55
		Total 2020 Tax (Payable in 2021)	5,106.19

## IMPORTANT MESSAGES

### PROPERTY LOCATION

1606 WESTCHESTER BLVD  
WESTCHESTER IL 60154 4332

### MAILING ADDRESS

FRANK/DARLENE BARRETT  
1606 WESTCHESTER BLVD  
WESTCHESTER IL 60154-4332

EXHIBIT 74

# 2020 Second Installment Property Tax Bill

## TOTAL PAYMENT DUE

**\$ 852.00**

Property Index Number (PIN) 15-21-301-207-0000    Volume 170    Code 31088    Tax Year (Payable In) 2020 2021    Township PROVISO    Classification 2-12

By 10/01/21 (on time)

**F PAYING LATE, PLEASE PAY**    10/02/21 - 11/01/21 **\$864.78**    OR    11/02/21 - 12/01/21 **\$877.56**    OR    12/02/21 - 01/01/22 **\$890.34**    **LATE INTEREST IS 1.5% PER MONTH, BY STATE LAW**

## TAXING DISTRICT BREAKDOWN

Taxing District	2020 Tax	2020 Rate	2020 %	Pension	2019 Tax
<b>MISCELLANEOUS TAXES</b>					
es Plaines Valley Mosq Abate Dist Lyons	2.82	0.012	0.13%		3.29
etro Water Reclamation Dist of Chicago	88.90	0.378	4.22%	9.87	91.49
estchester Park District	76.91	0.327	3.65%		84.67
<b>Miscellaneous Taxes Total</b>	<b>168.63</b>	<b>0.717</b>	<b>8.00%</b>		<b>179.45</b>
<b>SCHOOL TAXES</b>					
ition Community College 504 River Grove	66.32	0.282	3.15%	0.70	71.97
roviso Township HS District 209 Maywood	557.87	2.372	26.50%	17.87	672.41
estchester School District 92 1/2	721.09	3.066	34.25%	19.05	796.12
<b>School Taxes Total</b>	<b>1,345.28</b>	<b>5.720</b>	<b>63.90%</b>		<b>1,540.50</b>
<b>MUNICIPALITY/TOWNSHIP TAXES</b>					
estchester Spec Serv Area 2	0.00	0.000	0.00%		0.00
estchester Library Fund	53.15	0.226	2.52%	4.23	58.80
illage of Westchester	355.14	1.510	16.87%	126.29	297.99
roviso Mental Health District	27.99	0.119	1.33%		33.16
oad & Bridge Proviso	0.00	0.000	0.00%		0.00
eneral Assistance Proviso	11.52	0.049	0.55%		13.64
own of Proviso	23.28	0.099	1.11%		27.28
<b>Municipality/Township Taxes Total</b>	<b>471.08</b>	<b>2.003</b>	<b>22.38%</b>		<b>430.87</b>
<b>COOK COUNTY TAXES</b>					
ook County Forest Preserve District	13.64	0.058	0.65%	0.47	13.88
onsolidated Elections	0.00	0.000	0.00%		7.06
ounty of Cook	63.99	0.272	3.05%	20.46	64.66
ook County Public Safety	31.05	0.132	1.47%		31.52
ook County Health Facilities	11.52	0.049	0.55%		10.58
<b>Cook County Taxes Total</b>	<b>120.20</b>	<b>0.511</b>	<b>5.72%</b>		<b>127.70</b>
<b>(do not pay these totals)</b>	<b>2,105.19</b>	<b>8.951</b>	<b>100.00%</b>		<b>2,278.52</b>

## TAX CALCULATOR

19 Assessed Value	12,848	2020 Total Tax Before Exemptions	5,201.87
20 Property Value	180,290	Homeowner's Exemption	-268.53
20 Assessment Level X	10%	Senior Citizen Exemption	-214.82
20 Assessed Value	18,029	Senior Freeze Exemption	-2,613.33
20 State Equalizer X	3.2234		
20 Equalized Assessed Value (EAV)	58,115	2020 Total Tax After Exemptions	2,105.19
20 Local Tax Rate X	8.951%	First Installment	1,253.19
20 Total Tax Before Exemptions	5,201.87	Second Installment +	852.00
		<b>Total 2020 Tax (Payable in 2021)</b>	<b>2,105.19</b>

## IMPORTANT MESSAGES

### PROPERTY LOCATION

1606 WESTCHESTER BLVD  
WESTCHESTER IL 60154 4332

### MAILING ADDRESS

FRANK/DARLENE BARRETT  
1606 WESTCHESTER BLVD  
WESTCHESTER IL 60154-4332



**EXHIBIT 75**

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

BYLINE BANK f/d/a North Community Bank, an  
Illinois banking corporation successor-by-merger to  
Plaza Bank,

Plaintiff,

vs.

FRANK J. BARRETT; DARLENE A. BARRETT;  
APEX MORTGAGE CORP.; WELLS FARGO BANK,  
MINNESOTA, N.A.; UNKNOWN OWNERS AND  
NON-RECORD CLAIMANTS,

Defendants.

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) No. 18 CH 13221  
)  
) 1600 and 1606 Westchester Boulevard,  
) Westchester, Illinois 60154  
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4001  
4280  
4503  
4219

ORDER

This cause comes on for hearing on plaintiff's motion for default judgment, motion for summary judgment, motion to appoint selling officer, petition for attorneys' fees and costs and entry of judgment of foreclosure and sale, the Court having taken said motions under advisement and the court being advised:

**IT IS THEREFORE ORDERED THAT:**

- (i) Plaintiff's motion for default judgment on Count I of the complaint against Unknown Owners and Non-Record Claimants is granted;
- (ii) Plaintiff's motion for default judgment on Count II of the complaint against Wells Fargo Bank, Minnesota, N.A., Unknown Owners and Non-Record Claimants is granted
- (iii) Plaintiff's motion for summary judgment against Frank Barrett and Darlene Barrett and entry of a judgment of foreclosure and sale on Count I of the complaint is granted;
- (iv) Plaintiff's motion for summary judgment against Frank Barrett and Darlene Barrett and entry of a judgment of foreclosure and sale on Count II of the complaint is granted;
- (v) Plaintiff's motion for summary judgment on Count III of the complaint against defendants Frank Barrett and Darlene Barrett is granted and a judgment is entered in favor of plaintiff and against Frank Barrett and Darlene Barrett in the aggregate amount of \$457,976.33 plus per diem interest in the aggregate amount of \$68.86 from and after September 23, 2021 until the date of this judgment, plus \$80,766.80 for attorney's fees and costs, enforcement of which is stayed until further order of court; and
- (vi) Judgments of foreclosure and Sale be entered on Count I and Count II of the complaint as evidenced by those separate Judgments of Foreclosure and Sale entered by the Court on this date.

DATED: February 8, 2022

ENTERED:

*Edward Robles*

JUDGE

Scott H. Kenig, Esq.  
Randall & Kenig LLP  
455 Cityfront Plaza Drive-Suite 2510  
Chicago, Illinois 60611  
Firm No. 40686

Associate Judge Edward N. Robles

FEB 10 2022

Circuit Court-2158

**EXHIBIT 76**

**TOTAL PAYMENT DUE**

**\$ 2,808.40**

**2021 First Installment Property Tax Bill**

Property Index Number (PIN) Volume Code Tax Year (Payable In) Township Classification  
 15-21-301-206-0000 170 31088 2021 2022 PROVISO 2-12

By 03/01/22 (on time)

IF PAYING AFTER 03/02/22 - 04/01/22 OR 04/02/22 - 05/01/22 OR 05/02/22 - 06/01/22  
 03/01/22, PLEASE PAY \$2,850.53 \$2,892.66 \$2,934.79

**TAXING DISTRICT DEBT AND FINANCIAL DATA**

Your Taxing Districts	Money Owed by Your Taxing Districts	Pension and Healthcare Amounts Promised by Your Taxing Districts	Amount of Pension and Healthcare Shortage	% of Pension and Healthcare Costs Taxing Districts Can Pay
Plaines Valley Mosq Abat Dist Lyons	\$608,845	\$3,682,374	-\$608,845	116.53%
Stro Water Reclamation Dist of Chicago	\$3,294,323,000	\$2,958,492,000	\$1,219,143,000	58.79%
Westchester Park District	\$2,068,806	\$5,727,460	\$354,731	93.81%
Ston Community College 504 (River Grv)	\$90,590,316	\$27,176,638	\$27,176,638	0.00%
Proviso Township HS Dist 209 (Maywood)	\$123,999,031	\$69,230,165	\$842,036	98.78%
Westchester School District 92 1/2	\$4,636,815	\$25,976,637	-\$360,247	101.39%
Village of Westchester	\$20,825,421	\$146,779,350	\$76,753,600	47.71%
Town of Proviso	\$1,578,677	\$7,761,890	-\$1,106,112	114.25%
Cook County Forest Preserve District	\$233,103,051	\$540,107,634	\$328,420,280	39.19%
County of Cook	\$7,595,772,042	\$26,972,931,181	\$15,481,971,961	42.60%
<b>Total</b>	<b>\$11,367,506,004</b>	<b>\$30,757,865,329</b>	<b>\$17,132,587,042</b>	

**PAY YOUR TAXES ONLINE**

at [cookcountytreasurer.com](http://cookcountytreasurer.com) from your bank account or credit card

**TAX CALCULATOR**

**IMPORTANT MESSAGES**

2020 TOTAL TAX		5,106.18
2021 ESTIMATE	X	55%
2021 TOTAL TAX	=	2,808.40

The First Installment amount is 55% of last year's total taxes. All exemptions, such as homeowner and senior exemptions, will be reflected on your Second Installment tax bill.

**PROPERTY LOCATION**

**MAILING ADDRESS**

1606 WESTCHESTER BLVD  
 WESTCHESTER IL 60154

FRANK/DARLENE  
 1606 WESTCHESTER  
 WESTCHESTER IL 60154

**EXHIBIT 77**

**TOTAL PAYMENT DUE****\$ 1,157.85****2021 First Installment Property Tax Bill**

Property Index Number (PIN)	Volume	Code	Tax Year (Payable In)	Township	Classification
15-21-301-207-0000	170	31088	2021 2022	PROVISO	2-12

By 03/01/22 (on time)

<b>IF PAYING AFTER</b>	03/02/22 - 04/01/22	<b>OR</b>	04/02/22 - 05/01/22	<b>OR</b>	05/02/22 - 06/01/22
<b>03/01/22, PLEASE PAY</b>	\$1,175.22		\$1,192.59		\$1,209.96

**TAXING DISTRICT DEBT AND FINANCIAL DATA**

Your Taxing Districts	Money Owed by Your Taxing Districts	Pension and Healthcare Amounts Promised by Your Taxing Districts	Amount of Pension and Healthcare Shortage	% of Pension and Healthcare Costs Taxing Districts Can Pay
Des Plaines Valley Mosq Abat Dist Lyons	\$608,845	\$3,682,374	-\$608,845	116.53%
Metro Water Reclamation Dist of Chicago	\$3,294,323,000	\$2,958,492,000	\$1,219,143,000	58.79%
Westchester Park District	\$2,068,806	\$5,727,460	\$354,731	93.81%
Triton Community College 504 (River Grv)	\$90,590,316	\$27,176,638	\$27,176,638	0.00%
Proviso Township HS Dist 209 (Maywood)	\$123,999,031	\$69,230,165	\$842,036	98.78%
Westchester School District 92 1/2	\$4,636,815	\$25,976,637	-\$360,247	101.39%
Village of Westchester	\$20,825,421	\$146,779,350	\$76,753,600	47.71%
Town of Proviso	\$1,578,677	\$7,761,890	-\$1,106,112	114.25%
Cook County Forest Preserve District	\$233,103,051	\$540,107,634	\$328,420,280	39.19%
County of Cook	\$7,595,772,042	\$26,972,931,181	\$15,481,971,961	42.60%
<b>Total</b>	<b>\$11,367,506,004</b>	<b>\$30,757,865,329</b>	<b>\$17,132,587,042</b>	

**EX 25****PAY YOUR TAXES ONLINE**at [cookcountytreasurer.com](http://cookcountytreasurer.com) from your bank account or credit card**TAX CALCULATOR**

<b>2020 TOTAL TAX</b>		2,105.18
<b>2021 ESTIMATE</b>	X	55%
<b>2021 TOTAL TAX</b>	=	1,157.85

The First Installment amount is 55% of last year's total taxes. All exemptions, such as homeowner and senior exemptions, will be reflected on your Second Installment tax bill.

**IMPORTANT MESSAGES****PROPERTY LOCATION**1606 WESTCHESTER BLVD  
WESTCHESTER IL 60154**MAILING ADDRESS**FRANK/DARLENE BARRETT  
1606 WESTCHESTER BLVD  
WESTCHESTER IL 60154-4332

**EXHIBIT 78**

5/16/2022

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

BYLINE BANK FKA NORTH COMMUNITY BANK, AN )  
ILLINOIS BANKING CORPORATION SUCCESSOR-BY- )  
MERGER TO PLAZA BANK; Plaintiff,) 18 CH 13221  
vs. )  
FRANK J. BARRETT; DARLENE A. BARRETT; APEX )  
MORTGAGE CORP.; WELLS FARGO BANK, MINNESOTA, )  
N.A.; UNKNOWN OWNERS AND NON RECORD CLAIMANTS) Defendants,)

NOTICE OF SALE

NOTICE IS HEREBY GIVEN that pursuant to a Judgment of Foreclosure and Sale entered in the above entitled cause on February 10, 2022 Intercounty Judicial Sales Corporation ((312) 444-1122) will on Tuesday, June 28, 2022 at the hour of 11 a.m. in their office at 120 West Madison Street, Suite 718A, Chicago, Illinois, sell at public auction to the highest bidder for cash, as set forth below, the following described mortgaged real estate:

PARCEL 1: LOT 1 EXCEPT THE SOUTH 34.23 FEET AND THE VACATED ALLEY LYING WEST OF AND ADJOINING IN GEORGE F. NIXON AND COMPANY'S CENTRAL ADDITION TO WESTCHESTER, BEING A SUBDIVISION OF THE NORTH 12 ACRES OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. PARCEL 2: THE EAST 35 FEET OF LOT 3 AND THE EAST 35 FEET OF THE NORTH 25 FEET OF LOT 5 IN ISABEL, SUBDIVISION IN THE WEST 1/2 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 2, 1956 AS DOCUMENT NO. 16626253 AND CERTIFICATE OF CORRECTION RECORDED JULY 18, 1956 AS DOCUMENT NO. 16639864, IN COOK COUNTY, ILLINOIS.  
PIN Nos. 15-21-301-206-0000 and 15-21-301-209-0000  
Common Address: 1600 Westchester Boulevard, Westchester, Illinois 60154

THE SOUTH 34.23 FEET OF LOT 1 AND THE VACATED ALLEY LYING WEST OF AND ADJOINING SAID SOUTH 34.23 FEET OF LOT 1 IN GEORGE F. NIXON AND COMPANY'S CENTRAL ADDITION TO WESTCHESTER, BEING A SUBDIVISION OF THE NORTH 12 ACRES OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.  
PIN No. 15-21-301-207-0000  
Common Address: 1606 Westchester Boulevard, Westchester, Illinois 60154.

The property is improved with a single family residence and a single story medical office. and will NOT be open for inspection. Sale terms: 10% down by certified funds, balance, by certified funds, within 24 hours. The subject property is subject to real estate taxes or special assessments. A recourse to Plaintiff.

For information call Mr. Scott H. Kenig at Plaintiff's Attorney Randall & Kenig LLP, 455 North Cityfront Plaza Drive, Chicago, Illinois 60611. (312) 822-0800.

**EX 20**

Frank J Barrett and Darlene A. Barrett  
[frnkbarrett@aol.com](mailto:frnkbarrett@aol.com)



**EXHIBIT 79**



PIN Nos. 15-21-301-206-0000 and 15-21-301-209-0000

Common Address: 1600 Westchester Boulevard, Westchester, Illinois 60154

AND

THE SOUTH 34.23 FEET OF LOT 1 AND THE VACATED ALLEY LYING WEST OF AND ADJOINING SAID SOUTH 34.23 FEET OF LOT 1 IN GEORGE F. NIXON AND COMPANY'S CENTRAL ADDITION TO WESTCHESTER, BEING A SUBDIVISION OF THE NORTH 12 ACRES OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN No. 15-21-301-207-0000

Common Address: 1606 Westchester Boulevard, Westchester, Illinois 60154

The real property located at 1600 Westchester Boulevard, Westchester, Illinois 60154 that is the subject matter of this proceeding consists of a one-story office building with on-site parking and garage and the real property located at 1606 Westchester Boulevard, Westchester, Illinois 60154 that is also the subject matter of this proceeding consists of a one-story single-family home (collectively, the "Properties"). The successful purchaser or holder of the Certificate of Sale is entitled to possession of the Properties only.

Due notice of said motion having been given, the Court having examined said report, and being fully advised in the premises, FINDS:

That this Court obtained personal jurisdiction over those defendants who are personally liable to the Plaintiff for the deficiency, if any, from said sale;

That all notices required by Section 1507(c) of the Illinois Mortgage Foreclosure Law (S.H.A. 735 ILCS 5/15-1507(c)) were given;

That said sale was fairly and properly made;

That Intercounty Judicial Sales Corporation, hereinafter "Selling Officer", has in every respect proceeded in accordance with the terms of this Court's Judgment; and

That the successful bidder or holder of the Certificate of Sale is entitled to a deed of conveyance and possession of the mortgaged real estate, and; that justice was done.

**IT IS THEREFORE ORDERED:**

That the sale of the mortgaged real estate involved herein, and the Report of Sale and Distribution filed by the Selling Officer are hereby approved, ratified and confirmed;

That the proceeds of the sale be distributed in accordance with the Report of Sale and

Distribution;

That any additional accrued interest from the effective date of the Plaintiff's prove-up affidavit and the entry of the Judgment of Foreclosure and Sale and the Mortgagee's advances, fees and costs arising between the entry of the Judgment of Foreclosure and Sale and the date of sale are approved, ratified and confirmed. Pursuant to the terms and conditions of the subject notes and mortgages, Plaintiff shall also be entitled to recover attorneys' fees and costs associated with any bankruptcy proceedings and appeals and any anticipated post-judgment collection services;

That the proceeds of said sale were insufficient to satisfy the judgment and Plaintiff is seeking the entry of a deficiency judgment *in personam* against defendants Frank J. Barrett and Darlene A. Barrett in the amount of \$170,522.01 in place of and substitution for that certain money judgment in favor of plaintiff and against said defendants entered on February 10, 2022 in the amount of \$538,743.13; and

That upon: (i) confirmation herein; (ii) upon request by the successful bidder; and (iv) provided that all required payments have been made pursuant to Section 15-1509 of the Illinois Mortgage Foreclosure Law [735 ILCS 5/15-1509(a)] the Selling Officer shall execute and deliver to the successful bidder, its nominee or holder of the Certificate of Sale, a deed sufficient to convey title.

**IT IS FURTHER ORDERED:**

That the Deed(s) to be issued to the successful bidder hereunder is a transaction subject to the Real Property Transfer Tax laws of the State of Illinois, 35 ILCS 200/31-1, et seq. Nothing in this Order Approving Sale shall be deemed to have an effect on the transfer exemption provisions set forth in county and local municipality transfer tax laws.

That the successful bidder or holder of the Certificate of Sale is entitled to and shall have possession of the mortgaged real estate no sooner than 30 days from the entry of this Order, without further Order of Court, as provided in Section 15-1701 of the Illinois Mortgage Foreclosure Law (S.H.A. 735 ILCS 5/15-1701) ("IMFL"); except, however, the Court finds that subject property located at 1600 Westchester Boulevard, Westchester, Illinois 60154 is not residential real estate as defined in the IMFL, is not occupied by the mortgagors and a receiver has been appointed for that property, and; therefore, the successful bidder or holder of the Certificate of Sale is entitled to immediate possession of the subject property located at 1600 Westchester Boulevard, Westchester, Illinois 60154; The subject Properties were last inspected in July, 2022.

That pursuant to the Report of Sale and Distribution, the proceeds of sale were not sufficient to satisfy the remaining judgment amount due Plaintiff resulting in a net deficiency of \$170,522.01 and a judgment *in personam* against defendants Frank J. Barrett and Darlene A. Barrett in the amount of \$170,522.01, plus any attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals and any anticipated post-judgment collection services all in accordance with the terms and conditions contained in the mortgage that was the subject of this foreclosure action, in place of and substitution for that certain

money judgment in favor of plaintiff and against said defendant entered on February 10, 2022 in the amount of \$538,743.13 is hereby entered in favor of the plaintiff against Frank J. Barrett and Darlene A. Barrett;

Although Plaintiff is seeking entry of the foregoing deficiency judgment *in personam* and as a result thereof a special right to redeem exists under § 15-1604 of the Illinois Mortgage Foreclosure Law (735 ILCS 5/15-1604), Plaintiff is nonetheless requesting immediate possession of the subject property located 1600 Westchester Boulevard, Westchester, Illinois 60154 since said property is not residential real estate as defined in the IMFL, is not occupied by the mortgagor and a receiver has been appointed;

That in the event possession of the Properties is so withheld, the Sheriff of Cook County is directed to evict and dispossess Frank J. Barrett and Darlene A. Barrett from the Properties;

No occupants other than individuals named in herein the Order of Possession above may be evicted without a Supplemental Order of Possession or an order from the Forcible Entry and Detainer Court; and

A copy of this order shall be mailed to the borrower(s) at his/her/their last known address within seven (7) days. The holder of the Certificate of Sale is Arete Investments Fund IV, LLC, 3821 W. Montrose Avenue, Chicago, Illinois, 60618 Attn.: Derek Gilroy (773) 610-4551.

ENTER:

*Edward Robles*

Judge

Associate Judge Edward N. Robles

Dated: December 19, 2022

Randall & Kenig LLP  
NBC Tower – Suite 2510  
455 North Cityfront Plaza Drive  
Chicago, Illinois 60611  
312-822-0800  
Firm No. 40686

DEC 19 2022

Circuit Court-2158

**EXHIBIT 80**

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

BYLINE BANK, et. al )  
 )  
 )  
\_\_\_\_\_) )  
 )  
 ) **Plaintiff(s),** )  
 ) **v.** )  
 )  
Frank Barrett, Darlene Barrett, et.al )  
 )  
 )  
\_\_\_\_\_) )  
 )  
 ) **Defendant(s).** )

Case No. 18 CH 13221

**ORDER**

This matter coming before the Court on  
The Barrett Defendants "Counterclaim Motion for Damages"  
and the Court fully advised in the premises;

IT IS HEREBY ORDERED that:

The Court has reviewed the motion, Plaintiff's response and the Barrett's reply in light of the standard that this Court applied in its February 5, 2021 order granting Plaintiff's motion dismissing the Defendants original counterclaims. The Court adds that form and fact pleading standards apply to counterclaims as they do complaints. 735 ILCS 5/2-608(c). Also, counterclaims are supposed to be filed as part of the answer. 735 ILCS 5/2-608(b). However, a Court may disregard a timeliness violation. Beckendorf v. Burlington N.R.R., 112 Ill. App.3d 658,661-662 (2d. Dist. 1983). Here, the instant motion/proposed claim clearly violates 2-608(c). Also, it was filed more than 17 months after this Court granted Defendants leave to file amended counterclaims and more than a month after Plaintiff filed its motion for order approving report of sale. This motion is untimely. However, even if it had met pleading standards and filed by 3/5/2021, the Court finds that the proposed counterclaim is factually unsupported by the evidence adduced and legally deficient. This motion fares no better than the original proposed claims. Therefore, the Defendant's motion is DENIED.

ENTERED:

**Edward Robles** Digitally signed  
by Edward  
Robles

Judge

Judge's No.

**EXHIBIT 81**



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

<b>BYLINE BANK f/k/a North Community</b>	)
<b>Bank, an Illinois banking corporation</b>	)
<b>successor-by-merger to Plaza Bank,</b>	)
	) No. 18 CH 13221
<b>Plaintiff,</b>	)
	) <b>1600 and 1606 Westchester Boulevard,</b>
<b>vs.</b>	) <b>Westchester, Illinois 60154</b>
	)
<b>FRANK J. BARRETT; DARLENE A.</b>	)
<b>BARRETT; APEX MORTGAGE CORP.;</b>	)
<b>WELLS FARGO BANK, MINNESOTA,</b>	)
<b>N.A.; UNKNOWN OWNERS AND NON-</b>	)
<b>RECORD CLAIMANTS,</b>	)
	)
<b>Defendants.</b>	)

**PLAINTIFF'S' RESPONSE TO DEFENDANTS' MOTION TO RECONSIDER THE  
COURT ORDER APPROVING REPORT OF SALE AND DISTRIBUTION,  
CONFIRMING SALE AND ORDER FOR POSSESSION**

Byline Bank f/k/a North Community Bank, an Illinois banking corporation successor-by-merger to Plaza Bank (“Byline”) by and through its attorneys, Randall & Kenig LLP, files this response to the motion to reconsider the court order approving report of sale and distribution, confirming sale and order for possession filed by Frank J. Barrett and Darlene A. Barrett (collectively the “Barretts”) and in support thereof state as follows:

**A. BACKGROUND**

By now, this Court is all too familiar with the background of this case rendering a full discussion of the same unnecessary. Suffice to say that on June 28, 2022, a judicial sale of the subject properties was conducted pursuant to judgments of foreclosure and sale entered on February 10, 2022. The plaintiff was the successful bidder at the judicial sale and on December 19, 2022, this Court entered an order approving the report of sale and distribution, confirming sale and order for

FILED DATE: 2/8/2023 6:30 PM 2018CH13221

possession (the "OAS"). A copy of the OAS is attached hereto as Exhibit A. On December 20, 2020, the Barretts filed a 39-page motion and 56 exhibits (the "Motion") to reconsider the entry of the OAS.<sup>1</sup>

The Motion consists of 87 paragraphs, all but two of which (¶¶66 and 72), address events that occurred prior to the filing of this foreclosure action and/or deal with issues long-ago decided by this Court, namely, the appointment of a receiver and the existence of a default. Even the arguments raised in ¶¶66 and 72 dealing with the appraised value of the properties in 2019 has nothing to do with attacking the OAS. As such, the Motion (like virtually all of the Barretts' previously filed documents in this case) is nothing more than a rehash of the same arguments that the Barretts have made in all of their prior pleadings in addition to the fact that the Motion fails to identify newly discovered evidence, changes in the law or errors in the Court's previous application of existing law which Illinois case law has established as the grounds for filing a motion to reconsider. Therefore, after reviewing the Motion, this Court will come to the same conclusion it did in deciding to enter the OAS.

**B. ARGUMENT**

**I. The Motion fails to outline any basis for reconsideration of the Order.**

Although §2-1203 of the Code of Civil Procedure (the "Code") provides a mechanism for reconsideration of a judgment, the right is not without limitations which in this instance, the Barretts have failed to overcome. Section 2-1203 of the Code provides as follows:

Sec. 2-1203. Motions after judgment in non-jury cases.

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<sup>1</sup> On January 24, 2023, the Barretts also filed a 20-page document with 18 exhibits entitled: "Defendants' Response Before Plaintiff's Response to Defendants' Motion to Reconsider." Leave of court was never given to the Barretts to file such a document and, therefore, Byline will not be responding to such document.

(a) In all cases tried without a jury, any party may, within 30 days after the entry of the judgment or within any further time the court may allow within the 30 days or any extensions thereof, file a motion for a rehearing, or a retrial, or modification of the judgment or to vacate the judgment or for other relief.

Illinois court's have consistently held that a motion to reconsider lies within the discretion of the trial court and a court of review will not disturb a trial court's decision absent an abuse of that discretion. *Estate of Heanue, ex. Rel. Heanue v. Edgcomb*, 355 Ill.App.3d 645, 823 N.E.2d 1123, 1130 (2<sup>nd</sup> Dist. 2005). Furthermore, the purpose of a motion to reconsider is to bring to the court's attention newly discovered evidence, changes in the law or errors in the court's previous application of existing law. *Itasca Bank & Trust Co. v. Thorleif Larsen and Son, Inc.*, 353 Ill.App.3d 262, 815 N.E.2d 1259, 1261 (2<sup>nd</sup> Dist. 2004). In addition, evidence submitted for the first time during a motion for reconsideration should not be considered absent some reasonable explanation of why it could not have been submitted in a timely manner. *Cabrera v. First Nat. Bank of Wheaton*, 324 Ill.App. 85, 753 N.E.2d 1138, 1152 (2<sup>nd</sup> Dist. 2001).

Here, the Motion fails to identify any basis for this Court to reconsider the OAS much less (i) newly discovered evidence; (ii) changes in the law; or (iii) errors in the court's previous application of existing law. This is true for the simple reason that there is no newly discovered evidence, changes in the law or error committed by the Court that would warrant a reversal of the OAS granting Byline's motion to approve the report of sale and distribution, confirming sale and order for possession. In fact, the Motion does not even mention or discuss Byline's motion to approve the report of sale and distribution, confirming sale and order for possession nor outline any basis as to why this Court should reconsider the OAS granting the same. For this reason alone the Motion must be denied.

**II. The Motion is nothing more than a rehash of prior arguments.**

Virtually all of the prior pleadings and briefs filed by the Barretts in this matter complained about two things in this case. First, the granting of Byline's motion to appoint a receiver and second, the basis for the underlying loan defaults based on Byline's alleged mishandling of tax escrow monies. The Motion is no different. The Barretts again complain about the Court's long-ago entry of the order appointing a receiver and their mistaken belief that the subject properties are one-mixed use building. On 26 different occasions throughout their Motion, the Barretts state:

**"TWO FRAUDULENTLY FABRICATED PHYSICALLY IMPOSSIBLE SEPARATE BUILDINGS"** as if to convince this Court that it was wrong for appointing a receiver as to the property located at 1600 Westchester Boulevard. And virtually all of the exhibits attached to the Motion relate strictly to the false narrative that the two properties are in fact one building. Apart from the fact that the order appointing a receiver had no bearing on Byline's motion to approve the sale, the Barretts' continuing objections to the order appointing a receiver are moot. Following the entry of the order approving a receiver, the Barretts could have filed an interlocutory appeal under S. Ct. Rule 307(a)(2) but chose not to do so. In several prior orders entered by this Court, the Court correctly ruled that the Barretts' efforts to continue attacking the order appointing a receiver are nothing more than a rehash "of the same arguments that this Court has summarily rejected in various prior rulings in this case." Therefore, any arguments again being made by the Barretts in their Motion that pertain to this Court's entry of the order appointing a receiver must be ignored for purposes of any reconsideration of the OAS.

The same is true with the Barretts' repeated argument regarding the basis for the underlying loan defaults. This Court long-ago agreed with Byline's assertion in the Complaint that the subject

loans were in default when the Court granted Byline's motion for summary judgment and entered the judgments of foreclosure and sale. Thus, the issue of a default has been decided and does not support any basis to reconsider the OAS.

Most troubling is the fact that the arguments being made in the Motion are the same arguments the Barretts made in their response to Byline's motion to approve the sale. The Barretts' response to Byline's motion to approve the sale failed to raise any arguments or issues to defeat the motion to approve sale and, therefore, Byline was entitled to an order approving the sale as evidenced by the entry of the OAS. As was the case with the Barretts' response to Byline's: (i) motion for summary judgment; (ii) motion to strike affirmative defenses; and (iii) motion to dismiss counterclaim as well as the Barretts' motion to vitiate the entire proceedings and motion to reconsider the Court's order granting Byline's motion for summary judgment, the instant Motion is again fixated on the nature of the underlying properties as consisting of one building, the non-existence of a default and the Court's "wrongful" appointment of a receiver. Apart from none of these arguments having anything to do with confirmation of the judicial sale, this Court has already rejected them. For example, in granting Byline's motion for summary judgment on February 8, 2022, the Court held:

The Court finds that for their response, the Barrett Defendants have, using all of the same exhibits as in their prior pleadings, rehashed all of the same arguments that this Court has summarily rejected in various prior rulings in this case, including, among others, its order on Defendants motion to vitiate proceedings and its order on Plaintiff's motion to dismiss counterclaims. In doing so, the Defendants have simply failed to establish, by evidence, that a genuine issue of material fact exists to prevent a finding that Plaintiff is entitled to judgment as a matter of law as to Notes I and II as alleged in Plaintiff's Amended Complaint herein.

In denying the Barretts' motion to reconsider the entry of summary judgment, the Court stated:

As with the Court's ruling on plaintiff's motion for summary judgment, the Court finds that the Barrett Defendants have again put forth all of the same exhibits as in their prior pleadings, and rehashed all of the same arguments that this Court has summarily rejected in its various prior rulings in this case, including among others, its order on Defendants motion to vitiate proceedings and its order on Plaintiff's motion to dismiss counterclaims.

Like the Court's ruling granting Byline's motion to approve the judicial sale wherein the Court found that "Frank and Darlene Barrett have failed to establish any cognizable defenses to the motion [to approve the judicial sale] (See, Exhibit C attached hereto), so too is the case with the Barretts' instant Motion to reconsider. After reviewing the Motion, this Court will come to the same conclusion it did in all of its prior rulings. Namely, that the Motion is nothing more than a rehash of the same arguments that the Barretts have made in all of their prior pleadings and briefs in addition to the fact that the Motion fails to identify any legally recognizable grounds for reconsidering the OAS. As outlined in Byline's motion to approve the judicial sale and the entry of the OAS, the Barretts failed to meet their burden of showing that the sale should not be confirmed under §15-1508(b) of the Illinois Mortgage Foreclosure Law (735 ILCS 5/15-1101 et seq.) (the "IMFL") and they have likewise failed to establish any grounds for this Court to reconsider the OAS.

### **III. The Motion fails to even address the OAS.**

Considering the fact that Motion is directed at the OAS, it is somewhat surprising that the Motion never even mentions the OAS, a tacit admission that the judicial sale was conducted in compliance with §15-1508(b) of the IMFL. In either their response to the motion to approve the sale or the instant Motion, the Barretts could have argued that a notice required in accordance with subsection (c) of Section 15-1507 was not given or the terms of sale were unconscionable or the sale was conducted fraudulently or that justice was otherwise not done (being the four bases for the Court

to deny confirmation under §15-1508(b) of the IMFL). But they did not do so and, therefore, the Court entered the OAS.

Finally, as noted above, two paragraphs in the Motion make reference to a Restricted Appraisal Report from 2019 (page 1 of which is attached to the Motion as Exhibit 37) but the reference has nothing to do with the judicial sale or OAS. In ¶¶66, the Barretts refer to the Restricted Appraisal Report and its conclusion that the as-is aggregate market value of the two properties was \$438,000.00 in 2019. The Barretts then argue that:

The exact reason that Kenig had ordered that Restricted Appraisal Report was to forever fraudulently deny that the actual market value of the Defendants' actual Property was ever \$580,000.00 on October 23, 2018 for Byline to criminally seize the Defendants' actual Property for vastly below market value.<sup>2</sup>

In ¶72, the Barretts refer to Exhibit 40 attached to the Motion and argue that said exhibit is evidence of Kenig's admission in the bankruptcy court that the actual market value of the properties is \$580,000.00. Apart from the fact that the Barretts are deliberately trying to mislead this Court with the allegations in ¶¶66 and 72 of the Motion, none of those allegations have anything to do with the Motion nor support a basis to reconsider the OAS.

The Restricted Appraisal Report was ordered by Byline in connection with the filing of this lawsuit on October 23, 2018. It was attached as Exhibit F to Byline's reply brief in support of its motion to appoint receiver that was filed on May 29, 2019. The Restricted Appraisal Report was attached to the reply brief for the sole purpose of supporting Byline's argument that the subject properties contained two buildings and two separate lots for purposes of Byline's motion to appoint a receiver as to one of the buildings. Specifically, the reply brief stated:

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<sup>2</sup> The Barretts allege that the undersigned counsel for Byline ordered the Restricted Appraisal Report which simply is not the case. Exhibit B attached hereto shows that the Restricted Appraisal Report was requested by and prepared for Byline.

The Sidwell map for Cook County, attached hereto as Exhibit E, also shows that the two buildings are on separate, distinct lots. The commercial building sits on Lot "206" and the residential building sits on Lot "207." A clearer picture of the same Sidwell map appears on Page 12 of the appraisal attached hereto as Exhibit F. The commercial building also includes Lot "209" which is the parking lot.

The Restricted Appraisal Report served no other purpose in this case and was not procured as a retort to the Barretts' belief that the aggregate value of the properties was \$580,000.00.

Regarding the purported value of the properties being \$580,000.00, neither Byline nor its undersigned counsel has ever made such a representation or admission nor have they ever seen any document, appraisal or BPO supporting that value. In fact, only the Barretts have ever claimed that the aggregate value of the properties was \$580,000.00 though they have never produced any evidence to support that value. And, the Barretts' contention that Exhibit 40 to the Motion evidences "Kenig's admission in the bankruptcy court that the actual market value of the properties is \$580,000.00" is wrong. Exhibit 40 to the Motion is an excerpt of the Proof of Claim ("POC") filed by Byline on September 23, 2019 in the Barretts' long-since dismissed Chapter 13 bankruptcy case.<sup>3</sup> While §9 of the POC states that the value of the property is \$580,000.00, that is based solely on the debtors' (i.e, Barretts) statement of value in Part 1 of Schedule A/B of their bankruptcy petition that was filed on July 29, 2019, a copy of which is attached hereto as Exhibit D. Neither Byline nor its counsel have ever stated or conceded that the aggregate value of the properties was \$580,000.00.

More importantly, if the Barretts believed that the aggregate value of the properties was \$580,000.00, it was incumbent on them to produce evidence of that value if they wanted to argue that the terms of the sale were unconscionable or that justice was not otherwise done. They did neither. Neither their response to Byline's motion to approve the sale nor the instant Motion contain

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<sup>3</sup> The bankruptcy case was dismissed shortly after Byline's objection to confirmation of the Barretts' proposed plan was granted.




any argument that the properties were worth \$580,000.00 and, therefore, the terms of the sale were unconscionable or justice was not otherwise done. Even if the Barretts made such an argument, they failed to produce any evidence to support it. Thus, the only evidence of value submitted to the Court was the two appraisals that Byline attached to its reply brief in support of its motion to approve the sale which established that the aggregate fair market value of the two properties was \$455,000.00 as of March 28, 2022 .<sup>4</sup>

**C. CONCLUSION**

This Court was correct when it found that the Barretts failed to establish any cognizable defense to the motion to approve sale and the same remains true regarding their motion to reconsider. Since the Motion raises no basis for this Court to reverse the OAS and fails to identify: (i) newly discovered evidence; (ii) changes in the law; or (iii) errors in the court’s previous application of existing law, no grounds exist to reconsider the OAS granting Byline’s motion to approve report of sale and distribution, confirming sale and order for possession. Consequently, Byline respectfully requests: (i) that this Court deny the Barretts’ motion to reconsider; and (ii) grant such other and further relief as this Court deems just and proper.

Byline Bank f/k/a North Community Bank, an Illinois banking corporation successor-by-merger to Plaza Bank

By  \_\_\_\_\_  
One Of Its Attorneys

Scott H. Kenig, Esq.  
Randall & Kenig LLP  
455 N. Cityfront Plaza Drive-Suite 2510  
Chicago, Illinois 60611  
Firm No. 40686

<sup>4</sup> Although the Barretts have never contested the bid amount, the bid amount represented 87% of the aggregate appraised value.

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

BYLINE BANK f/k/a North Community	)	
Bank, an Illinois banking corporation	)	
successor-by-merger to Plaza Bank,	)	
	)	No. 18 CH 13221
Plaintiff,	)	
	)	1600 and 1606 Westchester Boulevard,
vs.	)	Westchester, Illinois 60154
	)	
FRANK J. BARRETT; DARLENE A	)	
BARRETT; APEX MORTGAGE CORP.;	)	8030P
WELLS FARGO BANK, MINNESOTA,	)	9420
N.A.; UNKNOWN OWNERS AND NON-	)	
RECORD CLAIMANTS,	)	
	)	
Defendants.	)	

**ORDER APPROVING REPORT OF SALE AND  
DISTRIBUTION, CONFIRMING SALE, AND ORDER FOR POSSESSION**

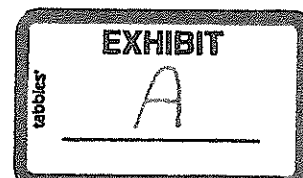
This cause comes to be heard on Plaintiff's motion for the entry of an order approving the Report of Sale and Distribution, confirming the sale of the mortgaged real estate that is the subject of the matter captioned above and described as:

**PARCEL 1:**

LOT 1 EXCEPT THE SOUTH 34.23 FEET AND THE VACATED ALLEY LYING WEST OF AND ADJOINING IN GEORGE F. NIXON AND COMPANY'S CENTRAL ADDITION TO WESTCHESTER, BEING A SUBDIVISION OF THE NORTH 12 ACRES OF THE WEST ½ OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PARCEL 2:**

THE EAST 35 FEET OF LOT 3 AND THE EAST 35 FEET OF THE NORTH 25 FEET OF LOT 5 IN ISABEL, A SUBDIVISION IN THE WEST ½ OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 2, 1956 AS DOCUMENT NO. 16626253 AND CERTIFICATE OF CORRECTION RECORDED JULY 18, 1956 AS DOCUMENT NO. 16639864, IN COOK COUNTY, ILLINOIS.



PIN Nos. 15-21-301-206-0000 and 15-21-301-209-0000

Common Address: 1600 Westchester Boulevard, Westchester, Illinois 60154

AND

THE SOUTH 34.23 FEET OF LOT 1 AND THE VACATED ALLEY LYING WEST OF AND ADJOINING SAID SOUTH 34.23 FEET OF LOT 1 IN GEORGE F. NIXON AND COMPANY'S CENTRAL ADDITION TO WESTCHESTER, BEING A SUBDIVISION OF THE NORTH 12 ACRES OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN No. 15-21-301-207-0000

Common Address: 1606 Westchester Boulevard, Westchester, Illinois 60154

The real property located at 1600 Westchester Boulevard, Westchester, Illinois 60154 that is the subject matter of this proceeding consists of a one-story office building with on-site parking and garage and the real property located at 1606 Westchester Boulevard, Westchester, Illinois 60154 that is also the subject matter of this proceeding consists of a one-story single-family home (collectively, the "Properties"). The successful purchaser or holder of the Certificate of Sale is entitled to possession of the Properties only.

Due notice of said motion having been given, the Court having examined said report, and being fully advised in the premises, FINDS:

That this Court obtained personal jurisdiction over those defendants who are personally liable to the Plaintiff for the deficiency, if any, from said sale;

That all notices required by Section 1507(c) of the Illinois Mortgage Foreclosure Law (S.H.A. 735 ILCS 5/15-1507(c)) were given;

That said sale was fairly and properly made;

That Intercounty Judicial Sales Corporation, hereinafter "Selling Officer", has in every respect proceeded in accordance with the terms of this Court's Judgment; and

That the successful bidder or holder of the Certificate of Sale is entitled to a deed of conveyance and possession of the mortgaged real estate, and; that justice was done.

**IT IS THEREFORE ORDERED:**

That the sale of the mortgaged real estate involved herein, and the Report of Sale and Distribution filed by the Selling Officer are hereby approved, ratified and confirmed;

That the proceeds of the sale be distributed in accordance with the Report of Sale and

Distribution;

That any additional accrued interest from the effective date of the Plaintiff's prove-up affidavit and the entry of the Judgment of Foreclosure and Sale and the Mortgagee's advances, fees and costs arising between the entry of the Judgment of Foreclosure and Sale and the date of sale are approved, ratified and confirmed. Pursuant to the terms and conditions of the subject notes and mortgages, Plaintiff shall also be entitled to recover attorneys' fees and costs associated with any bankruptcy proceedings and appeals and any anticipated post-judgment collection services;

That the proceeds of said sale were insufficient to satisfy the judgment and Plaintiff is seeking the entry of a deficiency judgment *in personam* against defendants Frank J. Barrett and Darlene A. Barrett in the amount of \$170,522.01 in place of and substitution for that certain money judgment in favor of plaintiff and against said defendants entered on February 10, 2022 in the amount of \$538,743.13; and

That upon: (i) confirmation herein; (ii) upon request by the successful bidder; and (iv) provided that all required payments have been made pursuant to Section 15-1509 of the Illinois Mortgage Foreclosure Law [735 ILCS 5/15-1509(a)] the Selling Officer shall execute and deliver to the successful bidder, its nominee or holder of the Certificate of Sale, a deed sufficient to convey title.

**IT IS FURTHER ORDERED:**

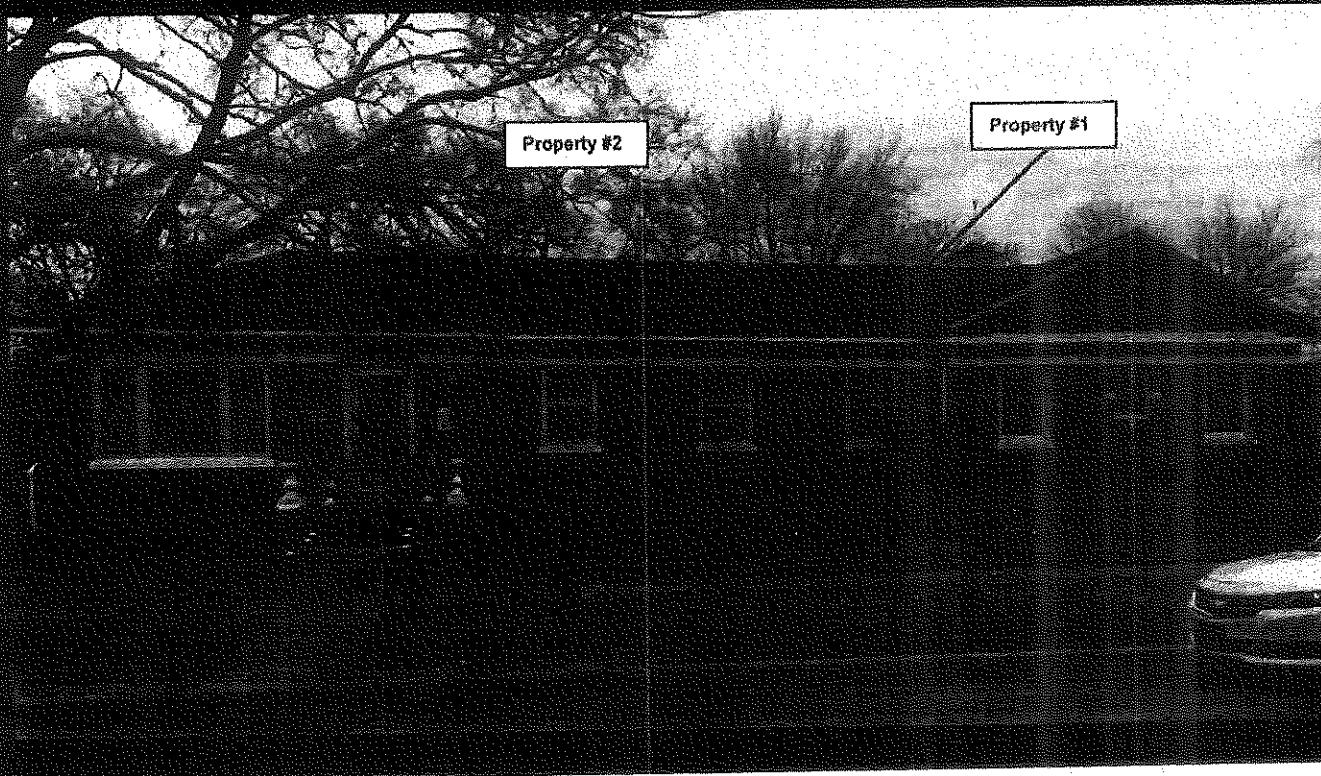
That the Deed(s) to be issued to the successful bidder hereunder is a transaction subject to the Real Property Transfer Tax laws of the State of Illinois, 35 ILCS 200/31-1, et seq. Nothing in this Order Approving Sale shall be deemed to have an effect on the transfer exemption provisions set forth in county and local municipality transfer tax laws.

That the successful bidder or holder of the Certificate of Sale is entitled to and shall have possession of the mortgaged real estate no sooner than 30 days from the entry of this Order, without further Order of Court, as provided in Section 15-1701 of the Illinois Mortgage Foreclosure Law (S.H.A. 735 ILCS 5/15-1701) ("IMFL"); except, however, the Court finds that subject property located at 1600 Westchester Boulevard, Westchester, Illinois 60154 is not residential real estate as defined in the IMFL, is not occupied by the mortgagors and a receiver has been appointed for that property, and, therefore, the successful bidder or holder of the Certificate of Sale is entitled to immediate possession of the subject property located at 1600 Westchester Boulevard, Westchester, Illinois 60154; The subject Properties were last inspected in July, 2022.

That pursuant to the Report of Sale and Distribution, the proceeds of sale were not sufficient to satisfy the remaining judgment amount due Plaintiff resulting in a net deficiency of \$170,522.01 and a judgment *in personam* against defendants Frank J. Barrett and Darlene A. Barrett in the amount of \$170,522.01, plus any attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals and any anticipated post-judgment collection services all in accordance with the terms and conditions contained in the mortgage that was the subject of this foreclosure action, in place of and substitution for that certain

**GREATER METROPOLITAN**  
REAL ESTATE SERVICES

FILED DATE: 2/8/2023 6:30 PM 2018CH13221  
FILED DATE: 5/29/2019 4:18 PM 2018ch13221



**Restricted Appraisal Report**

**Description**

Two adjoining properties:

Property #1 (1600 Westchester Blvd): A 2,845 SF, 1-story over crawl space, attached medical office building with a detached-garage, situated on a 15,003 SF site.

Property #2 (1606 Westchester Blvd): A 1,320 SF, 1-story over basement, attached single-family residence, situated on a 4,231 SF site.

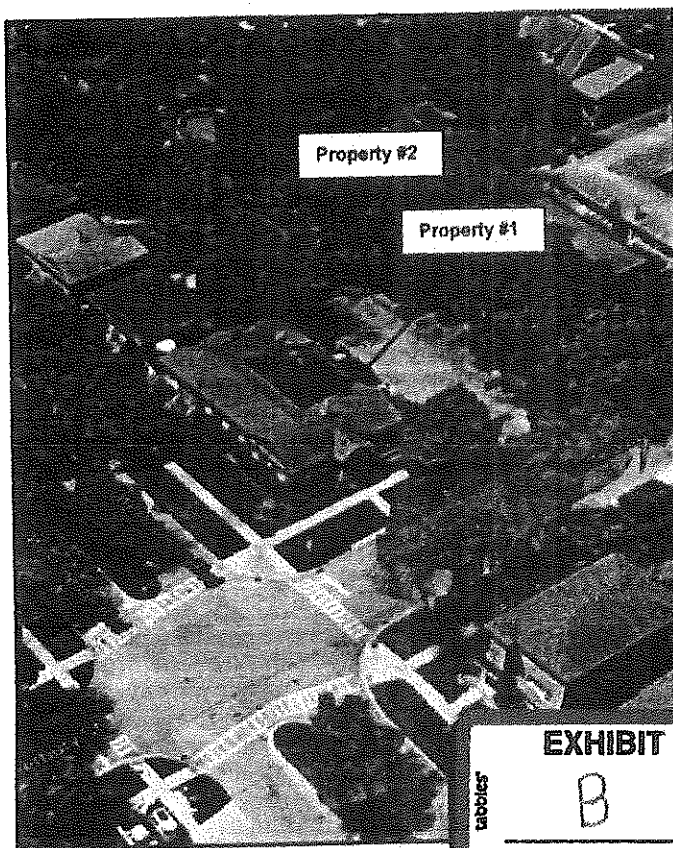
**Location**

1600 & 1606 Westchester Boulevard  
Westchester, Illinois 60154

Cook County  
Proviso Township  
15-21-301-206, 207 & 209

**Prepared for**

Byline Bank &  
LookingGlass.cc  
LTD Technical Service  
100 N. Miller Road  
Fairawn, OH 44333  
LG #: 53360



EXHIBIT

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# GREATER METROPOLITAN

## REAL ESTATE SERVICES

11749 S. La Crosse Avenue  
Alsip, Illinois 60803

708.525.6900

January 12, 2019

Byline Bank &  
LookingGlass.cc  
LTD Technical Service  
100 N. Miller Road  
Fairlawn, OH 44333

LG #: 53360

Re: 1600 & 1606 Westchester Boulevard  
Westchester, Illinois 60154

Dear Sir or Madame:

Pursuant to your request, we have prepared a **Restricted Appraisal Report** pertaining to the above captioned property. The purpose of the appraisal is to estimate the "As-Is" market value of the fee simple estate, of Property #1 and Property #2 as of our inspection (exterior only) date, January 6, 2019. The intended use is to assist with financial and decision making purposes. The client for this engagement is LookingGlass.cc LTD Technical Service. The intended user of this report is LookingGlass.cc - LTD Technical Service. We are identifying Byline Bank as an additional intended user.

The following report contains the underlying assumptions, contingencies, factual information and reasoning which led to the conclusion. Our appraisal is intended to conform with, and is subject to, the Code of Professional Ethics and Uniform Standards of Professional Appraisal Practice (USPAP) as established by the Appraisal Institute and relevant sections of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) of 1989.

Disclosure of the contents of this appraisal is governed by the By-Laws and Regulations of the Appraisal Institute; the information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.

The subject consists of two (2) properties, briefly described as follows:

**Property #1 (1600 Westchester Blvd):** A 2,845 SF, 1-story over crawl space, attached medical office building with a detached garage, situated on an irregular-shaped corner parcel containing 15,003 SF or 0.34-acres, more or less. There is a 15-spot asphalt paved parking lot at the rear of the building.

**Property #2 (1606 Westchester Blvd):** A 1,320 SF, 1-story over basement, attached single-family residence, situated on a rectangular-shaped, interior parcel containing 4,231 SF or 0.10-acres, more or less.

At the time of inspection, based on our exterior inspection, the building appeared structurally sound and to be in average condition.

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All statements of fact used in the report serving as the basis of the appraisers' analyses, opinions, and conclusions, are considered to be true and correct to the best of the appraisers' knowledge and belief. We shall have no responsibility for legal matters; questions of survey; opinion of title; soil or subsoil conditions; engineering; technical matters, etc.

**Hypothetical Conditions (HC)**

*We are making the HC that from the interior, the residence and office building are separate units.*

**Extraordinary Assumptions (HC)**

*None*

All statements of fact used in the report serving as the basis of the appraisers' analyses, opinions, and conclusions, are considered to be true and correct to the best of the appraisers' knowledge and belief. We shall have no responsibility for legal matters; questions of survey; opinion of title; subsoil conditions; engineering; technical matters.

It is our opinion, that the estimated "As-Is" Market Value of Property #1, as of January 6, 2019, was:


**TWO HUNDRED SEVENTY-THREE THOUSAND DOLLARS  
\$273,000**

It is our opinion, that the estimated "As-Is" Market Value of Property #2, as of January 6, 2019, was:

**ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS  
\$165,000**

Respectfully submitted,

**GREATER METROPOLITAN**

  
John P. Konrath, MAI, SRA  
Managing Director  
IL Lic #: 553.000385  
[john@gmresappraisal.com](mailto:john@gmresappraisal.com)  
708.525.6900

**CERTIFICATION**

The undersigned certify that, to the best of their knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinion, and conclusions are limited by the reported assumptions and limiting conditions, and the personal, unbiased professional analyses, opinions, and conclusions of the undersigned.
3. The undersigned have no present or prospective interest in the property that is the subject of this report and have no personal interest or bias with respect to the parties involved.
4. Our compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
5. The analyses, opinions, and conclusions are developed and this report has been prepared in conformity with the uniform standards of professional appraisal practice, the code of professional ethics of the appraisal institute and the requirements of the state of Illinois for state certified appraisers.
6. The use of this report is subject to the requirements of the appraisal institute relating to review by its duly authorized representatives and the state of Illinois relating to review by the real estate appraisal sub-committee of the Illinois real estate commission.
7. As of the date of this report, John P. Konrath, MAI, SRA has completed the requirements of the continuing education program of the Appraisal Institute.
8. No one other than the undersigned provided significant professional assistance to the appraisers, unless otherwise noted in this report.
9. John P. Konrath, MAI, SRA performed an exterior inspection of the subject property on January 6, 2019.
10. The appraisal assignment is not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
11. The fee for this appraisal assignment is \$550.00.
12. I *have* performed previous appraisal services regarding the property that is the subject of this report within the three-year period preceding acceptance of this assignment.



John P. Konrath, MAI, SRA  
Certified General Real Estate Appraiser  
IL License #:553.000385  
Exp. Date: 09/30/2019  
john@gmresappraisal.com





Fill in this information to identify your case and this filing:

Debtor 1	<u>Frank</u>		<u>Barrett</u>
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)	<u>Darlene</u>		<u>Barrett</u>
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	<u>Northern District of Illinois</u>		
Case number	<u>19-19853</u>		

Check if this is an amended filing

Official Form 106A/B

Schedule A/B: Property

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- No. Go to Part 2.
- Yes. Where is the property?

1.1 1600- 1606 Westchester Blvd  
 Street address, if available, or other description

---

Westchester, IL 60154  
 City State ZIP Code

---

Cook  
 County

- What is the property? Check all that apply.
- Single-family home
  - Duplex or multi-unit building
  - Condominium or cooperative
  - Manufactured or mobile home
  - Land
  - Investment property
  - Timeshare
  - Other \_\_\_\_\_

- Who has an interest in the property? Check one.
- Debtor 1 only
  - Debtor 2 only
  - Debtor 1 and Debtor 2 only
  - At least one of the debtors and another

Other information you wish to add about this item, such as local property identification number:  
 PIN: 15-21-301-206-0000, 15-21-301-209-0000, 15-21-301-207-0000

Do not deduct secured claims or exemptions. Put the amount of any secured claims on Schedule D: Creditors Who Have Claims Secured by Property.

Current value of the entire property?	Current value of the portion you own?
<u>\$580,000.00</u>	<u>\$580,000.00</u>

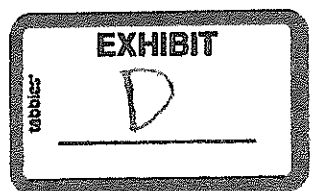
Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Fee Simple

Check if this is community property (see instructions)

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.....

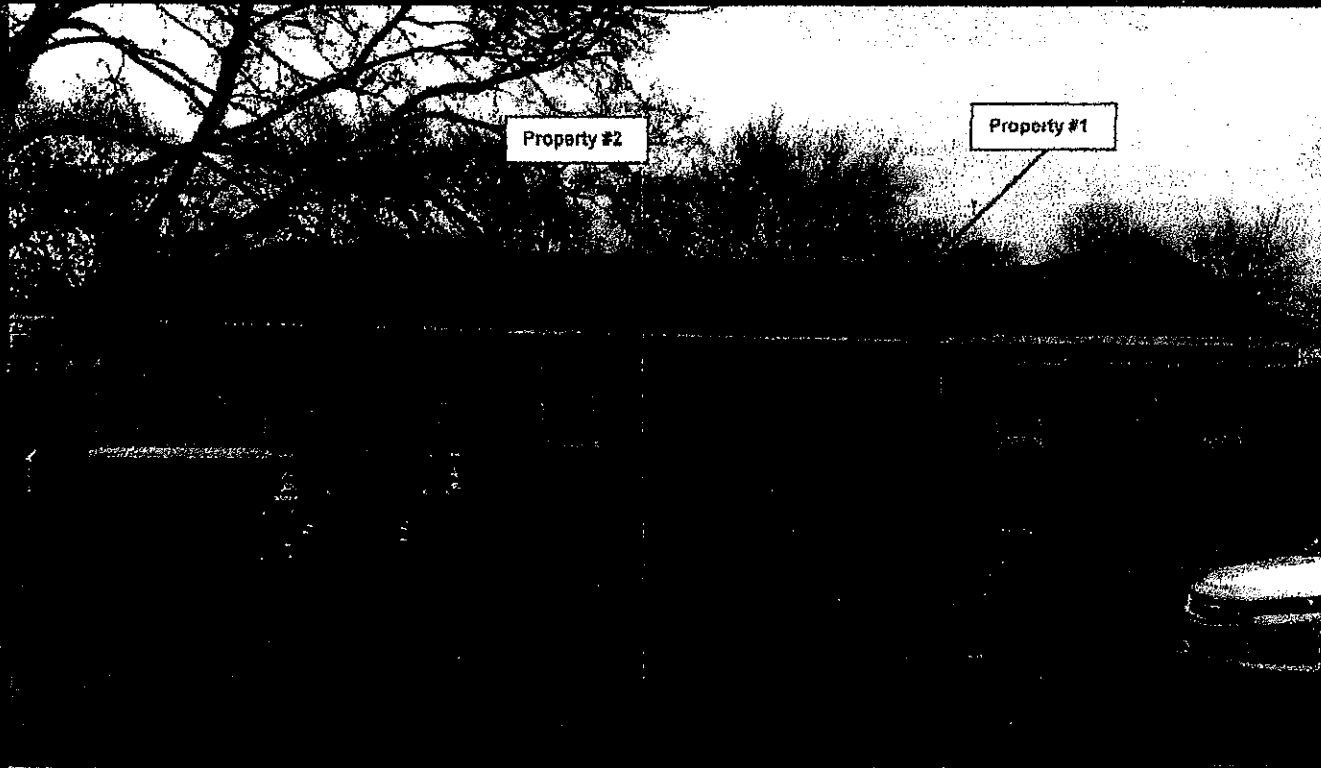
→ \$580,000.00



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# GREATER METROPOLITAN

REAL ESTATE SERVICES



## Restricted Appraisal Report

### Description

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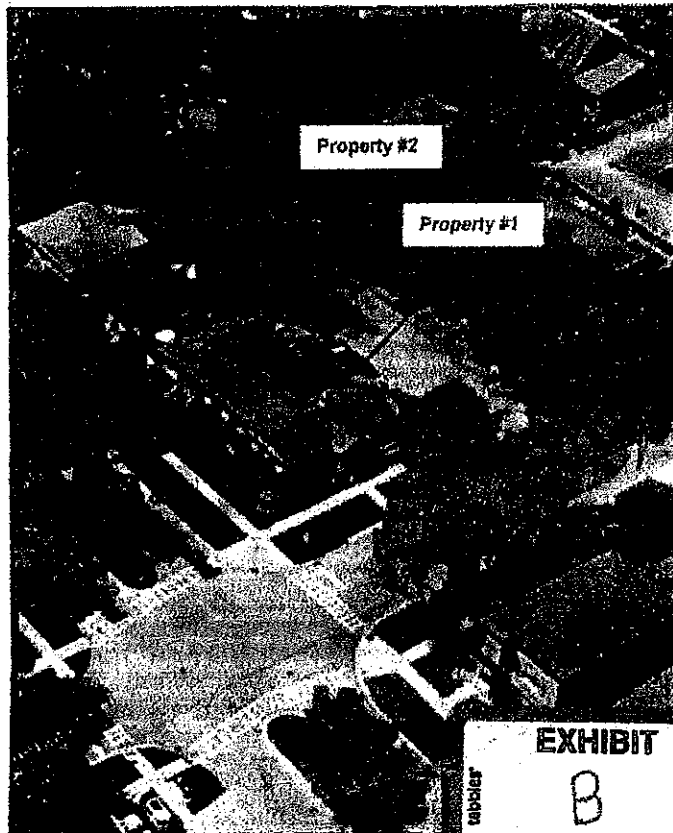
### Location

1600 & 1606 Westchester Boulevard  
Westchester, Illinois 60154

Cook County  
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### Prepared for

Byline Bank &  
LookingGlass.cc  
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100 N. Miller Road  
Fairlawn, OH 44333  
LG #: 53360



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