

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, PIKE COUNTY

| | | |
|---|---|-------------------|
| Farmers National Bank of Griggsville, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 17-CH-12 |
| |) | |
| AAP Services, Inc., an Illinois corporation, |) | |
| The City of Pittsfield, an Illinois municipality, |) | |
| The County of Pike, an Illinois unit of local |) | |
| government, |) | |
| The State of Illinois, |) | |
| The United States of America, |) | |
| Vicky L. Smith, and |) | |
| Unknown Owners and Non-Record Claimants, |) | |
| |) | |
| Defendants. |) | |

**NOTICE OF HEARING TO CONFIRM SALE, ISSUE
ORDER OF POSSESSION, AND ENTER FINAL JUDGMENT**

To:

AAP Services, Inc. and Vicky L. Smith
c/o Gerald L. Timmerwilke
Blickhan, Timmerwilke & Woodworth
226 North Sixth Street
Quincy, IL 62301

The United States of America
c/o Gail L. Noll, Assistant U.S. Attorney
318 South Sixth Street
Springfield, Illinois 62701

The City of Pittsfield, Illinois
c/o Cindy Prentice, City Clerk
City Hall
215 North Monroe
Pittsfield, IL 62363

The State of Illinois
c/o Attorney General, State of Illinois
Springfield Main Office
500 South Second Street
Springfield, Illinois 62701

YOU ARE HEREBY NOTIFIED that the undersigned attorney of record for Plaintiff Farmers National Bank of Griggsville, will appear before the Honorable J. Frank McCartney, Circuit Judge, in the Courtroom normally occupied by him at the Pike County Courthouse, 100 East Washington Street, Pittsfield, Illinois 62363, on February 2, 2018, at 9:00 o'clock A.M. and seek an immediate hearing on and allowance of the Motion to Confirm Sale, Issue Order of

Possession, and Enter Final Judgment filed in the above-entitled case simultaneously with the issuance of this Notice.

YOU ARE FURTHER NOTIFIED that you may appear at that time and place should you deem fit to do so.

Dated this 16th day of January, 2018.

Farmers National Bank of Griggsville,

By: **Scholz, Loos, Palmer, Siebers and Duesterhaus LLP**

By: WSM
One of its Attorneys

Joseph A. Duesterhaus (ARDC #6185282)
jduesterhaus@slpsd.com
William S. Meckes (ARDC #6317089)
wmeckes@slpsd.com
**SCHOLZ, LOOS, PALMER,
SIEBERS & DUESTERHAUS LLP**
Attorneys for Farmers National Bank of Griggsville
625 Vermont Street
Quincy, IL 62301
(217) 223-3444 | (217) 223-3450 (Fax)

PROOF OF SERVICE

The undersigned attorney of record for Farmers National Bank of Griggsville, hereby certifies, subject to penalties of perjury under Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), that the foregoing document was served by depositing copies in the United States Mail, first class postage fully prepaid, in sealed envelopes addressed to the following:

AAP Services, Inc. and Vicky L. Smith
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and also by sending additional copies via electronic mail to the following:

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gtimmerwilke@bwtlaw.com

The United States of America
c/o Gail L. Noll, Assistant U.S. Attorney
318 South Sixth Street
Springfield, Illinois 62701
gail.noll@usdoj.gov

from the office of the undersigned on January 16, 2018, at 5:00 O'Clock P.M.



Joseph A. Duesterhaus (ARDC #6185282)
jduesterhaus@slpsd.com
William S. Meckes (ARDC #6317089)
wmeckes@slpsd.com
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IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, PIKE COUNTY

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| Farmers National Bank of Griggsville, |) | |
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| Plaintiff, |) | |
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| v. |) | Case No. 17-CH-12 |
| |) | |
| AAP Services, Inc., an Illinois corporation, |) | |
| The City of Pittsfield, an Illinois municipality, |) | |
| The County of Pike, an Illinois unit of local |) | |
| government, |) | |
| The State of Illinois, |) | |
| The United States of America, |) | |
| Vicky L. Smith, and |) | |
| Unknown Owners and Non-Record Claimants, |) | |
| |) | |
| Defendants. |) | |

**MOTION TO CONFIRM FORECLOSURE SALE,
ISSUE ORDER OF POSSESSION AND ENTER FINAL JUDGMENT**

Now comes Plaintiff Farmers National Bank of Griggsville, by and through its attorneys, Scholz, Loos, Palmer, Siebers and Duesterhaus LLP, and respectfully moves this Court, pursuant to 735 ILCS 5/15-1508 and 5/15-1701, to confirm the sale of the following described mortgaged real estate, issue an Order of Possession and enter the Final Judgment, and in support thereof states as follows:

1. On October 23, 2017, this Court entered a Judgment of Foreclosure and Sale in the above-entitled case in favor of Farmers National Bank of Griggsville and against Defendants AAP Services, Inc., The City of Pittsfield, The State of Illinois, The United States of America, Vicky L. Smith and Unknown Owners and Non-Record Claimants and the mortgaged real estate commonly known as and located at 113 North Williams Industrial Drive, Pittsfield, Illinois 62363.

2. The right of reinstatement under 735 ILCS 5/15-1602 expired on August 31, 2017, and the right of redemption under 735 ILCS 5/15-1603(b) expired on November 22, 2017.

3. Amended Notices of Sale in the forms required by 735 ILCS 5/15-1507 were then published in *The Pike Press*, a newspaper of general circulation in Pike County, Illinois, on December 20, 2017, December 27, 2017 and January 3, 2018, and sworn Certificates of the publisher showing the content and giving the publication dates of said Notices have been filed in the record herein.

4. The mortgaged real estate was then offered for public sale by the Sheriff of Pike County, Illinois on January 12, 2018, at 9:00 A.M., at the Pike County Courthouse, 100 E. Washington St., Pittsfield, IL 62363.

5. At said sale, Farmers National Bank of Griggsville then purchased the mortgaged real estate on a credit bid of \$270,000.00 and a copy of the Report of Sale executed by the Pike County Sheriff is attached hereto and incorporated herein as Exhibit A.

6. As of January 12, 2018, the amount due to Farmers National Bank of Griggsville under the Note and secured by the Mortgage was in excess of \$270,000.00.

7. Accordingly, the aforesaid sale should be confirmed and Farmers National Bank of Griggsville is entitled to receive a deed to the mortgaged real estate executed and delivered by the Sheriff of Pike County, Illinois, and pursuant to 735 ILCS 5/15-1509(a), but still subject to the right of Defendant United States of America to redeem the mortgaged real estate from such sale pursuant to, and in the manner and within the time provided in, 28 U.S.C. §2410.

8. Farmers National Bank of Griggsville should be discharged as Mortgagee in Possession and immediate possession of the mortgage premises should be awarded to Farmers National Bank of Griggsville against Defendants AAP Services, Inc., The City of Pittsfield, The

State of Illinois, The United States of America, Vicky L. Smith and Unknown Owners and Non-Record.

9. Farmers National Bank of Griggsville has waived and released any further personal liability against Defendants AAP Services, Inc. and Vicky L. Smith, so no personal deficiency judgment against these Defendants is requested.

10. Farmers National Bank of Griggsville is presently in possession of the mortgaged real estate as Mortgagee in Possession pursuant to an Order previously entered by this Court on July 7, 2017, and, therefore, the provisions of 735 ILCS 5/15-1701(c) are not applicable.

WHEREFORE, Plaintiff Farmers National Bank of Griggsville, respectfully prays for the following relief:

- A. The sale of the mortgaged real estate conducted on January 12, 2018, be confirmed;
- B. A deed conveying the mortgaged real estate to Farmers National Bank of Griggsville, but still subject to the right of Defendant United States of America to redeem the mortgaged real estate from such sale pursuant to, and in the manner and within the time provided in, 28 U.S.C. §2410, be executed and delivered by the Sheriff of Pike County, Illinois;
- C. Farmers National Bank of Griggsville Company be discharged as Mortgagee in Possession and be awarded immediate possession of the mortgaged real estate as against Defendants AAP Services, Inc., The City of Pittsfield, The State of Illinois, The United States of America, Vicky L. Smith and Unknown Owners and Non-Record Claimants;
- D. Such other and further relief as the Court deems just and equitable.

Farmers National Bank of Griggsville,

By: **Scholz, Loos, Palmer, Siebers and Duesterhaus LLP**

By: WSM
One of its Attorneys

Joseph A. Duesterhaus (ARDC #6185282)

jduesterhaus@slpsd.com

William S. Meckes (ARDC #6317089)

wmeckes@slpsd.com

SCHOLZ, LOOS, PALMER,

SIEBERS & DUESTERHAUS LLP

Attorneys for Farmers National Bank of Griggsville

625 Vermont Street

Quincy, IL 62301

(217) 223-3444 | (217) 223-3450 (Fax)

VERIFICATION

I, William S. Meckes, hereby certify, pursuant to and subject to penalties of perjury as provided in Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), as follows: I am one of the attorneys for Plaintiff Farmers National Bank of Griggsville and am duly authorized to make and execute this verification; I have read the foregoing Motion and reviewed all Exhibits attached thereto; and the allegations made in said Motion and all such Exhibits are true, complete and correct to the best of my knowledge, information and belief.

Date: Jan. 16, 2018

WSM

William S. Meckes

Joseph A. Duesterhaus (ARDC #6185282)

jduesterhaus@slpsd.com

William S. Meckes (ARDC #6317089)

wmeckes@slpsd.com

SCHOLZ, LOOS, PALMER,

SIEBERS & DUESTERHAUS LLP

Attorneys for Farmers National Bank of Griggsville

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EXHIBIT A

COPY

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, PIKE COUNTY

Farmers National Bank of Griggsville,)
)
Plaintiff,)
)
v.)
)
AAP Services, Inc., an Illinois corporation,)
The City of Pittsfield, an Illinois municipality,)
The County of Pike, an Illinois unit of local)
government,)
The State of Illinois,)
The United States of America,)
Vicky L. Smith, and)
Unknown Owners and Non-Record Claimants,)
)
Defendants.)

Case No. 17-CH-12

FILED

JAN 12 2018

Doris Dugan
Clerk of the Circuit Court
Eighth Judicial Circuit, Pike County, IL

REPORT OF SALE

The undersigned hereby reports that pursuant to a Judgment of Foreclosure and Sale entered in the above-entitled case on October 23, 2017, a public sale of the real estate located at and commonly known as 113 North Williams Industrial Drive, Pittsfield, Illinois 62363 was held on January 12, 2018 at 9:00 A.M. at the Pike County Courthouse, 100 E. Washington St., Pittsfield, IL 62363. At that time and place, the said real estate was offered for sale to the highest and best bidder for cash, whereupon the real estate was sold to Plaintiff Farmers National Bank of Griggsville, 112 West Quincy Street, Griggsville, IL 62340 for a credit bid of Two Hundred Seventy Thousand and Zero/One Hundredths Dollars (\$270,000.00). The undersigned further acknowledges receipt of \$600.00 from Plaintiff Farmers National Bank of Griggsville as payment in full of the Sheriff's sale fee.

Dated January 12, 2018.

Prepared by:

Joseph A. Duesterhaus
Scholz, Loos, Palmer, Siebers and Duesterhaus LLP
Attorneys for Farmers National Bank of Griggsville
625 Vermont Street
Quincy, IL 62301
(217) 223-3444 | (217) 223-3450 (fax)
E-mail: jduesterhaus@sljpsd.com

Paul Petty,
Sheriff of Pike County, Illinois

By: *Paul Petty*
204 E. Adams St.
Pittsfield, IL 62363 Deputy

PROOF OF SERVICE

The undersigned attorney of record for Farmers National Bank of Griggsville, hereby certifies, subject to penalties of perjury under Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109), that the foregoing document was served by depositing copies in the United States Mail, first class postage fully prepaid, in sealed envelopes addressed to the following:

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from the office of the undersigned on January 16, 2018, at 5:00 O'Clock P.M.



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