

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

U.S. BANK NATIONAL ASSOCIATION,)	
AS TRUSTEE)	
)	
Plaintiff,)	
)	
vs.)	No. 07 C 1544
WENDY S. COOK)	
)	
)	Judge Charles P. Kocoras
Defendant and)	Magistrate Judge Maria G. Valdez
Counter-plaintiff)	
)	
vs.)	
U.S. BANK NATIONAL ASSOCIATION,)	
AS TRUSTEE)	
)	
Counter-defendant)	

**MOTION FOR ENTRY OF JUDGMENT OF FORECLOSURE AND SALE AND
ORDER APPOINTING SPECIAL COMMISSIONER**

NOW COMES the Plaintiff and Counter-defendant, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, by its attorneys, KROPIK, PAPUGA & SHAW and DYKEMA GOSSETT PPLC, and moves this court for the entry of a Judgment of Foreclosure and Sale and for the entry of an Order appointing a Special Commissioner to conduct the foreclosure sale pursuant to the Judgment of foreclosure and Sale.

As grounds for this motion, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE submits the record herein and further states as follows:

1. On March 20, 2007, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE filed its Complaint to Foreclose Mortgage herein. Defendant and Counter-plaintiff, WENDY COOK, is the only defendant named in the foreclosure.

2. Defendant and Counter-plaintiff filed her answer and counterclaim denying that U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE was entitled to the entry of a Judgment of foreclosure and further seeking a declaration or adjudication that WENDY COOK owned the

subject real estate free and clear of the mortgage that was sought to be foreclosed.

3. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE and WENDY COOK filed cross motions for summary judgment with respect to the Complaint to Foreclose Mortgage and with respect to the Counterclaim filed by WENDY COOK.

4. On January 6, 2009 this court entered an order and Memorandum Opinion granting the motion of U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE for Summary Judgment and denying the motion of WENDY COOK for Summary Judgment.

5. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE submits herewith a draft of a proposed Judgment of Foreclosure and Sale. The amounts that are due to U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE that are contained in paragraph 5 of the draft judgment, other than the fees and costs of this proceeding, are supported by the affidavits filed in support of U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE's motion for summary judgment.

6. The fees and costs that are itemized in paragraph 5 of the proposed judgment are supported by the affidavit of counsel for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE that is filed in support hereof.

7. In addition to the fees and costs itemized in the proposed judgment, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE has incurred substantial additional fees and costs with respect to this litigation which U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE is entitled to recover in the event of a redemption or in the event that the foreclosure sale held pursuant to the Judgment results in a surplus of funds over and above the amounts found due in the Judgment of foreclosure and Sale. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE requests that the issue of the amounts of said fees and costs be reserved until such

time as there is an effort to redeem or until such time as the results of the foreclosure sale are known.

8. The granting of the motion of U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE for summary judgment and the denial of the motion of WENDY COOK for summary judgment fully resolve and adjudicate the issues of whether U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE has a valid and enforceable mortgage lien on the real estate that is the subject of this proceeding and there is no just reason for delay of the enforcement or appeal of the entry of the Judgment of Foreclosure and Sale pursuant to the rulings of this court with respect to the cross motions for summary judgment.

WHEREFORE, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE moves this court for the entry of a Judgment of Foreclosure and Sale and for the entry of an Order appointing a Special Commissioner to conduct the foreclosure sale.

/S/Kenneth K. Shaw Jr.

One of the Attorneys for
U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE

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