

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)
CARPENTERS PENSION FUND, et al.)
) Case No. 08 C 283
)
) Plaintiffs,)
)
) v.) Judge St. Eve
)
)
) ROSS MIDWEST, INC. and C. GREGORY)
)
) INGOLD,)
)
)
) Defendants)

**PLAINTIFF'S EX-PARTE MOTION FOR
ENTRY OF A MEMORANDUM OF JUDGMENT**

Plaintiffs, the CHICAGO REGIONAL COUNCIL OF CARPENTERS PENSION FUND, ET AL. (collectively "Trust Funds"), by their attorney Kevin P. McJessey, ex-parte, hereby move this Court pursuant to Rule 64 of the Federal Rules of Civil Procedure and 735 ILCS 5/12-101 of Illinois' Code of Civil Procedure for entry of a Memorandum of Judgment as to the real estate owned by the judgment debtor, C. GREGORY INGOLD ("Judgment Debtor"). In support of their motion, Trust Funds state as follows:

1. Judgment was entered against Judgment Debtor on November 19, 2009, in the amount of \$301,191.11. The judgment has not been fully satisfied and remains outstanding. *See* Exhibit A, Court Order dated November 19, 2009.
2. On information and belief, the Judgment Debtor has or claims to have an ownership interest as joint tenant in the real estate commonly known as 2001 Kaneville Road, Geneva, Illinois, 60134.
3. Rule 64. Seizing a Person or Property, states as follows:

Rule 64. Seizing a Person or Property
(a) Remedies Under State Law — In General.

At the commencement of and throughout an action, every remedy is available that, under the law of the state where the court is located, provides for seizing a person or property to secure satisfaction of the potential judgment. But a federal statute governs to the extent it applies.

4. In addition, 735 ILCS 5/12-101 of Illinois' Code of Civil Procedure, states as follows:

Sec. 12-101. Lien of judgment. With respect to the creation of liens on real estate by judgments, all real estate in the State of Illinois is divided into 2 classes.

The first class consists of all real property, the title to which is registered under "An Act concerning land titles", approved May 1, 1897, as amended.

The second class consists of all real property not registered under "An Act concerning land titles".

As to real estate in class one, a judgment is a lien on the real estate of the person against whom it is entered for the same period as in class two, when Section 85 of "An Act concerning land titles", has been complied with.

As to real estate included within class two, a judgment is a lien on the real estate of the person against whom it is entered in any county in this State, including the county in which it is entered, only from the time a transcript, certified copy or memorandum of the judgment is filed in the office of the recorder in the county in which the real estate is located. The lien may be foreclosed by an action brought in the name of the judgment creditor or its assignee of record under Article XV in the same manner as a mortgage of real property, except that the redemption period shall be 6 months from the date of sale and the real estate homestead exemption under Section 12-901 shall apply.

5. Accordingly, the Trust Funds, in good faith, seeks ex-parte entry of a Memorandum of Judgment as to the real estate owned by the judgment debtor, C. GREGORY INGOLD.

6. A proposed Memorandum of Judgment is attached as Exhibit B.

WHEREFORE, Plaintiffs the Chicago Regional Council of Carpenters' Fund et al. hereby move this Court for entry of a Memorandum of Judgment as to the real estate owned by the judgment debtor, C. GREGORY INGOLD, and any such other relief as this Court deems appropriate.

CHICAGO REGIONAL COUNCIL OF CARPENTERS
PENSION FUND et al.

By: s/ John J. Sopata
One of Their Attorneys

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08 CV 00283

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF CARPENTERS)
PENSION FUND, et al.)

) Case No. 08 C 283

) Judge Amy J. St. Eve

Plaintiffs,)

v.)

ROSS MIDWEST, INC. and C. GREGORY INGOLD,

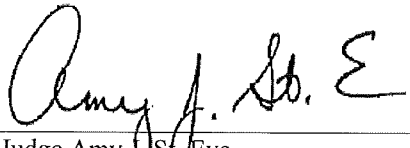
Defendants

ORDER

Pursuant to Federal Rules of Civil Procedure 54, 55 and 58, a final judgment is hereby entered in favor of the Chicago Regional Council of Carpenters Pension Fund *et al.* ("Trust Funds") and against defendants ROSS MIDWEST, INC. and C. GREGORY INGOLD ("Defendants") in the amount of \$301,191.11 as follows:

- A. \$202,502.95 in unpaid contributions pursuant to the audit;
- B. \$7,149.50 for auditor's fees of incurred by the Trust Funds to complete the audit of Defendants' books and records;
- C. \$40,037.06 in interest pursuant to 29 U.S.C. § 1132(g)(2)(B);
- D. \$40,500.59 in liquidated damages pursuant to 29 U.S.C. § 1132(g)(2)(C);
- E. \$11,001.01 in reasonable attorneys' fees and costs the Trust Funds incurred in this action pursuant to 29 U.S.C. § 1132(g)(1) and/or § 1132(g)(2)(D); and
- F. reasonable attorney' fees and costs incurred by the Trust Funds in enforcing this order.

November 19, 2009
Date



Judge Amy J. St. Eve

08 CV 00283

Exhibit B

**MEMORANDUM OF
JUDGMENT**

In the United States District
Court, Northern District of
Illinois, Eastern Division

**Chicago Regional Council of
Carpenters Pension Fund, et al.,**

v.

C. Gregory Ingold, et al.

Case No. 08 C 283

Legal Description	See attached "Exhibit A"
Permanent Real Estate Index Number:	12-04-326-006
Address of Property:	2001 Kaneville Road, Geneva, IL 60134

On November 19, 2009, Judgment was entered in this court in favor of the Plaintiff, Chicago Regional Council of Carpenters Pension Fund, et al., and against Defendant, C. Gregory Ingold, whose address is 2001 Kaneville Road, Geneva, IL 60134, in the amount of \$301,191.11.

Date

Judge St. Eve

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EXHIBIT A

THAT PART OF THE SOUTH WEST 1/4 OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH EAST CORNER OF SAID SOUTH WEST 1/4; THENCE SOUTH 0 DEGREES, 07 MINUTES, 0 SECONDS WEST ALONG THE EAST LINE OF SAID QUARTER SECTION 1726.01 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES, 07 MINUTES, 0 SECONDS WEST ALONG THE EAST LINE OF SAID QUARTER SECTION, 175.59 FEET TO THE CENTER LINE OF KANEVILLE ROAD; THENCE SOUTH 70 DEGREES, 01 MINUTES, 0 SECONDS WEST ALONG SAID CENTER LINE, 143 FEET; THENCE NORTH 0 DEGREES, 07 MINUTES, 0 SECONDS EAST PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION, 221.10 FEET TO A POINT SOUTH 88 DEGREES, 34 MINUTES, 0 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES, 34 MINUTES, 0 SECONDS EAST 134.34 FEET TO THE POINT OF BEGINNING, IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS.

The Real Property or its address is commonly known as 2001 KANEVILLE ROAD, GENEVA, IL 60134. The Real Property tax identification number is 12-04-326-006