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

FIRST MIDWEST BANK, )
Plaintiff, )
v. ) No. 08 C 612
WAYNE W. LESTARCZYK, an individual; )
MARY A. LESTARCZYK, an individual, )
Defendants. )

MOTION FOR ORDER OF DEFAULT, CERTIFICATE AS TO DEFAULTED PARTIES, AND MOTION FOR JUDGMENT OF FORECLOSURE AND SALE

NOW COMES the Plaintiff, First Midwest Bank, by and through its attorneys, Stitt, Klein, Daday, Aretos & Giampietro, LLC and moves this Court pursuant to Rule 55 of the Federal Rules of Civil Procedure, for an order of default against Defendants, Wayne Lestarczyk and Mary Lestarczyk. In support thereof, First Midwest Bank states as follows:

1. That I, Stephen G. Daday, one of they attorneys for Plaintiff in this cause, do hereby certify that on July 7, 2009, I caused the Court file and docket entries to be reviewed with respect to this case, and that proof of service of summons indicates that the following parties have been served as follows:

Table with 2 columns: PARTY and DATE OF SERVICE (METHOD). Rows include Wayne Lestarczyk and Mary Lestarczyk with their respective service dates and methods.

2. That I certify that Defendant Mary Lestarczyk has filed an Appearance. No defendant has filed an Answer or other responsive pleading to Plaintiff's Complaint filed herein.

3. That by virtue of the above defaults, the material factual allegations of the Complaint herein have not been denied by said Defendants, and the Complaint is therefore confessed against them.

4. That an examination of the files, pleadings and records reveals that there is no genuine issue of material fact and that Plaintiff is entitled to an order of default against Defendants, Wayne Lestarczyk and Mary Lestarczyk, as a matter of law

WHEREFORE, Plaintiff First Midwest Bank, prays for the entry of an order of default, pursuant to Rule 55 of the Federal Rules of Civil Procedure, against Defendants Wayne Lestarczyk and Mary Lestarczyk, and further prays for a Judgment of Foreclosure and Sale.

Respectfully Submitted,



S/Stephen G. Daday  
One of the Attorneys for Plaintiff

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