

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

PNC BANK, NATIONAL ASSOCIATION,)
successor to National City Bank)
of the Midwest,)

Plaintiff,)

v.)

WILLIAM T. MCNEELY a/k/a WILLIAM)
MCNEELY, PATRICIA A. MCNEELY a/k/a)
PATRICIA MCNEELY, PATTI-CAKE)
CHILD CARE CENTER AND PRESCHOOL)
OF CHICAGO, INC., PATTI-CAKE CHILD)
CARE CENTER AND PRESCHOOL OF)
LAKE COUNTY, INC., BMO HARRIS)
BANK, N.A., as successor to AMCORE)
BANK, N.A., JB LINZY, JR., BELINDA B.)
LINZY, KURT EPPERSON and MONIQUE)
BATES,)

Defendants.)

Case No. 1:13-cv-04602

Judge: Hon. Thomas M.
Durkin

Magistrate Judge: Hon.
Mary M. Rowland

**PLAINTIFF’S MOTION
TO SET JUDGMENT AMOUNT AS TO
COUNTS III AND IV OF THE COMPLAINT**

NOW COMES the Plaintiff, PNC Bank, National Association, successor to National City Bank of the Midwest (“Plaintiff” or “PNC”), by and through its attorneys, Thomas J. Dillon, Wendy Kaleta Gattone, Nicholas S. Maragos and McFadden & Dillon, P.C., and in support of its Motion to Set Judgment Amount as to Counts III and IV of the Complaint states as follows:

1. On March 18, 2016, this Court entered a Judgment of Foreclosure and Sale (“Judgment”) wherein this Court ordered, *inter alia*, that judgment was entered in favor of PNC and against defendant, Patti-Cake Child Care Center and Preschool

of Chicago, Inc. (“Chicago Patti-Cake”) on Count III of the Complaint for breach of a commercial guaranty in an amount to be determined at the time of the approval of sale; and in favor of PNC and against defendant, Patti-Cake Child Care Center and Preschool of Lake County, Inc. (“Lake Patti-Cake”) on Count IV of the Complaint for breach of a commercial guaranty in an amount to be determined at the time of the approval of sale. Doc. #76, page id #1072-1073, ¶23.

2. On May 27, 2016, this Court entered two separate Orders Approving Report of Sale as to the two foreclosed parcels of real estate both of which included an *in rem* deficiency judgment in favor of PNC in regard to the foreclosure counts of the Complaint, but are silent as to the final judgment amount on Counts III and IV of the Complaint.¹ Doc. #99, 100

3. The calculation for the actual amount remaining due on the Judgment for which Chicago Patti-Cake and Lake Patti-Cake are liable pursuant to the Judgment on Counts III and IV of the Complaint is as follows:

Judgment (03/18/16)	\$1,037,939.32
Interest (date of judgment 03/18/16- Date of Sale 04/27/16)	750.73
Publication (Greenwood)	575.00
Publication (Washington)	575.00
Special Commissioner (Greenwood)	400.00
Special Commissioner (Washington)	400.00
Total amount due:	<u>\$1,040,640.05</u>
Sale Proceeds Washington:	(217,301.00)
Credit Bid on Greenwood:	<u>(250,000.00)</u>

¹William McNeely and Patricia McNeely, the Borrowers, had previously been discharged in bankruptcy pursuant to Chapter 7 of the U.S. Bankruptcy Code and, thus, PNC was not entitled to a personal deficiency against the Borrowers.

TOTAL AMOUNT REMAINING DUE: \$573,339.05

WHEREFORE, Plaintiff, PNC Bank, National Association, successor to National City Bank of the Midwest respectfully requests that this Court (i) enter a final judgment on Count III of the Complaint to Foreclose Mortgage and for Other Relief in favor of PNC and against Patti-Cake Child Care Center and Preschool of Chicago, Inc. in the amount of \$573,339.05; (ii) enter a final judgment on Count IV of the Complaint to Foreclose Mortgage and for Other Relief in favor of PNC and against Patti-Cake Child Care Center and Preschool of Lake County, Inc. in the amount of \$573,339.05; and (iii) grant such further relief as this Court deems just and equitable.

Respectfully submitted,

/s/ Wendy Kaleta Gattone
One of the attorneys for plaintiff, PNC
Bank, National Association, successor
to National City Bank of the Midwest

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