

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

FIRST BANK, a Missouri banking corporation,

Plaintiff,

v.

**HIS WAY DEVELOPMENT, INC., an Illinois
corporation; RYAN D. MARTIN; MARVIN W.
HAYDEN,**

Defendants.

Case No. 13-cv-360-DRH-SCW

ORDER CONFIRMING SALE

HERNDON, Chief Judge:

On motion of plaintiff, First Bank, for confirmation of sale (Doc. 27), the Court, being in all respects fully advised in the premises, **GRANTS** the motion and finds as follows:

1. Due notice of the presentment of plaintiff's motion has been given.
2. The real estate described in plaintiff's Complaint was sold at public sale on January 22, 2014, in accordance with the Judgment of Foreclosure entered herein on October 10, 2013.
3. Proper notice of such sale was given in accordance with law and the provisions of the Judgment of Foreclosure.
4. The terms of sale were not unconscionable.
5. The sale was not conducted fraudulently.
6. Justice was done in connection with the sale.
7. All rights of redemption and reinstatement have expired (or have been validly waived) without redemption or reinstatement having been made.
8. Plaintiff has priority over all other parties, and is entitled to receive all proceeds of sale.

9. Plaintiff was the successful bidder at such sale, having bid the sum of \$45,750.00, which sum was set off against the amount found due plaintiff under the Judgment.

10. As of the date of sale, the following amounts were due and owing to plaintiff:

Amount found due in judgment as of October 10, 2013:

Unpaid principal balance\$144,339.06

Accrued interest at \$15.01 per day and unpaid as of date of sale.....3,701.41

Costs of Sale:

Marshal's commission..... 701.25

Marshal's fees for conducting sale (Service).....65.00
(Mileage).....11.10

Publication charges.....899.00

Total amount of indebtedness..... 149,716.82

Amount of bid at sale.....45,750.00

Amount of deficiency.....\$103,966.72

11. The expenses and/or advances set forth above are reasonable and proper.

12. After crediting the proceeds of sale against the amounts due plaintiff, a deficiency in the amount of \$103,966.72 remains due plaintiff.

13. The name, address and phone number of the contact person of the Grantee in the deed to be issued pursuant to this Order are: First Bank c/o

Stefani Drury, M1-199-067, 600 James S. McDonnell Blvd., Hazelwood, MO
63042; Phone: (314) 592-2556.

14. The premises are not "residential real estate" within the meaning of Article 15 of the Code of Civil Procedure.

IT IS THEREFORE ORDERED AS FOLLOWS:

- A. The foreclosure sale conducted on January 22, 2014, is hereby confirmed.
- B. The fees and expenses of the Marshal as set forth above are hereby approved.
- C. Plaintiff is entitled to retain all proceeds of sale.
- D. The rights, if any, of all defendants to this cause to possession of the real estate sold is terminated, and the holder of the Certificate of Sale (or, if none was issued, the Receipt of Sale) is entitled to a Marshal's Deed and to possession of the real estate.
- E. There is no just reason for delaying enforcement or appeal of this Order.

IT IS SO ORDERED.

Signed this 3rd day of February, 2014.

Digitally signed
by David R.
Herndon
Date: 2014.02.03
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**Chief Judge
U.S. District Court**