

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

This is to certify that the within and attached document is a full, true and correct copy of the original thereof as the same appears on file in the office of the Clerk of the United States Bankruptcy Court for the Northern District of Illinois.

WAYNE E. NELSON  
CLERK OF COURT

By: Andy Strabe  
Deputy Clerk

Date: January 13, 2000

In re: )  
CLARENCE L. VANCE, )  
 )  
 )  
Debtor. )  
\_\_\_\_\_)  
 )  
THOMAS J. LESTER, Trustee )  
 )  
Plaintiff, )  
v. )  
 )  
CLARENCE L. VANCE, )  
HARRIET P. VANCE, and )  
HARRIET P. VANCE as Trustee )  
under a Trust Agreement dated )  
October 22, 1993 and known as )  
Thousand Hills Trust Number 1 )  
 )  
Defendants. )

Chapter 7  
Case No. 97 B 50687

Adversary No. 99 A 5023

ORDER

THIS MATTER having come before Court on the Motion for Default Judgment filed against Defendants, Clarence L. Vance, Harriett P. Vance and Harriett P. Vance as Trustee under a Trust Agreement dated October 22, 1993 and known as Thousand Hills Trust Number 1, and with the Court being fully advised in the premises, the Court hereby finds:

1. The Trustee, Thomas J. Lester, is entitled to the relief sought in the adversary proceeding.
2. On February 24, 1999, the Trustee filed the above-referenced adversary complaint naming Clarence L. Vance, Harriett P. Vance and Harriett P. Vance as Trustee under a Trust Agreement dated October 22, 1993 and known as Thousand Hills Trust Number 1 as Defendants.
3. On or about February 26, 1999, Clarence L. Vance, Harriett P. Vance and Harriett P. Vance as Trustee were all served with Summons.

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4. On March 17, 1999, the Defendants filed a Motion to Dismiss the Complaint for failure to state a claim.

5. On June 9, 1999, the Court entered an Order: (1) denying Defendants' Motion to Dismiss; (2) granting Defendants fourteen days to file answers; (3) barring the Defendants from filing any further pleadings in this cause, other than their answers, without leave of Court; (4) granting the Trustee leave to file and serve requests to admit facts; and (5) setting the matter for status on August 5, 1999.

6. On August 5, 1999, the Court entered another Order directing Defendants to answer on or before September 8, 1999.

7. The Defendant's did not file an answer by that time and on September 27, 1999, the Trustee was granted leave to file a Motion for Default Judgment and filed said Motion on September 30, 1999.

8. Defendants, although being ordered by the Court to file an Answer to the Adversary Complaint, have failed to file an Answer and are in default.

9. The undivided one-half interest of Clarence L. Vance in certain real property located in the Village of Pecatonica, County of Winnebago, State of Illinois, and commonly known as 15858 Brick School Road, which is more fully described as follows (hereinafter referred to as the "Farm Property"):

The North Half (1/2) of the Southwest Quarter (1/4) and the Northwest Quarter (1/4) of the South East Quarter (1/4) of Section Nine (9) Township Twenty-seven (27) North, Range Ten (10) East of the Fourth (4th) Principal Meridian, also Lots One through Seven inclusive in the South East Quarter (1/4) of the Southwest Quarter (1/4) as designated upon the Plat accompanying the Commissioner's Report in Cause Number 6224 in the Circuit Court of Winnebago County as said Plat is recorded in Book 63 of Deeds at Page 551 in the Recorder's Office of Winnebago County, Illinois; also the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of the Section, Township and Range aforesaid excepting that part of said premises heretofore conveyed by

Deeds recorded in Book 777 of Recorder's Records at Page 46 and Book 1046 of Recorder's Records at page 50 in the Recorder's Office in Winnebago County, Illinois, situated in Winnebago County, State of Illinois.

is property of the estate. Any attempted pre-petition or post-petition conveyance of the property is voidable and is hereby voided by this Court.

10. A partition of the estate's and the co-owner's one-half interest in the Farm Property would not be practicable under the circumstances and a sale of the undivided one-half interest would diminish the recovery by the estate.

WHEREFORE, this Court orders that:

1. The Defendants are defaulted.
2. Any attempted pre-petition or post-petition conveyance of the real property is hereby voided.
3. The Trustee is authorized to sell the Farm Property, free and clear of liens pursuant to 11 U.S.C. §363, with one-half of the net proceeds of the sale payable to the estate and the other one-half of the net proceeds payable to Harriett P. Vance.
4. The mechanics of said sale shall be determined by this Court upon proper motion and further order.
5. The Defendants are hereby required to execute all documents necessary to vest title to the Farm Property in the name of the Trustee or his assignee, as this Court may direct.

DATED: NOV 24 1999

ENTERED:

By: 

JUDGE MANUEL BARBOSA

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