

STATE OF INDIANA) ST. JOSEPH SUPERIOR COURT 6
)SS:
COUNTY OF ST. JOSEPH) CASE NO. 71D06-1403-MF-00124

JPMorgan Chase Bank, National Association)

Plaintiff)

vs.)

Marcin G. Kamrowski)

Defendant)

- FILED -

MAY 1 - 2014

St. Joseph Superior Court Clerk

JUDGMENT AND DECREE OF FORECLOSURE

Comes now the Plaintiff, JPMorgan Chase Bank, National Association, (hereafter referred to as "Plaintiff"), by counsel, and it appearing to the Court that the following parties in this action are properly before the Court by service of process pursuant to Trial Rule 4 of the Indiana Rules of Procedure in that the summonses and the returns endorsed thereon show that summons was served upon the Defendant, Marcin G. Kamrowski.

And it appearing that this cause came pursuant to Plaintiff's Motion for Default Judgment Entry and Decree of Foreclosure, which Motion was previously filed with this Court and which Motion states that (i) Marcin G. Kamrowski is not known to be an infant or incompetent and (ii) service has matured a sufficient time to place Marcin G. Kamrowski in default for failure to appear or file a responsive pleading herein.

And it further appearing to the Court by the affidavit, which affidavit was previously filed with this Court and which affidavit states that Marcin G. Kamrowski is not in the military service of the United States of America.

Marcin G. Kamrowski is now placed in default herein.

And the Court, having reviewed the pleadings filed herein and being duly advised in the premises, now finds for the Plaintiff that the allegations of Plaintiff's Complaint are true, and that the prayer thereof should be granted, and that there is due Plaintiff, on the cause of action sued upon, the sum of \$64,550.75, as of April 7, 2014. The sum of \$64,550.75 consists of \$62,485.43, in principal, accrued but unpaid interest, late fees and advances of the Note, as of April 7, 2014; plus title search costs in the sum of \$350.00; plus filing fee costs in the amount of \$215.32; plus attorney's fees of \$1,500.00. Plaintiff shall also be entitled to interest at the rate set forth in its Note from March 31, 2014, to the date of judgment; plus post-judgment interest; plus all advances made or incurred in the collection of the aforesaid sums, including real estate taxes and insurance, which the Plaintiff incurs in protecting its interest in the Real Estate (hereafter defined) in order to protect its interest herein; and, plus any other further amounts expended by the Plaintiff, all without relief from valuation or appraisal laws.

That the Plaintiff is entitled to have its mortgage, as such is set forth in its Complaint, foreclosed as against Marcin G. Kamrowski and that the lien of the Plaintiff is superior to all other mortgages, liens, interests, and claims.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the Plaintiff be, and it is given an *in-rem* judgment against the Real Estate (hereafter defined) and *in-personam* judgment against Marcin G. Kamrowski, on the cause of action sued upon, in the sum of \$64,550.75, as of April 7, 2014. Plaintiff shall also be entitled to interest at the rate set forth in its Note from March 31, 2014, to the date of judgment; plus post-judgment interest; plus all advances made or incurred in the collection of the aforesaid sums, including real estate taxes and insurance, which the Plaintiff incurs in protecting its interest in the

Real Estate (hereafter defined) in order to protect its interest herein; and, plus any other further amounts expended by the Plaintiff, all without relief from valuation or appraisal laws.

2. That the mortgage of the Plaintiff be and it hereby is, foreclosed as first and prior lien and the claims and the equity of redemption of Marcin G. Kamrowski and any persons who might have some possible interest in the real estate described herein, and any and all persons claiming under or through them, hereby are foreclosed and Marcin G. Kamrowski is forever barred from asserting any right, title or interest in and to the following real estate located in St. Joseph County, Indiana, and any improvements thereon, to-wit:

LOT NUMBERED TWENTY-SEVEN (27) AS SHOWN ON THE RECORDED PLAT OF MAYR'S VISTULA AVENUE ADDITION TO THE CITY OF SOUTH BEND, TOGETHER WITH THE EAST HALF (1/2) OF THAT PART OF THE VACATED ALLEY LYING WEST OF ADJOINING SAID LOT, EXCEPTING THEREFROM A TRACT OF LAND TWENTY (20) FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE ENTIRE EAST END OF SAID LOT FOR THE WIDENING OF KLINE STREET, NOW TWYCKENHAM DRIVE, IN ST. JOSEPH COUNTY, INDIANA.

Commonly known as 1715 S.Twyckenham Dr., South Bend, IN 46613
(hereafter referred to as "Real Estate").

3. That the Real Estate which is the subject of this Judgment and Decree of Foreclosure shall be sold by the Sheriff of St. Joseph County, Indiana, all without relief from valuation or appraisal laws, in order to satisfy the amounts found to be due Plaintiff, as soon as the said sale can be had under the laws of this jurisdiction governing the sale of the Real Estate, a proper deed or deeds be issued according to law to the purchaser or purchasers at such sale or sales.

4. That the Plaintiff be, and it hereby is, empowered to bid for the Real Estate or any part thereof with the indebtedness due Plaintiff.

5. That the proceeds of such sale shall be applied first to the costs of this action, including costs of sheriff's sale, next to the payment of delinquent real estate taxes, penalties and

interest due and owing, next to the payment of the amount due the Plaintiff on its judgment rendered herein, and next to those entitled thereto according to their priorities as is later determined by this Court.

6. In the event the proceeds of any sheriff's sale are insufficient to satisfy in full the costs of this action and the amount due to Plaintiff hereunder, the difference between the amount due to Plaintiff at any sheriff's sale and Plaintiff's actual bid at any sheriff's sale shall establish the personal deficiency judgment against Marcin G. Kamrowski.

7. Plaintiff may cancel the sheriff's sale at any time prior to the scheduled time and date without further order of this Court by providing notification to the Sheriff of St. Joseph County or the Sheriff's representative.

8. Marcin G. Kamrowski and any and all persons claiming under or through them are hereby enjoined from committing waste upon the Real Estate and from doing any act which may impair the value of the Real Estate, unless said Real Estate is properly redeemed as provided by law.

9. A copy of this Decree of Foreclosure, duly certified by the Clerk of this County, under the seal of this Court, shall be sufficient authority for the Sheriff to proceed as herein directed.

ORDERED, ADJUDGED AND DECREED:

Dated this 1st day of May, 2014.


Judge, St. Joseph Superior 6 Court

Distribution:

Brian K Tekulve
NELSON & FRANKENBERGER
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Marcin G. Kamrowski
1715 S. Twyckenham Dr.
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