

STATE OF ILLINOIS)
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COUNTY OF COOK) SS.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - PROBATE DIVISION

THE ESTATE OF)
)
MARY SYKES,) 09 P 4585
)
a disabled person.)
)

REPORT OF PROCEEDINGS had at the hearing of
the above-entitled cause, before the Honorable JANE
STUART, one of the Judges of said Court, on Wednesday,
the 14th day of September, A.D., 2011.

PRESENT:

MR. ADAM STERN,
Guardian Ad Litem;

MS. GLORIA SYKES.

Candace G. Jagers, License #084-004494
Official Court Reporter
69 W. Washington, Suite 900
Chicago, IL 60602

1 MR. STERN: Adam Stern, S T E R N, one of the two
2 Guardian Ad Litem on this case.

3 MS. SYKES: Gloria Jean Sykes, Mary Sykes' youngest
4 daughter.

5 THE COURT: I have a copy of the order that was
6 entered on September 8th.

7 (Reading document.) Matter being heard for
8 ruling on guardian's petition for partition, guardian's
9 petition to set aside apportionment agreement, and
10 Gloria Sykes' motion to strike Dr. Shaw's testimony.
11 Present in court Peter Schmiedel, Cynthia Feranga, Adam
12 Stern, and Gloria Sykes. It's hereby ordered, one,
13 Gloria Sykes' motion to strike Dr. Shaw's testimony is
14 denied. However, the Court shall allow Gloria Sykes to
15 recross-examine Dr. Shaw on the hearing on the
16 guardian's petition to set aside apportionment
17 agreement. Two, the petition is set aside,
18 apportionment agreement is set for an evidentiary
19 hearing on December 1st, 2011, at 10:15. a.m. and
20 12/2/11 at 10:15 a.m. Both days are reserved for the
21 entire day. Three, Gloria Sykes' oral motion to
22 reconsider the -- something on the apportionment.

23 MR. STERN: Petition for partition.

24 THE COURT: Is denied. Reconsider the --

1 something. I don't know what that is, these little
2 words.

3 MR. STERN: Partition petition.

4 THE COURT: It's very small. No. There's some
5 words before that.

6 MR. STERN: Reconsider the ruling on the partition
7 petition is denied. It was "ruling" is the word.

8 THE COURT: Okay. The Court finds that Mary Sykes
9 and Gloria Sykes hold the real estate as 6016 North
10 Avondale in joint tenancy with rights of survivorship.
11 The petition for partition is granted and is entered
12 and continued to 9/14 at 10:00 o'clock to appoint a
13 commissioner. Parties are encouraged to submit names.
14 GAL Feranga petition to compel disclosure.

15 MR. STERN: Of 68,000.

16 THE COURT: \$68,000. Is entered and continued to
17 12/1 at 10:15.

18 I have not received any recommended names.

19 MR. STERN: You have not, Judge.

20 MS. SYKES: Your Honor, I respectfully ask for a
21 continuance on this. I have just --

22 THE COURT: I'll be happy to.

23 MS. SYKES: I have just retained an attorney who
24 asked for leave to -- regarding this petition. There

1 has been no evidentiary proof that my mother is -- that
2 the deed was even recorded. And, of course, you know
3 that --

4 THE COURT: The only problem is -- with that is I
5 remember you had indicated and you have acknowledged
6 before this court that the property was held by both.
7 However, you heard this. I assume that it's easily
8 remedied. If it is not, then that brings things up
9 that have to be considered. I'm going to enter and
10 continue it anyway because I don't have anybody.

11 MR. STERN: If I can speak briefly?

12 THE COURT: Please.

13 MR. STERN: First of all, I have spoken to
14 Mr. Schmiedel who indicated that he couldn't be here
15 because of a trial at DuPage County. I've spoken to
16 Ms. Feranga as well. We have done some diligence
17 trying to find someone who has served as commissioner
18 in the past, someone who is familiar with these. We've
19 not been able to come up with a name. Judge, we would
20 just at this point just ask that you just pick
21 somebody, and we have no issue with that.

22 THE COURT: This is what I'm going to do: Let me
23 have the book, if I may.

24 MS. SYKES: Your Honor, with all due respect --

1 THE COURT: Stop, please, ma'am. Stop, ma'am,
2 stop, just stop. You don't know what I'm getting ready
3 to do. Wait until you find out. We need to get this
4 moved along. Can your attorney appear on Friday, the
5 16th?

6 MS. SYKES: I will have to --

7 THE COURT: I'm going to set a date. I want to set
8 a date.

9 MS. SYKES: Please do, your Honor, and then I'll
10 call him, and if he has any problems.

11 THE COURT: Why don't you call him now and find out
12 the dates.

13 MR. STERN: Judge, could we have the name of the
14 attorney?

15 THE COURT: Well, they haven't filed an appearance.
16 Why don't you step out and call him now, see what dates
17 he's available. Get more than one.

18 (The above-entitled cause was passed and
19 later recalled.)

20 MS. SYKES: Mr. Estes (phonetic) said that he could
21 potentially do -- You meant the 16th of this week,
22 correct?

23 THE COURT: Yeah, Friday.

24 MS. SYKES: He would have to change some things

1 around, or next week would be better. His schedule is
2 more flexible for turning things around. But he said
3 if the best thing would be you -- if this had to be the
4 16th, it would be in afternoon if that was possible.

5 MR. STERN: I'm available the afternoon, Judge.

6 THE COURT: The problem is next week I'm not here
7 for the full week, so it is -- it would be a little
8 difficult to get in here. So the 16th at 2:00 o'clock.
9 Okay? And we'll see what your attorneys here. We'll
10 give them a chance to come in.

11 MS. SYKES: Thank you.

12 THE COURT: Okay, thank you. I'll enter and
13 continue all motions.

14 MR. STERN: Okay.

15 THE COURT: And just continue some.

16 (The above-entitled cause was passed and
17 later recalled.)

18 MS. SYKES: He said he's got a 9:00 to 10:00 he's
19 in court here.

20 MR. STERN: I know Mr. Schmiedel is on trial. And
21 I have a closing in Westchester at 9:30 on --

22 THE COURT: I cannot do it. The morning is --

23 MR. STERN: Okay.

24 THE COURT: So what other days is he available?

1 MS. SYKES: He said next week. You said you
2 weren't going to be here. But he said his schedule is
3 now flexible after this week.

4 THE COURT: I'm going to continue it. Can anybody
5 be here on the 16th in the morning?

6 MR. STERN: I don't know. I know Mr. Schmiedel I
7 believe he's still in trial. I think it was an
8 all-week trial. I was trying to call Ms. Feranga. Do
9 you want me to step out and see if she's available on
10 Friday?

11 THE COURT: In the morning. See if she's
12 available. But it would be solely for the purpose of
13 your counsel coming and filing his appearance before
14 the Court.

15 MS. SYKES: So this is solely for him coming filing
16 an appearance?

17 THE COURT: Right. Or, you know, because I'd like
18 to get this going. You know, we got to move. We got
19 to get stuff going. Yes, we have to get this done.
20 You may win, so you want it done. Yes?

21 MR. STERN: I'll call Ms. Feranga.

22 MS. SYKES: But they can't advocate for my sister.
23 They're not my sister's attorneys, and I really have a
24 problem with --

1 THE COURT: They're not advocating. They're
2 getting a date. And he was reporting.

3 MS. SYKES: And he can't -- Mr. Stern and
4 Ms. Feranga can't advocate for my mother either. I
5 mean, she has a right, you know. They can't stand up
6 here and say that my mother -- they know what my
7 mother's plans were, what my mother knew, or if she
8 accepted it.

9 THE COURT: Whether you like it or not, we're going
10 to follow the rules of law, and the rules of law at
11 this point haven't been satisfied. The Guardians Ad
12 Litem are the Court's eyes and ears. Mr. Stern was
13 doing a courtesy for Mr. Schmiedel to advise the Court
14 that Mr. Schmiedel had not come up with a commissioner.
15 And Mr. Stern and Ms. Feranga as Guardian Ad Litem had
16 also looked and have not been able to find one. You
17 don't have one. But you have an attorney coming in.

18 MS. SYKES: I retained an attorney because there's
19 some issues --

20 THE COURT: So your attorney has not filed their
21 appearance. They have not filed their appearance.
22 They need to file their appearance. He's not before
23 me, so I cannot ask him to go down and file it now.
24 And I'm going to find a date for him to come and file

1 his appearance so he can file whatever he wants to file
2 with the Court. That's why I'm trying to set this
3 date. See if anybody's available on the 16th in the
4 morning.

5 MR. STERN: I will.

6 THE COURT: All right. Thank you.

7 (The above-entitled cause was passed and
8 later recalled.)

9 THE COURT: Let the record reflect that in the
10 courtroom I have Ms. Sykes and Mr. Stern.

11 MR. STERN: Your Honor, I was not able to get in
12 touch with Ms. Feranga to see if she's available on
13 Friday. However, Judge, I have an associate attorney
14 who works in my office who's appeared once in this
15 case. He's available on Friday.

16 THE COURT: No. I'll see you Thursday the 6th of
17 October at 11:00 o'clock.

18 MS. SYKES: 6th of October at 11:00? And I can
19 just write that into the order?

20 THE COURT: Yes. We are going to write it in the
21 order. May I have your copy?

22 MS. SYKES: Can I go get my copy?

23 THE COURT: Yeah, sure.

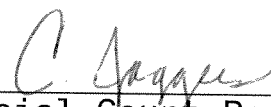
24 MR. STERN: I'll have to bring mine back because

1 mine's over in Judge Cesario's courtroom as well.
2 THE COURT: That would be 11:30 a.m. on the 6th of
3 October. Thank you.
4 MR. STERN: Here's Ms. Sykes' copy if you want to
5 change that as well. I'll bring mine over in a little
6 bit.
7 MS. SYKES: Thank you again, and have a wonderful
8 day.
9 THE COURT: You too.
10 MS. SYKES: And a wonderful week.
11 MR. STERN: You too, Ms. Sykes.
12 MS. SYKES: And truly enjoy your time off.
13 THE COURT: No. I'll be working.
14 (Which were all the proceedings had in
15 the above-entitled cause.)
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STATE OF ILLINOIS)
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COUNTY OF COOK) SS:

I, CANDACE G. JAGGERS, an Official Court Reporter for the Circuit Court of Cook County, Illinois, do hereby certify that I reported in shorthand the proceedings had on the hearing in the above-entitled cause; that I, thereafter, caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings.



Official Court Reporter
CSR# 084-004494
Circuit Court of Cook County,
County Department-Probate Division

Dated this 11th day of May, 2012.