



1 MS. FARENGA: Cynthia Farenga. I'm one of two  
2 Guardian Ad Litem for Mary Sykes.

3 MS. TOERPE: Carolyn (phonetic) Toerpe,  
4 T O E R P E, guardian of Mary Sykes.

5 MR. SCHMIEDEL: Peter Schmiedel on behalf of  
6 Carolyn Toerpe.

7 MR. STERN: Adam Stern, S T E R N, the other  
8 Guardian Ad Litem.

9 THE COURT: I note that we have in the courtroom  
10 Gloria Sykes. But you have not approached the bench.  
11 And would the attorneys agree Ms. Sykes is present in  
12 the courtroom?

13 MR. SCHMIEDEL: She is, Judge.

14 THE COURT: When we were together last and we  
15 picked this date, I wrote down some things we would be  
16 reviewing, discussing being presented. This was an  
17 order entered on May 20th, the motion to strike  
18 Dr. Shaw's (phonetic) testimony filed by Gloria Sykes  
19 and be heard today, July 8 at 2:00. Two, The  
20 guardian's petition for partition shall be heard on  
21 July 8 at 2:00. The guardian having filed instanter  
22 her motion to declare apportionment agreement null and  
23 void. The parties and Gloria Sykes having received a  
24 copy in open court. Gloria Sykes has until June 24,

1 2011, to file any response.

2 Did you receive a response?

3 MR. SCHMIEDEL: I did, Judge.

4 THE COURT: Four, the guardian shall have until  
5 July 6 to reply to Gloria Sykes' response to  
6 apportionment motion, and the hearing on the guardian's  
7 petition shall be July 8th. Did you indeed --

8 MR. SCHMIEDEL: I did not file a reply because I  
9 didn't think anything was raised in her response that  
10 warranted a reply. That was all besides the point,  
11 Judge.

12 THE COURT: That is always your -- And, five, all  
13 matters currently pending, the accounting of Carolyn  
14 Toerpe as power of attorney, GAL Faranga's motion to  
15 compel disclosure \$65,000, guardian's motion to strike  
16 request to admit, and report regarding visitation for  
17 GAL Stern shall be heard on September 8, 2011, at  
18 2:00 p.m. Gloria Sykes shall have until June 24, 2011,  
19 to respond to GAL Faranga's motion to compel disclosure  
20 of the \$65,000.

21 Did you receive that --

22 MS. FARENGA: I did, your Honor.

23 MR. SCHMIEDEL: There's one other matter you should  
24 probably be aware of, Judge. Since the last time we

1 were in court, the Appellate Court has ruled, and they  
2 have stricken Ms. Sykes' brief and dismissed the  
3 appeal.

4 MS. SYKES: Your Honor, excuse me --

5 THE COURT: You have to step up and not shout from  
6 the back. Excuse me. Excuse me. Excuse me.

7 (Reading document.) In the Appellate Court of  
8 Illinois, First Judicial District, there was a case,  
9 the Appellate Court No. 1-10-0808 in which Ms. Sykes  
10 was the counter-plaintiff appellant against the estate  
11 of Mary G. Sykes vs. Carolyn Toerpe, plenary guardian.  
12 The matter came on on a motion to dismiss and for  
13 sanctions against the pro se plaintiff/appellant,  
14 Gloria Jean Sykes for failure to file an appellate  
15 brief that complies with Illinois Supreme Court  
16 Rule 341 other requirements. Due notice having been  
17 given, et cetera. It's hereby ordered that the amicus  
18 response of nonparty, Kenneth Ditkowsky,  
19 D I T K O W S K Y -- Did I spell that properly?

20 MS. FARENGA: Yes.

21 THE COURT: Having been filed without leave of  
22 court is stricken. Further ordered that the motion of  
23 the defendant appellee, Carolyn Toerpe for sanctions is  
24 denied. It's further ordered that the revised

1 appellate brief pro se plaintiff appellant, Gloria Jean  
2 Sykes having still not complied with Illinois Supreme  
3 Court Rule 341. This Court's March 31, 2011, is  
4 stricken. And the matter -- It is further ordered that  
5 this appeal is dismissed.

6 MS. SYKES: Your Honor --

7 THE COURT: I don't want to know what happened.

8 MS. SYKES: I filed something in response to this,  
9 your Honor.

10 THE COURT: You filed something in the Appellate  
11 Court?

12 MS. SYKES: Right. If they're going to bring this  
13 up into this which does not belong in this matter, I  
14 filed for clarification --

15 THE COURT: Clarification of the order.

16 MS. SYKES: For clarification and to ask --

17 THE COURT: Thank you for letting me know that,  
18 Ms. Sykes. You're going to return to your seat in the  
19 back of the courtroom?

20 MS. SYKES: Well, like I said, I do submit to the  
21 jurisdiction of this Court by standing by the bench,  
22 your Honor.

23 THE COURT: That's one approach.

24 MS. FARENGA: That seems to be a little late in the

1 game for that.

2 THE COURT: We --

3 MS. FARENGA: But it's not --

4 THE COURT: She's not your client.

5 MS. FARENGA: That's right.

6 THE COURT: I don't think she's asked for any legal  
7 advice from anyone that's standing immediately in front  
8 of the bench.

9 MR. SCHMIEDEL: We can take the issues seriatim,  
10 Judge, if you wish?

11 THE COURT: I think that would be best.

12 MS. FARENGA: We also had a prior motion to exclude  
13 witnesses, standing motion. I don't know if that  
14 applies.

15 MR. SCHMIEDEL: There's no evidentiary --

16 THE COURT: No. This is an argument of law.

17 MR. SCHMIEDEL: The Dr. Shaw issue is kind of  
18 curious in the sense is that -- Actually, it's her  
19 motion. It's Gloria Sykes' motion to strike Dr. Shaw's  
20 testimony.

21 THE COURT: But she's not going to participate. We  
22 can move onto something else.

23 MR. SCHMIEDEL: That's fine.

24 THE COURT: You're here now. What does that mean?

1 MS. SYKES: I still don't submit to the  
2 jurisdiction, but if he's going to be talking about Dr.  
3 Shaw's motion --

4 THE COURT: You know, let me say this to you:  
5 You're either in, or be out. I don't know what you're  
6 doing. I don't know what you think -- what impact that  
7 you think that's going to have. But you either have to  
8 decide if you're going to participate or you're not  
9 going to participate. That's not fair.

10 MS. SYKES: Well, it's not fair when I have not  
11 submitted to the jurisdiction of this Court, and  
12 everything they're bringing forward -- I was not  
13 allowed any testimony. I was not allowed any due  
14 process on any of these motions. I was not given  
15 notice for Mr. -- Dr. Shaw even to be there to testify.  
16 And all of this is happening --

17 THE COURT: You know what this is? That would be  
18 your argument for why I should -- It says here for the  
19 motion to strike Dr. Shaw's testimony filed by Gloria  
20 Sykes shall be heard on July 8th, 2011. Is this your  
21 argument in support of your motion to strike?

22 MS. SYKES: Yes, it is. But, your Honor, I was  
23 not -- Dr. Shaw was allowed to testify the day that I  
24 brought all my witnesses in. You had them escorted out

1 of the room. I was brought into the back and  
2 handcuffed -- okay -- to a chair. I was not allowed to  
3 have any of my witnesses.

4 THE COURT: Was that all the same day?

5 MS. SYKES: Yes.

6 THE COURT: Oh, it was a very active day.

7 MS. FARENGA: It was.

8 MR. SCHMIEDEL: We got a lot accomplished on that  
9 day.

10 THE COURT: Go ahead. What is it about  
11 Dr. Shaw's -- Your complaint is that you had no notice?  
12 Is that a fair statement?

13 MS. SYKES: I had no notice. He never saw my  
14 mother. There's plenty of statute, your Honor, that  
15 shows that somebody cannot walk in willy-nilly and just  
16 say, Well, I read a report, so, there, I decided this  
17 person on this date was incompetent. Plus there's --  
18 Plus we've got testimony over and over again from  
19 Mr. Stern here and Ms. Farenga in 2009, in 2010 where  
20 they have said to the Court, No, we've talked to Mary  
21 Sykes and she said she didn't want an attorney. So if  
22 Mary Sykes is competent enough to determine whether or  
23 not she wants an attorney or whether or not she wants  
24 to be in court, then I believe in 2009, in 2010, that I



1 believe in 2008, particularly since Mary Sykes' own  
2 doctor, Dr. Patel wrote Carolyn Toerpe many times and  
3 said he refused to sign the CCP-211 because my mother  
4 made sense out of every topic and she can get a  
5 conversation about any subject. And he refused to sign  
6 it.

7 Now, why didn't Mrs. Toerpe bring Dr. Patel  
8 here, mother's primary physician and put him on the  
9 stand? Because with Dr. Patel, obviously --

10 THE COURT: Restrict yourself to Dr. Shaw's  
11 testimony and why it should be stricken.

12 MS. SYKES: That's one of my arguments why it  
13 shouldn't [sic] be stricken. They have done everything  
14 wrong, but that's what they do. They walk in. They  
15 don't give notification that he's even going to be  
16 testifying so I could have set or done something. I  
17 wasn't allowed any testimony.

18 THE COURT: Stop, please. On that day that  
19 Dr. Shaw was here, what notice had there been to  
20 Ms. Sykes, if any, that Dr. Shaw would be here to give  
21 his testimony?

22 MR. SCHMIEDEL: There was no notice, Judge. We had  
23 set the matter for a hearing. And actually what  
24 Ms. Sykes said she was going to do is bring in

1 Dr. Patel. There was no -- The argument that Gloria  
2 made she would sit down for a evidentiary hearing, I  
3 didn't know who her witnesses were going to be.

4 MS. SYKES: Yes, you did. I gave him --

5 THE COURT: Let him speak. You notice how he was  
6 quiet when you spoke? Fair is fair.

7 MR. SCHMIEDEL: There was no -- Her argument was  
8 there was no 213. That was what she put in her motion.  
9 No interrogatory answered, no response by Dr. Shaw.  
10 There was no 213 that was ever filed by Ms. Sykes. So  
11 there was no reason to respond to any 213 interrogatory  
12 because there was no discovery. There was no discovery  
13 that was in place.

14 MS. SYKES: That was not my argument, sir.

15 THE COURT: Excuse me. Excuse me, please. Excuse  
16 me. You know better to talk to each other in front of  
17 the bench. You have to be quiet while he makes his  
18 statement, and then you'll be able to make another  
19 statement in support of what you have. Are you looking  
20 for something to show me?

21 MR. SCHMIEDEL: When I'm looking in my response, I  
22 point out in my response to her motion that she raises  
23 two matters. One, is that there was no 213. The first  
24 one was with respect to Dr. Shaw, ask the testimony be

1 stricken because Dr. Shaw was not disclosed as a  
2 witness pursuant to Supreme Court Rule 213 which  
3 provides that upon written interrogatory, a party must  
4 disclose the identity of a witness.

5 THE COURT: There was never a request for that?

6 MR. SCHMIEDEL: There was never a Rule 213 filed.  
7 The other grounds for her motion was that Dr. Shaw did  
8 not see Mary Sykes and, therefore, his testimony should  
9 be disregarded --

10 THE COURT: That goes to weight. I'm going to stop  
11 you here. When you just heard me say that goes to  
12 weight -- Are you listening to me? Are you listening  
13 to me?

14 MS. SYKES: Yes, I am. I'm looking for my motion.

15 THE COURT: I'm sure you can do both. If you  
16 can't, then if you want, I'll wait until you finish  
17 leafing through your papers, or if you'll stop looking  
18 through your papers, then I can tell you. Do you need  
19 me to stop until you finish?

20 MS. SYKES: Yeah. Go ahead, please.

21 THE COURT: When I say it goes to weight, many  
22 times evidence can come in. Evidence, however, is not  
23 all of the same weight, has the same, if you will,  
24 value and will have as much impact on the final

1 decision. The fact that Dr. Shaw, the things you have  
2 raised did not -- The fact that Dr. Shaw did not  
3 examine your mother either on the date of the signing  
4 of that document or around that time or at any time as  
5 he examined your mother, which is your argument, is it  
6 not?

7 MS. SYKES: One of my arguments, yes.

8 THE COURT: Goes to how much weight I should give  
9 to his opinion testimony. He's an expert, a medical  
10 expert. He gave the basis upon which he was making  
11 his -- he was forming his opinion. And he gave me his  
12 opinion. What your argument is the weight I should  
13 give to his opinion. Did you have something else you  
14 were saying?

15 MR. SCHMIEDEL: No, Judge.

16 MS. SYKES: I brought up also Sodini (phonetic),  
17 that there was no jurisdiction in this case, and the  
18 failure to give notice of the guardianship hearing to a  
19 sister of a respondent is jurisdictional defect. The  
20 legislation desire to make service upon these relatives  
21 listed in the petition a requirement for obtaining  
22 proper jurisdiction.

23 THE COURT: Then I'm going to move that  
24 inappropriate at this time. I believe that

1 Judge Connors, as far back as Judge Connors had made  
2 the decision that there had been appropriate notice  
3 and, therefore, entered -- upon the showing of whatever  
4 evidence there was at that time entered the order  
5 finding that your mother was disabled and that this  
6 court did have -- When I say "this Court" at this  
7 point, I'm not speaking of myself. I meant the court  
8 itself had jurisdiction and the authority to rule in  
9 the matter on the petition for guardianship. So that  
10 has been decided sometime ago, and certainly more  
11 than the time to appeal has past.

12 MS. SYKES: That is what my appeal is about. The  
13 Appellate Court dismissed it based on the grounds --

14 THE COURT: I really, really -- Excuse me, ma'am.  
15 As far as what the Appellate Court did, all that tells  
16 me is that there isn't, at least as far as that order,  
17 would have me believe any court with the -- I'm going  
18 to use the term "competing jurisdiction" whereas  
19 Appellate Court has carved out some area in which they  
20 were going to be examining, for instance, the  
21 appointment of the guardian. If they were doing that,  
22 then I have no right to look back at that procedure.  
23 But I wouldn't have that anyway.

24 Go ahead.

1 MS. SYKES: Mr. Schmiedel saw it was important that  
2 he tell you that in order to further bias the Court  
3 regarding. And with that said, your Honor, there's  
4 plenty of statute that has determined Dr. Shaw's  
5 testimony is -- it should be stricken.

6 THE COURT: I doubt if it speaks to Dr. Shaw  
7 specifically, but you should your argument about the  
8 statute having to do with guardianship hearings.

9 MS. SYKES: So in other words, anyone can bring any  
10 doctor they'd like and willy-nilly say that three years  
11 ago I never saw her even though her primary doctor says  
12 she's competent and refused to sign the form. We know  
13 for a fact on this specific date that Mary was  
14 incompetent. Therefore, we are going to void and order  
15 from another court from 2008 without ever having filed  
16 proper jurisdiction. Is that correct?

17 THE COURT: Let me make sure you understand that  
18 what's at issue here is not the order approving  
19 settlement. What is at issue here is the apportionment  
20 agreement --

21 MS. SYKES: That's part of the order. That's part  
22 of the order.

23 THE COURT: No, no. Is specifically between you  
24 and your mother. It's between you and your mother.

1 And I don't believe that it bears the stamp of the  
2 court, and --

3 MS. SYKES: Your Honor, I had witnesses here in  
4 court that would have been able to testify that my  
5 mother was not only competent in 2008 --

6 THE COURT: Your settlement apportionment agreement  
7 which is Exhibit 3 to the motion to declare  
8 apportionment agreement null and void filed on --

9 MS. SYKES: Which is part of the order.

10 THE COURT: Excuse me. May 20th. Is between you  
11 and your mother, and it is witnessed by a notary  
12 public. This is not --

13 MS. SYKES: My mother had three attorneys.

14 THE COURT: This is not an order of the court.  
15 This was a private agreement between you and your  
16 mother.

17 MS. SYKES: No, it wasn't. It was issued through  
18 this Court. The court had me sign it and my mother. I  
19 have the letter from the attorney who is here. You  
20 wouldn't allow her to testify so she could have told  
21 you exactly what that appropriation agreement and why  
22 the court wanted it.

23 THE COURT: It's an apportionment agreement.

24 MS. SYKES: Yes. And why the judge wanted it. And

1 what you're saying here is that my sister who knew in  
2 2008 my mother was not only competent, my mother went  
3 with me to New York. And I've got evidence. My mother  
4 went with me to Washington, D.C. My sister and I even  
5 in 2009 for her birthday held her a birthday party, and  
6 so she is competent. Mr. Stern here even has the video  
7 of her showing how competent my mother is. He refuses  
8 to turn it over to the Court. I have a copy for you,  
9 your Honor, if you'd like to see it.

10 THE COURT: I can't see it --

11 MS. SYKES: -- on Dr. Shaw who never met my mother,  
12 who read one thing that said my mother had dementia,  
13 which dementia does not mean that she's incompetent or  
14 functionally incompetent. And there's nothing in the  
15 report that says my mother's incompetent. And you  
16 cannot take hearsay testimony into a court.

17 THE COURT: There's nothing in the order appointing  
18 a guardian that says she's incompetent either. It says  
19 she's unable to communicate proper decisions about  
20 herself and her --

21 MS. SYKES: Well, that's not what they're saying.  
22 They're saying she's -- In fact, I got an e-mail here  
23 from Ms. Farenga saying my mother is so out of it. I  
24 even have here, which is interesting, on May 23rd of



1 2009 --

2 THE COURT: You know what?

3 MS. SYKES: My mother --

4 THE COURT: You have moved away. You want to argue  
5 facts, and what I'm trying to tell you is this is a  
6 motion to strike Dr. Shaw's testimony.

7 MS. SYKES: Right --

8 THE COURT: -- you did not have proper notice.

9 And, therefore, his testimony should be stricken. Is  
10 that a fair statement?

11 MS. SYKES: That's one of my arguments.

12 THE COURT: No. That's -- If the motion is strike  
13 his testimony, then --

14 MS. SYKES: Right. One of my arguments is I wasn't  
15 given notice so I could have proper time to present  
16 proper questions and bring in evidence. We also  
17 brought in that day that Mr. Schmiedel here left out  
18 very important stuff including all the letters and  
19 reports from Dr. Patel. Dr. Patel said my mother was  
20 highly competent. We also left out in which you took  
21 notice to, and you had copies made that day. On that  
22 day also, Dr. Shaw said that there are no medications  
23 that can cause anything to maybe look like dementia or  
24 memory loss. And I have here proof from their own --

1 Had I been able to see his evidence, their evidence  
2 beforehand, your Honor, I would have noticed that at  
3 one point in time my sister was administering five  
4 different drugs to my mother. And those drugs have  
5 such side effects as dizziness --

6 THE COURT: How does that go to your argument to  
7 strike Dr. Shaw's testimony?

8 MS. SYKES: Because Dr. Shaw has testified that  
9 there's no drugs that can cause delusions. There's no  
10 drugs that can cause memory loss. There's no drugs  
11 that can cause dizziness. There's no drugs that can  
12 cause X, Y and Z. He said not prescription drugs can  
13 cause that. So his testimony on its face -- Okay? My  
14 sister also --

15 THE COURT: Now you're talking about the quality of  
16 his testimony, again, the weight of it. When what  
17 you're saying is that you didn't have notice so you  
18 couldn't properly prepare. That's what your motion  
19 would be. I think this has been fully argued. I don't  
20 know that there's anything more I need to hear about  
21 it. Let me ask you: When we set the date on which  
22 Dr. Shaw appeared, was there in the order that set that  
23 date did that have anything there about witnesses would  
24 come or that there would be some, something like that?

1           MR. SCHMIEDEL: You set for what it was. And I'm  
2 speaking by memory, so I don't want to misspeak. My  
3 memory is that what you set it for because the issue at  
4 that time wasn't the apportionment agreement. It was  
5 the apportionment agreement. The issue was whether or  
6 not you wanted to know if there was a preliminary  
7 showing as to whether or not Mary Sykes was competent  
8 to -- Because if she was competent to execute the  
9 apportionment agreement, then you wouldn't be  
10 interested in forcing Ms. Sykes to tell us where the  
11 money was.

12                 So Dr. Shaw came in on that date. In fact, I  
13 believe on the record before we left that date when we  
14 set for that hearing, Ms. Sykes indicated that she was  
15 going to, in fact, try to call Dr. Patel. You said  
16 that was her right to try to do. But it was  
17 contemplated that there was going to be an evidentiary  
18 hearing. And I wanted to make a preliminary showing to  
19 this Court not with respect to Mary's competency or  
20 lack thereof, relative to apportionment agreement so  
21 this Court would feel comfortable in continuing to  
22 order Ms. Sykes to disclose the whereabouts of the  
23 money that was -- that was at issue here that had  
24 previously been frozen.

1           Dr. Shaw testified. After his testimony, you  
2 then asked Ms. Sykes after she had an opportunity to  
3 cross-examine him, you then asked Ms. Sykes where the  
4 money was. We went from there for her to disclose  
5 where the money was.

6           MS. SYKES: Right. So you made a decision right  
7 then and there that Dr. Shaw's --

8           THE COURT: You know, if I had made a decision --  
9 Excuse me. If I had made a final decision, then the  
10 money would not be frozen. The money would have been  
11 either 100 percent yours or there would be some sharing  
12 of the funds. Neither one of those things has  
13 occurred. The funds remain frozen; isn't that correct?

14          MS. FARENGA: I certainly hope so. That is my  
15 understanding.

16          MR. SCHMIEDEL: Yes.

17          MS. SYKES: That is incorrect. I had said that  
18 Dr. Patel should have been brought here.

19          THE COURT: No, no. You're not responding --  
20 Excuse me. Excuse me.

21          MS. SYKES: They knew who I had to testify. I was  
22 not allowed testimony.

23          THE COURT: Excuse me, ma'am. This is about the  
24 money. Now --

1 MS. SYKES: You can't touch the money. It has no  
2 jurisdiction. There's no 1401. There was no citation.  
3 There was never a citation.

4 THE COURT: There was a citation.

5 MS. SYKES: There was no citation.

6 THE COURT: There was a citation, wasn't there?

7 MR. STERN: Yes, there was.

8 THE COURT: Judge Connors --

9 MR. STERN: Judge Flemming.

10 MS. SYKES: There was no citation. There was a  
11 TRO. It was for 30 days. I have it in the transcript  
12 that Harvey Jack Waller (phonetic) on December 7 --

13 THE COURT: Who is Harvey Jack Waller?

14 MS. SYKES: Carol's previous attorney said --

15 MR. STERN: Prior to Mr. Schmiedel that was  
16 representing the guardian.

17 MS. SYKES: Mr. Harvey Jack Waller on December 7,  
18 said to Judge --

19 THE COURT: Of what year?

20 MS. SYKES: Of 2009. It's in the transcripts. I  
21 have given you copies of those. It said, your Honor, I  
22 would like to file a citation and extend the TRO. He  
23 never filed it. And the TRO was never extended --

24 THE COURT: I've had hearings on a citation,

1 Ms. Sykes.

2 MS. SYKES: There wasn't any citation.

3 MR. SCHMIEDEL: That was the hook to tell her -- to  
4 tell us where the money was. Citation was issued to  
5 her --

6 MS. SYKES: No, it wasn't.

7 THE COURT: Yes, it was. Yes, it was.

8 MS. SYKES: No. Your Honor, it wasn't. Your  
9 Honor, may I please back off the bench?

10 THE COURT: I saw that document.

11 MS. SYKES: There was no citation.

12 THE COURT: Stop, Ms. Sykes, stop.

13 MS. SYKES: There was no citation.

14 THE COURT: Stop, Ms. Sykes.

15 MS. SYKES: Then show me -- There was never a  
16 citation. Then show me the citation.

17 THE COURT: Stop, Ms. Sykes.

18 MR. SCHMIEDEL: I wish I could bring every document  
19 with me every day, but there was an issue --

20 THE COURT: Excuse me. Excuse me. Excuse me.

21 MR. STERN: If I recall correctly, I believe Gloria  
22 Sykes actually filed a petition to dismiss the citation  
23 at one point. So I don't know how she's arguing there  
24 wasn't one.

1 THE COURT: She did. She absolutely did.

2 MS. SYKES: Right. And I said in there that there  
3 was no citation. I said there was no citation. And  
4 you wouldn't allow me to file it because Brodsky came  
5 up here and said that he waived my rights to file it.  
6 If you had read my --

7 THE COURT: There we go.

8 MS. FARENGA: Your Honor, just --

9 MS. SYKES: Your Honor, I'd like to back up because  
10 you're going to do what you want to do. And I need to  
11 do what I need to do because I see where this is going.  
12 They have never had a citation.

13 THE COURT: You can stop talking now. Stop talking  
14 now.

15 MS. FARENGA: Your Honor, I'm making just a couple  
16 of statements based on I think the certain assumption  
17 that anything that is -- that happened in this  
18 courtroom ultimately would be appealed by Ms. Sykes.  
19 And, therefore, I want to make clear that in my report  
20 as GAL, I did not say that Mary Sykes did not ask for  
21 counsel. I did not take a position either way. I said  
22 that Mary Sykes told me she would be coming to court.  
23 And that is -- So that's what was said.

24 MS. SYKES: Objection. She said Mary Sykes

1 objected, and that's all I know.

2 THE COURT: You know, the record speaks for itself.  
3 There is no need --

4 MS. SYKES: Yes, Judge. I have the transcripts.

5 THE COURT: Good. I'm glad.

6 MS. FARENGA: The other point is, again, just  
7 assuming this will be appealed and just to refresh a  
8 couple of points when Ms. Sykes says that there's no  
9 evidence about dementia or incompetence on Mary Sykes'  
10 part, Gloria Sykes is the one who with her  
11 cross-petition introduced and provided the CCP-211 of  
12 Dr. Mark Amdar (phonetic), well-known to the Court.

13 MS. SYKES: I objected to that, and --

14 THE COURT: Excuse me, ma'am.

15 MS. FARENGA: It was admitted. It was a basis --

16 MS. SYKES: And I objected to it.

17 THE COURT: Stop.

18 MS. FARENGA: And the last thing is simply that  
19 Gloria's description of Dr. Patel's position is not  
20 accurate by omission. If you look at the totality of  
21 his comment, he is not saying that Ms. Sykes is fully  
22 competent.

23 MS. SYKES: Did you talk to him?

24 THE COURT: Excuse me, ma'am. You don't have my



1 leave to interrogate the Guardian Ad Litem, and I'm not  
2 asking --

3 MS. SYKES: Here's the report from Dr. --

4 THE COURT: I'm not asking you for anything, no,  
5 ma'am.

6 MS. SYKES: -- what Dr. Patel is saying.

7 THE COURT: She wasn't really saying that for my  
8 benefit as much as she was saying it for the benefit  
9 of, I believe, the record.

10 MS. FARENGA: Yes.

11 THE COURT: Now, the next thing is guardian's  
12 petition for partition shall be heard, and --

13 MR. SCHMIEDEL: And Ms. Sykes did file a response.  
14 What she did she filed affirmative defenses that aren't  
15 affirmative defenses at all to the --

16 MS. SYKES: Objection.

17 THE COURT: You are overruled. Continue.

18 MR. SCHMIEDEL: She filed affirmative defenses that  
19 are, as I said, not defenses to the issue of whether or  
20 not Mary has an interest in this home which she clearly  
21 does.

22 MS. SYKES: No, she doesn't. Objection.

23 THE COURT: And you're going to stop speaking  
24 without my permission, ma'am. You're going to stop.

1 MS. SYKES: Can I ask --

2 THE COURT: Stop, stop, stop.

3 MS. SYKES: Can I have a -- Your Honor, I need to  
4 clarify something.

5 THE COURT: Stop. Stop, ma'am. Just stop.

6 MS. SYKES: You won't let me clarify?

7 THE COURT: No, I'm not.

8 MR. SCHMIEDEL: I think you can take judicial  
9 notice of the warranty deed, Judge.

10 THE COURT: This is the warranty deed. I've seen  
11 this in other documents. It does have the stamp here.  
12 It's recorded as Document 98539882 by the Cook County  
13 Recorder. It was --

14 MS. SYKES: Right. And I'd like to see --

15 THE COURT: Stop. It was recorded on June 24,  
16 1998. It's a warranty deed. John Wesmul (phonetic)  
17 conveyed it to Gloria Sykes and Mary G. Sykes.

18 MS. SYKES: There's documents missing.

19 THE COURT: And this is -- It says here under the  
20 stamp that this is one of two pages. I don't know when  
21 you say "documents," do you mean pages --

22 MS. SYKES: Yes. The whole thing. There's  
23 documents missing.

24 THE COURT: No, no. It says here -- No, ma'am.

1 Yes, it does. When this deed was filed with the clerk  
2 of the Cook County Recorder of Deeds, there were -- a  
3 two-page deed was recorded. Excuse me. Under this  
4 recordation number. It creates -- Stop talking.

5 MS. SYKES: There's a --

6 THE COURT: Stop talking. This deed which creates  
7 a joint tenancy between Gloria Jean Sykes and Mary G.  
8 Sykes --

9 MS. SYKES: For survivorship.

10 THE COURT: It's called --

11 MS. SYKES: For survivorship. There's four units  
12 each. My mother gave us everything in the --

13 THE COURT: Stop, ma'am, stop.

14 MS. SYKES: I guess --

15 THE COURT: Stop. This was dated by  
16 Mr. Wesmueller (phonetic) on June 5, 1998.

17 MS. SYKES: They just had me evicted. So now I'm  
18 going to go homeless too?

19 THE COURT: You are living at this house at  
20 6014 Avondale, were you?

21 MS. SYKES: No. I'm living -- Yeah, I'm living at  
22 6014. I just been evicted because I'm supposed to  
23 rebuild my house through the money that I got from the  
24 settlement. -

1 THE COURT: You know what? When I look at this  
2 deed, it has a permanent index number tax number which,  
3 of course, the statute requires. But it -- Maybe it's  
4 a code. Anyway, there's a property address of  
5 6016 North Avenue. So on the face of it, this deed --  
6 this -- which creates a joint tenancy between you and  
7 your mother --

8 MS. SYKES: For survivorship.

9 THE COURT: Not for survivorship.

10 MS. SYKES: Yes, it is.

11 THE COURT: With rights of survivorship. That's --

12 MS. SYKES: With rights of survivorship.

13 THE COURT: It's not the same thing.

14 MS. SYKES: My mother never occupied it. My mother  
15 never --

16 THE COURT: Stop, ma'am. Stop, ma'am.

17 MS. SYKES: Then why am I here, your Honor?

18 THE COURT: Stop, ma'am. The address that this  
19 property -- that this deed conveyed was at 6016. Where  
20 were you living when you were evicted?

21 MS. SYKES: I'm living at my mother's because my  
22 house was in a lawsuit procedure --

23 THE COURT: What is the address of --

24 MS. SYKES: 6014 North Avenue.

1 THE COURT: So you are not living --

2 MS. SYKES: I occupied the garage, and a lot of my  
3 furniture that Mr. Schmeckel (phonetic) had thrown out  
4 of my house --

5 THE COURT: Schmiedel.

6 MS. FARENGA: As I understand it, the eviction is  
7 from the front house, Mary's house, and it was an  
8 agreement. Ms. Sykes agreed to vacate.

9 MS. SYKES: I'm going to appeal that --

10 THE COURT: Excuse me, ma'am, stop talking. That's  
11 not my concern.

12 MS. FARENGA: Okay.

13 THE COURT: Stop, ma'am.

14 MS. SYKES: May I please --

15 THE COURT: No, you may not. Stop.

16 MS. SYKES: Why am I here?

17 THE COURT: Stop, just stop.

18 MS. SYKES: No. I'm lost. You're making your  
19 decisions. I know what your decisions are.

20 THE COURT: Have I made a decision? Mr. Stern,  
21 have you heard me make a decision?

22 MR. STERN: I have not, your Honor.

23 THE COURT: Have you heard me make a decision?

24 MR. SCHMIEDEL: No, Judge.

1 THE COURT: Ms. Farenga, have you heard me make a  
2 decision?

3 MS. FARENGA: No, your Honor. You've gone out of  
4 your way.

5 MS. SYKES: By not allowing me to put any evidence  
6 in --

7 THE COURT: Does not mean that you are going to  
8 make a decision for me. Now, so the issue is what  
9 happened to property at 6016 North Avondale.

10 MR. SCHMIEDEL: Correct. The petition action  
11 addresses 6016 North Avondale. I think the only  
12 affirmative defense to the partition action would be  
13 that Mary does not, in fact, have an interest in the  
14 home.

15 MS. SYKES: And she doesn't.

16 MR. SCHMIEDEL: And she obviously does.

17 MS. SYKES: No, she doesn't. Ask her.

18 MR. SCHMIEDEL: Sorry. May I continue?

19 THE COURT: Yes, you may.

20 MR. SCHMIEDEL: You can take judicial notice of a  
21 recorded deed and the recorded deed indicates that, in  
22 fact, she is a co-owner of this home. And she's  
23 entitled --

24 MS. SYKES: For survivor -- I'm single, and I put

1 my mother on it. Just like we were all on the house at  
2 one point, your Honor.

3 THE COURT: You will stop talking.

4 MS. SYKES: You don't think there's --

5 THE COURT: You will stop talking.

6 MS. SYKES: What you always do every time --

7 THE COURT: You will stop talking.

8 MS. SYKES: Can't testify --

9 THE COURT: No, you cannot testify, and you cannot  
10 just blurt out things that come to your mind. No, you  
11 can't. That's not the way we conduct ourselves in  
12 court. Stop, ma'am.

13 MS. SYKES: I've never been allowed to testify.

14 THE COURT: Stop, ma'am.

15 MS. SYKES: I've never been allowed to testify.

16 THE COURT: Stop, ma'am.

17 MS. SYKES: I want it on record.

18 THE COURT: Stop, ma'am. This is not an  
19 evidentiary hearing where testimony is taken.

20 MS. SYKES: That's right.

21 THE COURT: I'm going to tell you something once,  
22 and I hope you'll hear me. Where there's joint tenancy  
23 with rights of survivorship, it only means that both --  
24 well, all parties because it's not limited to two have

1 equal shares, undivided equal shares in the property.

2 MS. SYKES: But I paid for it all.

3 THE COURT: Fine. And that happens. That happens,  
4 ma'am. That does happen. That does happen.

5 MS. SYKES: Then do what you're going to do.

6 THE COURT: You don't know what I'm going to do,  
7 and you need to be quiet. You need to be quiet and  
8 stop talking.

9 MS. SYKES: No one sees --

10 THE COURT: Stop talking.

11 MS. SYKES: What they're doing.

12 THE COURT: Stop talking. This takes so long  
13 because you insist upon muttering and speaking out and  
14 speaking to the attorneys who have appeared before me.  
15 That's improper, ma'am. It is improper.

16 MS. SYKES: It's not improper for them to lie to  
17 you?

18 THE COURT: It is improper. It is improper.

19 MS. SYKES: Okay. I'm improper.

20 THE COURT: Yes, you are.

21 MS. SYKES: I've lost everything. I've lost my  
22 home. I lost all my money.

23 THE COURT: You still own, at least, half interest  
24 in 6016 North Avondale. All right. Stop talking. I'm



1 telling you now stop talking.

2           Were you saying something? One gets confused  
3 with all the talk back and forth.

4           MR. SCHMIEDEL: The only defense to the partition  
5 action would be the fact that she doesn't own an  
6 interest in the property. You may also recall we  
7 brought an emergency motion sometime ago on the  
8 partition action because the property's in foreclosure.

9           MS. SYKES: It is not in foreclosure.

10          THE COURT: What's happened since that time?

11          MR. SCHMIEDEL: Nothing happened.

12          MS. SYKES: Yes. There has been a lot happening.

13          THE COURT: You know? Excuse me. The reason I keep  
14 on stopping you, Mr. Schmiedel, is because, as you  
15 know, the court reporter can only take down one voice  
16 at a time. And that is why I want you to stop talking.

17          MS. SYKES: But he's lying.

18          THE COURT: Stop talking. Let him make his --

19          MS. SYKES: Do I have to --

20          THE COURT: Let him make his --

21          MS. SYKES: I'm a terrible person. So I have to  
22 have a police officer --

23          THE COURT: He's not a police. He's a deputy. So  
24 I would suggest that you stop this. Now,

1 Mr. Schmiedel -- I don't want to hear other than  
2 Mr. Schmiedel's voice for at least a second.

3 MR. SCHMIEDEL: For the record, I'm handing you  
4 what is the complaint for foreclosure on the property  
5 that I had indicated. We had made that as part of the  
6 previous motion on emergency motion with respect to the  
7 partition action. I note for the record that who was  
8 named as the parties to the case are both Gloria Sykes  
9 and Mary Sykes.

10 MS. SYKES: No, they're not. Objection.

11 THE COURT: Go ahead. Stop, please.

12 MR. STERN: Bottom line, Judge, is Mary has an  
13 interest in the property. The property has been  
14 vacant, and it lies vacant for a considerable period of  
15 time. It's now in foreclosure based on a mortgage that  
16 Ms. Gloria Sykes took out on the property that did not  
17 benefit Mary in the slightest. We think that what the  
18 Court should do is the Court should proceed with the  
19 partition action because there's no reason not to.

20 When I say proceed with the partition action,  
21 you should appoint the three commissioners. And I can  
22 get -- I believe that there's a list from the Chancery  
23 Division of people who are commissioners who accept  
24 appointments. I will provide that to the Court. That

1 you can appoint the three commissioners who will then  
2 investigate to determine whether or not the property  
3 can, in fact, be partitioned which, of course, it  
4 cannot. It's not like farmland or anything like that.  
5 And they will then set a price for it to be sold. I  
6 think it's most important that that happen sooner than  
7 later so that the property is not lost in foreclosure.  
8 And perhaps --

9 MS. SYKES: It's not in foreclosure. Objection.

10 MR. SCHMIEDEL: Perhaps we can salvage some money  
11 to take care of Mary which is what we're trying to do.

12 MS. SYKES: She doesn't need the money, and that's  
13 my home. It's not in foreclosure.

14 THE COURT: Excuse me, ma'am.

15 MS. SYKES: You don't want the truth?

16 THE COURT: Excuse me, ma'am. I'm looking at the  
17 complaint to foreclose a mortgage in Case 11 CH 10229.

18 MS. SYKES: A lot of things have --

19 THE COURT: And the caption says Chase Home  
20 Finance, LLC, plaintiff, versus Gloria Jean Sykes;  
21 Mary G. Sykes; unknown owners and non-record claimants,  
22 defendants. Now, I'm going to ask you: Has there been  
23 anything filed that would remove Ms. Sykes' name or  
24 Ms. Sykes as a party to this complaint to foreclose?

1 MS. SYKES: Which -- My mother?

2 THE COURT: Yes.

3 MS. SYKES: Yes. She's been removed.

4 THE COURT: Do you have an agreement to that? Do  
5 you have a written agreement to show me?

6 MS. SYKES: Yes. It's in the contract. In fact,  
7 my mother has no liability for the mortgage. And the  
8 only reason that I was put in the foreclosure is  
9 because is -- because my -- Mr. Schmeckel's been  
10 talking with Chase -- Let me put it this way: The  
11 attorney for Chase should have been here. Okay? He  
12 was supposed to show up.

13 THE COURT: Why? This is --

14 MS. SYKES: I'm in mediation with Chase. They owe  
15 me money. I'm not in foreclosure.

16 THE COURT: Show me something from them that  
17 indicates -- Do you have anything from them that  
18 indicates that you have been having these negotiations  
19 or any result of the negotiations? If you wish. If  
20 you wish.

21 MS. SYKES: I'll pass it over to you.

22 THE COURT: No, no. If you wish. If you have it  
23 with you. I won't show it to anyone else. But I need  
24 to be sure that Mrs. Sykes' interests in this property

1 is in no way in jeopardy for being foreclosed upon.

2 MS. SYKES: It's not in foreclosure anymore, your  
3 Honor.

4 THE COURT: Have they withdrawn their complaint?

5 MS. SYKES: Yeah. In fact, the attorney was  
6 supposed to be here today because we're going into  
7 mediation. And Chase owes me money. Chase denied me  
8 my right of paying my mortgage for 18 months. I've got  
9 proof of that. Yes. Chase is finally coming to the  
10 table.

11 THE COURT: When are going to have that meeting?

12 MS. SYKES: Last Friday I was downtown here, and I  
13 just spoke with the attorney two days ago. And he was  
14 supposed to be here today.

15 THE COURT: He's not here. Tell me what you're  
16 going to tell me.

17 MS. SYKES: Supposedly it's set up for next week  
18 because there's a lot of issues with Chase.

19 THE COURT: Have they filed anything to your  
20 knowledge in the foreclosure case that would indicate  
21 that they want the time to be -- to stop running?

22 MS. SYKES: Yeah, they did.

23 THE COURT: Wait one second. Can you pull up  
24 something from Chancery?

1           No. It's a limitation of the court clerk's  
2 computer machine or scheme or program.

3           MS. SYKES: They pulled a hold on something. We  
4 were supposed to be in court a couple months ago.

5           THE COURT: Name would be -- Try Mary G. Sykes.

6           MS. SYKES: Your Honor, I don't have the loan. If  
7 you see the loan, my mother isn't even a party to that.

8           THE COURT: No. But, see, I'm going to tell you  
9 this: They're still going to go after your mother's  
10 interests because she is a joint owner of the property.  
11 See, they're going to try -- They will take -- Excuse  
12 me.

13          MS. FARENGA: It's the other house that's in trust.

14          MS. SYKES: It's a 2005 trust. On page 1, she  
15 severs her right and only for survivorship. I put it  
16 in my response in my affidavit. She severs it. She  
17 says the only interest she has in 6016 North Avenue if  
18 she precedes me in life. It's right in the 2005 trust.  
19 I don't know how clear that could be.

20          THE COURT: Do you have a 2005 trust?

21          MR. STERN: Yes, Judge. That's not what it says.

22          THE COURT: Let me ask the attorneys. This becomes  
23 a legal issue. Is there anything in that 2005  
24 decoration of trust that speaks to the property at

1 2016 --

2 MS. SYKES: 6016 North Avenue.

3 THE COURT: 6016 -- thank you -- whatever the  
4 street is -- Avondale.

5 MR. STERN: I don't have the documents in front of  
6 me. From what I recall, Judge, it talks about  
7 testamentary distribution of Mary Sykes' assets upon  
8 her death. And it recognizes the fact that that house  
9 is in joint tenancy then, and it will go to Gloria upon  
10 Mary Sykes' death. That's my recollection.

11 MR. SCHMIEDEL: Judge, he's right. We went through  
12 this. We showed Judge Connors that this trust --

13 MS. SYKES: No, you didn't.

14 MR. SCHMIEDEL: I had a copy of it. I showed her  
15 the trust. What happened was is that the 6014 house is  
16 in the trust. What it says is in order to equalize --  
17 The 6016 is in joint tenancy with her. She is going to  
18 get that after I pass away. Therefore, I'm going to  
19 put this in trust. And Carolyn would get the 6014  
20 house. That's what it says.

21 THE COURT: I remember you making that --

22 MS. SYKES: That's not what it says.

23 THE COURT: I'm going to ask you again to stop  
24 saying that's not what it says. Again, you make it

1 very, very -- You make --

2 MS. SYKES: It's not there.

3 THE COURT: Excuse me, ma'am. Please stop talking.  
4 Please, I beg you to stop talking. Stop talking. Just  
5 stop it, stop it, stop it.

6 MS. SYKES: I'm filing a complaint against you.  
7 Okay? I'm scared to death of this person. She put  
8 handcuffs on me --

9 THE COURT: At my direction. You have -- What it  
10 appears to me is that you have misinterpreted some  
11 legal documents.

12 MS. SYKES: I have not.

13 THE COURT: And their impact. I'm glad you think  
14 that, but I'm not persuaded.

15 MS. SYKES: Oh, my God.

16 THE COURT: What I'm thinking Chase may have done  
17 relative to the mortgage is realize that the only  
18 interest they have is with Gloria Jean Sykes. They  
19 have no interest. They have no mortgage on Mary G.  
20 Sykes' interest in property. Do you understand what  
21 I'm saying?

22 MS. FARENGA: I do. I don't know how --

23 THE COURT: Gloria Jean Sykes could only -- If  
24 she's the only name on the mortgage -- If she's the



1 only name on the mortgage -- And I've seen something  
2 else today that makes me think that is a possibility.  
3 If Gloria Jean Sykes is the only name on the mortgage,  
4 she mortgaged her undivided one-half interest in the  
5 property. It appear looking at this that she mortgaged  
6 it for \$165,000 with an outstanding current balance of  
7 \$160,475.89 as of the date of filing. This is a  
8 complaint to foreclose mortgage.

9 MR. STERN: Can I just see that for one second,  
10 Judge?

11 THE COURT: Certainly you can. And in one of your  
12 filings today --

13 MR. STERN: Says on the face sheet name or names of  
14 the mortgagors: Gloria Jean Sykes and Mary G. Sykes.

15 THE COURT: But if she took it out, there was  
16 something that was put before me by Mr. Schmiedel that  
17 even speaks of Gloria Jean Sykes having taken out  
18 several mortgages in her own name and that she did not  
19 have nor did she try to bind Mary G. Sykes by those  
20 mortgages. And for whatever reason, Chase did that.

21 MR. SCHMIEDEL: They may have, Judge, but the  
22 mortgage runs to the property.

23 THE COURT: No, I understand that. It would leave  
24 Mrs. Sykes with an undivided one-half interest in

1 whatever's there. And she would have half, and Chase  
2 would have half assuming the foreclosure action went  
3 through to judgment.

4 MS. FARENGA: Okay.

5 MS. SYKES: There's no foreclosure action.

6 THE COURT: No, no, no. I said assuming it went  
7 forward to judgment. And if Gloria Jean Sykes has been  
8 meeting with them, they may now be aware that Mary  
9 Sykes is not on that mortgage; therefore, Mary Sykes  
10 should not be part of the negotiation --

11 MR. STERN: I haven't read the whole document, but  
12 Mary Sykes did sign off on the documents --

13 MS. SYKES: Only --

14 MR. STERN: I said I haven't read the whole  
15 document, ma'am.

16 MS. SYKES: Can you please -- This is what it says  
17 in the trust. One of the main purposes of the trust --

18 THE COURT: Let me see the trust.

19 MR. SCHMIEDEL: Look at the document, Judge.

20 MS. FARENGA: Just describe it for the record.

21 MR. SCHMIEDEL: It's a signature that says that  
22 they agree to be bound by the mortgage.

23 THE COURT: It certainly does. Page 14 of 16 --  
24 Stop, stop, just stop.

1 MS. SYKES: Chase --

2 THE COURT: By signing below, borrower accepts and  
3 agrees to the terms, covenants contained in this  
4 security instrument, and any rider executed by the  
5 borrower and recorded with it, and there are two  
6 signatures. The top signature is Mary G. Sykes, and it  
7 is typed in. Then she signed above. And Gloria Jean  
8 Sykes signed above her name.

9 MS. SYKES: Your Honor, there's something missing  
10 in this whole thing. Joel Brodsky won't give me the  
11 originals. These are not -- Chase is not here to  
12 testify. And I will not permit the opposition here to  
13 be my testimony as to what is going on. We have a  
14 trust here that says trust -- Gloria Jean Sykes is  
15 joint tenant with right of survivorship with trust or a  
16 property located 6016 North Avondale, Chicago. Upon  
17 trustor's death, this property will pass to Gloria Jean  
18 Sykes.

19 THE COURT: I'd ask you to pass that to me. I've  
20 asked you to pass that to me, and you've refused.

21 MS. SYKES: I did not. You said no.

22 MS. FARENGA: I'm going to object to anything that  
23 is not documented in writing because --

24 THE COURT: I think that if this is a trust, if

1 that is indeed a copy of the trust --

2 MS. FARENGA: I'm not addressing that. I'm  
3 addressing the whole notion of the partition and the  
4 settlements and the Chase lawyer was supposed to be  
5 here and Joel Brodsky has -- which is every week.

6 THE COURT: I'm not going to get bound up in that.  
7 I'm really not.

8 MS. SYKES: You can just bring Joel Brodsky here.

9 THE COURT: You will stop talking, won't you?  
10 Okay, great. That's great. Stop.

11 MS. SYKES: Why don't --

12 THE COURT: Just stop.

13 MS. SYKES: End this because obviously you just  
14 want to pulverize me because I went through six years  
15 of a lawsuit.

16 THE COURT: Stop, ma'am. This is not about you.

17 MS. SYKES: Yes, it is about me.

18 THE COURT: It is about your mother.

19 MS. SYKES: You're taking all my money. Obviously,  
20 everything I own belongs to my mother.

21 THE COURT: Stop talking.

22 MS. SYKES: My mother wasn't insured --

23 THE COURT: Stop talking. There is something back  
24 here that Gloria Jean Sykes only signs which is

1 interesting. I don't understand why she's the only  
2 signature there.

3 MS. SYKES: Because that's --

4 MR. SCHMIEDEL: If I may, the issue doesn't change  
5 as far as the partition action is concerned. The  
6 bottom line is that Mary has an interest in the  
7 property.

8 MS. SYKES: So while we're still alive, you're  
9 going to take --

10 THE COURT: Stop, ma'am. What is it that you don't  
11 get about this? Stop talking.

12 MS. SYKES: What I don't get about it --

13 THE COURT: Stop talking. Stop talking. I do  
14 require you to be quiet while he's talking. When you  
15 talk, people are quiet.

16 MS. SYKES: Well, I tell the truth.

17 THE COURT: Stop talking. You take courtesy and  
18 proper courtroom decorum to be more than it is. It's  
19 mere courtesy and proper courtroom decorum. Stop  
20 talking.

21 Mr. Schmiedel, please.

22 MR. SCHMIEDEL: The issue here is the house is  
23 vacant.

24 MS. SYKES: It's not vacant.

1 THE COURT: Stop talking.

2 MS. SYKES: Objection.

3 THE COURT: Stop talking. And overruled. Stop  
4 talking.

5 MR. SCHMIEDEL: Nobody's living in the house,  
6 Judge.

7 MS. SYKES: I am living in that house part-time. I  
8 live in the garage. And I have my stuff in the house.  
9 That means there's somebody living in the house, sir.

10 THE COURT: You will again stop talking, just stop.

11 MR. SCHMIEDEL: The house is of no benefit to Mary  
12 Sykes. She has -- As it is, is of no benefit. She has  
13 the right to sell the house if it cannot be  
14 partitioned. It cannot be partitioned appropriately,  
15 then she has the right to sell the house. The guardian  
16 is acting on her behalf in order to protect her  
17 interest in the property, in order to sell the house,  
18 in order to raise funds. The only issue I think is  
19 that is germane to whether or not the partition action  
20 should lie is whether or not Mary has an interest in  
21 the house, and clearly she does. Clearly the partition  
22 action should go forward. And the commissioners should  
23 be given their assignment. We should move forward with  
24 getting them to report to the court about the fact that

1 it cannot be partitioned. And then it should be put up  
2 for sale by the sheriff.

3 MS. SYKES: I'm moving into the house since I've  
4 been evicted from my mother's house where my mother  
5 invited me to live and even wrote letters --

6 THE COURT: No. I didn't ask you to talk. And  
7 this, again, is not about you.

8 MS. SYKES: I'm sorry. But he can give his --

9 THE COURT: This is not about you. That's right,  
10 you can't.

11 MS. FARENGA: Your Honor, I'm just going to be that  
12 nag every court session who says that this is about  
13 Mary's welfare. There is concern by the family that's  
14 currently caring for her on a daily basis, the guardian  
15 and her husband, that Mary is somewhat rapidly losing  
16 ground.

17 MS. SYKES: Objection.

18 MS. FARENGA: -- may need to be --

19 THE COURT: Overruled, and be quiet.

20 MS. FARENGA: -- a higher level of care needed --

21 MS. SYKES: She's got --

22 THE COURT: Stop talking. Just stop it.

23 MS. SYKES: They've got my property sold because --

24 THE COURT: Will you stop talking, please?

1 MS. SYKES: Correct --

2 THE COURT: Please stop talking.

3 MS. SYKES: I already know.

4 THE COURT: Stop it. What I have before me is a  
5 printout of the Chancery electronic document. I hate  
6 to interrupt you.

7 MS. FARENGA: No, no, that's fine.

8 THE COURT: But hot news off the press.

9 MS. FARENGA: Absolutely.

10 THE COURT: It says that the complaint was filed on  
11 March 17th. And it indicates as an owner-occupied  
12 single-family home. An affidavit as to unknown owners  
13 was filed. The case was set on the case management  
14 call on that date in Room 2810. Then on April 11,  
15 there were three items noted. One, that there had been  
16 a summons served by special process server on Mary  
17 Sykes. And a summons served by special process server  
18 on Gloria Sykes. Also on 4/11, it was a case  
19 management call notice mailed out. And it was set for  
20 5/18. On 5/18, and alius summons and returnable. So  
21 clearly someone hasn't been served. And on 6/7, the  
22 alias summons was returned. It appears served by the  
23 special process server. So that's what this would  
24 indicate. And this is early days in terms of the



1 foreclosure action if anybody wants to see.

2 MR. SCHMIEDEL: No, Judge. And actually that's  
3 consistent -- Other than the June date, that's  
4 consistent with my review what the file was about three  
5 weeks ago.

6 MS. SYKES: If you were involved in this three  
7 weeks ago, Mr. Schmiedel, then you would have --

8 THE COURT: Just stop it. That is so  
9 inappropriate. You do not stand before the Court, and  
10 this is not -- You just don't address yourself to  
11 someone standing before the Court unless I tell you you  
12 can. You just don't.

13 MS. SYKES: So his story stands. Mine doesn't?  
14 He's right. I'm wrong?

15 THE COURT: Yes. He's right and you were wrong. I  
16 keep on telling you --

17 MS. SYKES: So what he says is right and what I say  
18 is wrong?

19 THE COURT: No. He was right to speak as I had  
20 given him permission to. You began to interject  
21 yourself. This is not conversation between you or even  
22 with me. This is not conversation.

23 Mr. Schmiedel, please continue.

24 MR. SCHMIEDEL: Yes, Judge. Again, I think -- I

1 just go back to the fact that we really do need to  
2 get -- This partition action's been filed considerable  
3 length of time. There's was a motion to dismiss that  
4 was denied. She has an ownership interest. And we  
5 should move forward and have the commissioners  
6 appointed. And respectfully request the Court to do  
7 that.

8 THE COURT: You're argument would be that you're  
9 living in the building?

10 MS. SYKES: My argument is I put my mother on as  
11 joint survivorship because I'm single, because I was  
12 stupid, because an attorney told me to do that. I just  
13 figured, you know, something will happen to me, then we  
14 didn't have to worry about anything. My sister -- And  
15 if this doesn't raise a red flag that my sister wants  
16 all my money. She wants my mother's house.

17 THE COURT: What does --

18 MS. SYKES: She gets a hundred percent. She wants  
19 my house. She gets a hundred percent.

20 THE COURT: How would she get a hundred percent?

21 MS. SYKES: Because, your Honor, my mother has --  
22 My mother is very competent.

23 THE COURT: No, no. How would she get 100 percent?  
24 How would your sister get 100 percent?

1 MS. SYKES: Because I got the settlement agreement  
2 that they wanted me to sign, that everything goes into  
3 a guardianship account for my mother's care and to pay  
4 for attorney's fees. What they're not telling you that  
5 this is to pay for attorney's fees.

6 THE COURT: I don't know what you're talking about.

7 MS. SYKES: The sale of those properties are for  
8 attorney's fees.

9 MR. SCHMIEDEL: There was an attempt to try to  
10 resolve this case last summer..

11 THE COURT: A year ago.

12 MS. SYKES: It's very interesting.

13 THE COURT: Stop, please.

14 MR. SCHMIEDEL: And we had made a proposal to deal  
15 with all of these issues which would include the  
16 selling of the brown house and the white house and  
17 setting up a fund in order to be able to make sure that  
18 Mary was taken care of.

19 MS. SYKES: You forgot I had to pay --

20 THE COURT: Stop, stop, stop, stop. Excuse me.  
21 Excuse me.

22 MS. SYKES: That's in there too.

23 THE COURT: Excuse me, please. Excuse me, please.  
24 Stop talking. Let me say to you, ma'am, that what I've

1 heard now is there was an offer to settle. Settlement  
2 conversations and negotiations are not before the  
3 Court. And I assume that offer has been withdrawn.

4 MR. SCHMIEDEL: That is dead in the water.

5 THE COURT: That was then. This is now. Now, I  
6 have the petition for partition, your motion to strike,  
7 and why should I not grant their -- I'm asking you this  
8 question. Listen to the question. I want you to  
9 answer the question, just that narrow question I'm  
10 getting ready to ask you. Okay? Why should I not  
11 grant their petition to have a panel of three determine  
12 the value or --

13 MR. SCHMIEDEL: What it is that they go in to  
14 determine whether or not the property can be  
15 partitioned.

16 THE COURT: In which case, if it could, you would  
17 have your half, your mother would have her half. It  
18 would no longer be an undivided interest. It could be  
19 a divided interest. And once they would do that, then  
20 we set it for bidding, a sale, a public sale, an  
21 action. And that the law would allow, if I enter the  
22 order, allow the partition. Do you understand what  
23 I've just said?

24 MS. SYKES: I understand.

1 THE COURT: Why shouldn't I grant that?

2 MS. SYKES: Because it's my home. I'm living  
3 there. I've put all the money in for it. I've been  
4 paying the mortgage. And I will continue paying the  
5 mortgage. My mother never lived there. She never had  
6 possession of it. She, in fact, gave it to me as a  
7 gift. And, gee whiz, I can't have gifts, but my sister  
8 then can have a gift in a trust, that she gets my  
9 mother's house and everything. And my mother can't  
10 give me a gift. So, in other words, why? Because I  
11 will be homeless and penniless which is exactly what my  
12 sister said. In fact, I've got the letter where my  
13 sister even -- It's in e-mails.

14 THE COURT: This is not about your sister.

15 MS. SYKES: It is. This whole thing is about a war  
16 between my sister and I.

17 THE COURT: I want you to listen to something here.  
18 Let me make sure you understand. I'm not here to  
19 referee any relationship you and your sister have or  
20 don't have. Truly that is not of interest to me. That  
21 is not of interest to me. The only thing that is of  
22 interest to me is Mary Sykes.

23 MS. SYKES: My mother would not want you to do  
24 this. My mother would not want you to do this.

1 THE COURT: I'm not guided by what your mother  
2 wants.

3 MS. SYKES: -- don't care about my mother.

4 THE COURT: I'm not guided by what your mother  
5 wants. The three reasons that you say I should not  
6 grant the petition for partition is it's your home,  
7 that you live there, and your mother never lived there  
8 nor contributed to its purchase; is that right?

9 MS. SYKES: Yes. She didn't have any of the  
10 utilities. There are four utilities. I've looked this  
11 up and done research. There's possession which she  
12 never had. There's an interest which hers is in  
13 survivorship only. Then there's two others which she  
14 gave up all three. But she never has done anything. I  
15 have paid for that house. I have maintained that  
16 house. My mother has never lived in that house. I  
17 went through a lawsuit on that house that my mother was  
18 only brought in so -- But the attorney wasn't allowed  
19 to talk about that. But Judge Gordan, Justice Gordan  
20 made his ruling about that settlement. But I was the  
21 insured on that house. I was damaged, not my mother  
22 from that house. My property was destroyed, not my  
23 mother's property, that house. I got sick and breast  
24 cancer, not my mother, from that house. Judge Gordan

1 wrote an order --

2 MS. FARENGA: Objection.

3 THE COURT: On what?

4 MS. FARENGA: Ms. Sykes' argument as she's now  
5 talking about an Appellate Court case that has --

6 THE COURT: I'm going to let her make her  
7 statement. Continue.

8 MS. SYKES: I went into a lawsuit on this house. I  
9 was living in the house.

10 THE COURT: What has that got to do with the  
11 petition for partition?

12 MS. SYKES: Because my mother -- I bought the house  
13 because -- I came home from California after my dad  
14 died. My mother wanted me around. I was renting month  
15 to month some place. My mother said, you know, let's  
16 buy the house in the back. You buy the house in the  
17 back. I want you to be near me. My sister knows all  
18 this is true. In fact, there are court documents which  
19 my sister --

20 THE COURT: Let me ask you something.

21 MS. SYKES: But my mother always tells everyone she  
22 gave it to me as a gift.

23 THE COURT: I don't know what your mother did or  
24 say. I'm going to say this to you again: The problem

1 you have is this deed that has been recorded as I said  
2 before 98539822 creates a relationship between you and  
3 your mother as joint tenants with rights of  
4 survivorship, not as tenants in common. So that  
5 doesn't mean it only comes into play --

6 MS. SYKES: We're both alive.

7 THE COURT: Listen to me. Listen to me. This is a  
8 point of law.

9 MS. SYKES: Attached to that I have a record -- We  
10 have proof that my sister went into the safe deposit  
11 box. She drilled it out. And she took all the  
12 contents. We went over this with you. And in that  
13 box, along with that deed is also a contract between my  
14 mother and I. That was written up by Thomas Boslow  
15 (phonetic) which said my mother has absolutely no  
16 interest in the house, that the house belongs to me a  
17 hundred percent. Okay? But they conveniently --

18 THE COURT: I'm going to tell you something. I  
19 want you to listen to me. I'm going to tell you  
20 something about Illinois law that you don't know. If  
21 that agreement was not recorded --

22 MS. SYKES: It was.

23 THE COURT: If it's recorded, then you should go  
24 to the Recorder of Deeds and get a copy of it. Because



1 they will give it to you. They will give it to you.  
2 That's across the street, across Clark Street. You go  
3 there -- Excuse me. Excuse me. If it was recorded,  
4 then you can get a copy of it off of the records there.  
5 And you should bring that to me. Because as far as I  
6 understand --

7 MS. SYKES: In 2000 --

8 THE COURT: Excuse me, ma'am. As far as I  
9 understand from the attorneys, the copy that I hold in  
10 my hand is of the last deed -- recorded deed for the  
11 property at 6016 North Avondale. This is the last  
12 deed. And in Illinois this is what controls. You're  
13 not listening to me.

14 MS. SYKES: I am listening to you. It was for  
15 survivorship.

16 THE COURT: No. But that doesn't change the law.  
17 That's your problem.

18 MS. SYKES: My mother makes no difference.

19 THE COURT: Stop.

20 MS. SYKES: Your Honor --

21 THE COURT: Stop. It doesn't matter what she  
22 wanted. This is what it says. Stop talking. Stop  
23 talking.

24 MS. SYKES: Take away my house --

1 THE COURT: Fine. We'll do that. Stop.

2 What is it you want to say?

3 MS. FARENGA: Your Honor is to be commended for  
4 record --

5 THE COURT: No, no. What is it you want to say?

6 MS. FARENGA: What I want to say is that very  
7 plausibly one of the reasons that Mary Sykes' name is  
8 on that deed is because Mary Sykes took out the  
9 mortgage that enabled Gloria Sykes to put down the  
10 down-payment on that house.

11 MS. SYKES: Because it was a gift. It was a gift.  
12 I paid for that gift.

13 MS. FARENGA: And I'm being interrupted again.

14 THE COURT: Here we go again. Stop talking. Stop  
15 talking.

16 MR. SCHMIEDEL: One last thing because there's been  
17 a lot said here that is utterly untrue.

18 MS. SYKES: That's not untrue.

19 THE COURT: Will you stop it?

20 MR. SCHMIEDEL: The bottom line here is that Mary  
21 took out a mortgage on her home. And the money --

22 MS. SYKES: To give me a gift.

23 MR. SCHMIEDEL: The money that was taken out on the  
24 white house was used to purchase the brown house.

1 MS. SYKES: As a gift.

2 MR. SCHMIEDEL: She didn't put up a nickel.

3 MS. SYKES: I did. I put up 18,000. You liar.

4 THE COURT: Now I know you had really stepped  
5 beyond where you're supposed to be. You know better  
6 than that.

7 MS. SYKES: I'm sorry, your Honor. I put up  
8 \$18,000.

9 THE COURT: You had been in court at least for a  
10 year that I know of.

11 MS. SYKES: Two years.

12 THE COURT: Not always in front of me. You know  
13 how you are to behave. So I have no idea why you are  
14 doing this. You have to be quiet.

15 MS. SYKES: But he's lying.

16 THE COURT: You have to be quiet.

17 MS. SYKES: He's lying.

18 THE COURT: Be quiet.

19 MS. SYKES: Just take everything. Okay? I'm not  
20 allowed to own anything. I paid for mother's  
21 mortgage --

22 THE COURT: Be quiet. Be quiet. Be quiet.

23 MS. SYKES: Just handcuff me.

24 THE COURT: Just be quiet and listen. Every

1 time -- Hello. This was handed to me by Ms. Sykes  
2 today.

3 Who are you?

4 MR. EVANS: Scott Evans. I'm a friend of the  
5 Sykes. Can I just get her out of here?

6 THE COURT: Why don't -- You know what? Why don't  
7 I have you all sit down. You go outside and get  
8 yourself together.

9 (The above-entitled cause was passed and  
10 later recalled.)

11 MS. SYKES: I'm very sorry. I will apologize to  
12 this Court. But in 2002 when I lost my house and all  
13 my property and then I was -- got a small rare breast  
14 cancer and was also at that point diagnosed what is  
15 called situational post-traumatic stress disorder. And  
16 what appears is happening I'm losing all my house and  
17 everything again. So I apologize to the Court.

18 THE COURT: Don't get worked up. Stop. Take a  
19 breath. I order you to take a breath. Okay. Stop.  
20 I'm taking everything under advisement. I will render  
21 a decision hopefully before this September date but  
22 certainly on the September date. If there's an earlier  
23 order that I enter, obviously I'll invite you in.  
24 You'll know about it.

1           I want you to know that Ms. Sykes was trying  
2 to give me something that spoke to the trust that she  
3 has included in something she filed, the affirmative  
4 defenses to partition action reported to have been  
5 filed by the plenary guardian herein filed on May 16,  
6 2011, in that it's part of -- I will take notice of  
7 this as I review this matter. However, I would hope  
8 that someone would provide me --

9           MR. SCHMIEDEL: I can supply a copy of the trust to  
10 you.

11          THE COURT: Whatever you provide to me will you  
12 also send to Ms. Sykes so she knows what I have?

13          MR. SCHMIEDEL: Yes, Judge.

14          THE COURT: Here you go.

15          MS. SYKES: With all due respect, when I file this,  
16 it actually -- you might have the whole thing because I  
17 gave all the exhibits with what I filed.

18          THE COURT: Okay. Now, one other thing I want to  
19 note is that there have been parties that have been  
20 writing to me who are not parties to this case. I am  
21 not going to be reviewing them. I don't look at  
22 writings from people. And if -- that is, people who  
23 are not involved, people who have not been invited,  
24 people where their writings are not germane perhaps to

1 what I am doing and what we are hearing here. So what  
2 I'm going to do is we'll just keep them as ex-parte  
3 communications. But I want everybody to know that I  
4 don't look at that. Okay? I'm going to make my  
5 decision based on the law and the facts as I see them.

6 I'm sure that I have everybody's permission  
7 that if there are some facts that I need to be  
8 clarified then I will call you back in. We'll set a  
9 time. We'll set a date. You'll have more than  
10 appropriate notice to come before me and to make your  
11 presentation on that date given the question that I  
12 have asked. Are we clear?

13 MR. SCHMIEDEL: Yes, Judge.

14 MR. STERN: I have been asked to bring something to  
15 your attention.

16 THE COURT: Does Ms. Sykes know about this?

17 MR. STERN: She does not.

18 THE COURT: Step outside and tell her.

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

21 THE COURT: What was it you wanted to make the  
22 Court aware?

23 MR. STERN: I've been contacted by the Naperville  
24 police department that -- And I could read verbatim the

1 e-mail if you would like. But it basically says  
2 they've been inundated with e-mails on this case for  
3 the past week. This is the sergeant talking.

4 "While I was on vacation, Gloria called on a  
5 well-being check and, of course, there was nothing  
6 wrong with Mary or the conditions under which she  
7 lives. I now have 513 e-mails in a folder in this  
8 case, and I haven't even saved all of them. I  
9 conducted an investigation into this with you several  
10 months ago, and we found nothing wrong with Mary or her  
11 living conditions. The constant borage of e-mails is  
12 starting to cross the line towards harassment. When  
13 you have the next court date regarding this case, can  
14 you please have the judge admonish Gloria and her  
15 followers to stop abusing this system?"

16 MS. SYKES: Who's that from, please?

17 THE COURT: He said the sergeant at the police  
18 department.

19 MS. SYKES: Who's that from because I just spoke  
20 with them. And I've made one phone call --

21 MR. STERN: I'm just passing this along, Judge.

22 THE COURT: Let me say this to you: Because right  
23 now sitting here I don't know who caused those e-mails  
24 to be delivered to the sergeant. Nobody here knows.

1 Let me say this to you: Whoever's doing it, if they  
2 think they're doing it in your interests, they really  
3 need to -- you really need to think about this. It's  
4 like that story, Chicken Little. You keep on saying  
5 the sky is falling, the sky is falling; the sky doesn't  
6 fall. Eventually people stop paying attention to this.  
7 And then if there were -- We'll presume that's not  
8 going to happen. As lawyers, we always are thinking of  
9 the worst that can happen, what is not expected. If  
10 there were a reason for them to be involved, they  
11 wouldn't even respond.

12 MS. SYKES: Thank you, your Honor.

13 THE COURT: If you know anybody who's doing this,  
14 if you have any sense, guess -- And I don't want their  
15 names -- tell them to stop.

16 MS. SYKES: Okay.

17 THE COURT: That's it.

18 MS. FARENGA: Actually, your Honor, I'm really  
19 sorry, but I was never allowed to finish a statement  
20 from earlier in the day. I think the Court needs to  
21 hear some of this. With regards to these proceedings  
22 being about Mary and not about Gloria, even though  
23 Ms. Sykes has said here multiple times today that it's  
24 about her, Mary's caregivers are noticing a decline.



1 And they have communicated that sometime in the  
2 foreseeable future there may be a need for more skilled  
3 care than they can provide, whether that's in the home  
4 or not. The money is an issue. Money is needed to  
5 care for Mary. And it's no secret that Ms. Sykes comes  
6 in, and every hearing is full of her drama. And I  
7 really believe and think that Mary by the time we're  
8 done with Ms. Sykes' interrupting and being admonished  
9 a hundred times and then having to leave because she  
10 breaks down or whatever, there's very little -- You  
11 know, I'm just now getting to finish my point about  
12 Mary Sykes potentially fairly soon needing additional  
13 care.

14 MS. SYKES: I'm going to ask you to stop. I would  
15 prefer if there would not be -- In order to encourage  
16 courtesy, I think one must give it.

17 MS. FARENGA: That's agreed. I think your Honor  
18 has no idea -- I mean, we're talking about Gloria's  
19 traumatic syndrome. I don't think the Court has any  
20 idea how your GALs and Mr. Schmiedel are being  
21 discussed in the press, in Gloria Sykes' blogs as being  
22 essential characters in her book and video called the  
23 Horrors of Justice. And I want your Honor to be aware  
24 of that. She is having a breakdown, I'm sorry. It's

1 very selective. It's very selectively timed when she's  
2 talking to the press and calling us names and accusing  
3 us of crimes.

4 THE COURT: I will tell you, I don't know what --

5 MS. SYKES: Objection, hearsay.

6 THE COURT: I don't know what I can do about that.  
7 I'm really --

8 MS. FARENGA: I'm not asking this Court to do  
9 anything.

10 THE COURT: I do not believe in entering orders  
11 that cannot ever be --

12 MS. FARENGA: I'm not asking the Court to do  
13 anything. I want the Court to know simply that we have  
14 tolerated an enormous amount of mudslinging, and that's  
15 probably the kindest word I can think of. And  
16 Ms. Sykes' appearances in the court and her behaviors  
17 are extremely selective.

18 THE COURT: Okay.

19 MS. SYKES: Your Honor, may I just please --

20 THE COURT: Let it go. Let it go.

21 MS. SYKES: Thank you.

22 THE COURT: You'll draw the order. I'll sign the  
23 order. Thank you.

24 MS. SYKES: Have a wonderful --

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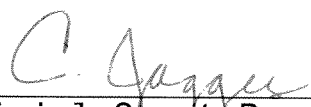
THE COURT: Thank you to the attorneys for what you're doing. Thank you. Hopefully justice will prevail.

(Which were all the proceedings had in 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 17th day of May, 2012.