

STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF C O O K )

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 L.  
STUART, one of the Judges of said court, on  
Wednesday, the 9th day of November, A.D., 2011.

PRESENT:

MS. CYNTHIA FARENGA and  
MR. ADAM STERN,  
Guardian ad Litem;

MR. PETER SCHMIEDEL,  
on behalf of the Guardian of the person  
and estate, Carolyn Toerpe.

CAROL BELL, C.S.R.  
Official Court Reporter  
69 West Washington Street - #900  
Chicago, Illinois 60602  
(312) 603-8405

1 THE CLERK: Sykes.

2 MR. SCHMIEDEL: Peter Schmiedel,  
3 S-c-h-m-I-e-d-e-l, on behalf of Carolyn Toerpe,  
4 T-o-e-r-p-e, Guardian of the person and estate of  
5 her mother, Mary Sykes.

6 MS. FARENGA: Cynthia Farenga,  
7 F-a-r-e-n-g-a, Guardian ad Litem.

8 MR. SCHMIEDEL: Judge, we are here, based  
9 on the last order that was entered, to give you a  
10 report with respect to what occurred in the  
11 bankruptcy. If you recall, there was a bankruptcy  
12 case that was filed, and that there was a stay with  
13 respect to that.

14 THE COURT: And Carolyn Sykes, the daughter  
15 of the Court's ward, Gloria Sykes.

16 MR. SCHMIEDEL: Gloria Sykes filed it.  
17 This is a copy of our last order that was entered.

18 THE COURT: Let the record reflect the  
19 order was entered October 6th, this matter coming on  
20 to be heard, hearing dates December 1st and 2nd, are  
21 stricken; status on partition action continued to  
22 November 9th -- that's today. Matter is set for  
23 status on bankruptcy of Gloria Sykes, and other  
24 matters for today at this time. And that's it.

1                   Continue.

2                   MR. SCHMIEDEL: And I personally handed  
3 that to Gloria Sykes on the last court date.

4                   THE COURT: She was here.

5                   MR. SCHMIEDEL: And I can hand the Court  
6 a copy of the order that was entered in the  
7 bankruptcy case on October 25th. Ms. Sykes was also  
8 present there at that point in time.

9                   The short of it is that the bankruptcy  
10 court lifted the automatic stay not only with  
11 respect to all matters pending before this Court,  
12 but also lifted the automatic stay with respect to  
13 the freeze order that the bank in Indiana hired a  
14 bankruptcy attorney to file a motion to lift the  
15 stay so that they could obey all pending court  
16 orders relative to the freeze.

17                   That was granted. That stay was  
18 lifted. The Court's order is now --

19                   THE COURT: The one in place and  
20 controlling.

21                   MR. SCHMIEDEL: The one in place, and they  
22 will not do anything, except for this Court's order.  
23 I will say that Gloria -- we are free to go,  
24 although I will say that Gloria Sykes has filed a

1 motion to reconsider, which is up on November --

2 THE COURT: Oh, the bankruptcy court?

3 MR. SCHMIEDEL: The bankruptcy court.

4 Which is up on November 15th. The bankruptcy  
5 trustee has also filed a petition asking for the  
6 Chapter 11 to be converted to a Chapter 7, which  
7 would mean -- in my limited bankruptcy knowledge,  
8 that would mean that she would basically instead of  
9 consolidating under Chapter 11 and reorganizing, it  
10 would liquidate all of her assets and pay their --  
11 pay off what is owed.

12 But she's also made a motion to  
13 dismiss the bankruptcy on the basis that it was  
14 filed only to re-litigate all of the issues that had  
15 already been litigated in the probate court, which  
16 is -- excuse me. Which is what the bankruptcy judge  
17 found when she lifted the stay.

18 She said all you are trying to do is  
19 re-litigate the issues that have already been  
20 litigated. And if you don't think the probate court  
21 has jurisdiction, go down to the Daley Center and  
22 tell the probate court that they don't.

23 The eviction, as you know, was  
24 granted. A stay was granted. Because of the



1 bankruptcy the appellate court has lifted the stay  
2 on the eviction and dismissed the appeal -- the  
3 emergency appeal.

4 THE COURT: Things aren't going well for  
5 her.

6 MR. SCHMIEDEL: No, not going well at all.

7 So what we have -- so we need to set  
8 some hearing dates, and I think based upon my  
9 appearance -- and Mr. Stern was in front of the  
10 bankruptcy court, too.

11 THE COURT: Mr. Stern?

12 MR. SCHMIEDEL: Adam Stern. He showed up  
13 and he gave a report to the Court. As an aside,  
14 Gloria was almost escorted out of the court at the  
15 urging of the bankruptcy court based on her behavior  
16 in front of the Court.

17 So it was quite an interesting morning  
18 in the federal building.

19 MS. FARENGA: And will be again next week  
20 when we are in on the reconsideration.

21 MR. SCHMIEDEL: I can't go. I think the  
22 chances of the bankruptcy judge reconsidering based  
23 on the document that was filed by Gloria are remote.  
24 The chances are very remote, and I expect that she

1 will either get the entire thing dismissed, and that  
2 will be that. And then on November 15th -- but I  
3 think what we should do, where we were on the  
4 partition action was I was to name a commissioner.

5 And because you granted the partition  
6 action, I --

7 THE COURT: I didn't grant it. I said you  
8 had to name someone; they had to then tell me if, in  
9 deed, the property can be divided or no.

10 MR. SCHMIEDEL: Correct.

11 THE COURT: I looked this up.

12 MR. SCHMIEDEL: Yes, yes. What I mean is  
13 that you gave me the right to go forward to the next  
14 step.

15 THE COURT: You have an absolute right to  
16 do so.

17 MR. SCHMIEDEL: Right. So -- and I did  
18 have a name, and I submitted the name. And I will  
19 submit a name formally in writing to you. And I can  
20 tell you on the record it's Greg Garofalo, who has  
21 familiarity with the partition action and real  
22 estate familiarity as well, you know; has  
23 familiarity with guardianship as well. And he is  
24 willing to act as the commissioner in this case.

1                   So what I think we need is perhaps a  
2 short date for me to formally present that to the  
3 Court. And I can send that out to Ms. Sykes so she  
4 can have an opportunity to do it. And then we need  
5 to set hearing dates.

6                   THE COURT: Look who is here. Mr. Stern.

7                   MR. STERN: Yes, your Honor.

8                   THE COURT: Adam Stern, the other Guardian  
9 ad Litem, has joined us.

10                  MR. STERN: I was over in Judge Kawamoto's  
11 courtroom. I apologize.

12                  MR. SCHMIEDEL: And, Mr. Stern, I just told  
13 her what happened in the bankruptcy. He graciously  
14 appeared in the bankruptcy court. So I think we  
15 have hearing dates that we need with respect to  
16 apportionment.

17                                You had granted Ms. Sykes the  
18 opportunity to bring ack Dr. Shaw to cross-examine  
19 and then for us to --

20                  THE COURT: And I am going to say this here  
21 and ask you to remind me to bring back Dr. Shaw for  
22 Ms. Sykes to conduct any cross-examination, and you  
23 would have a right to re-direct.

24                  MR. SCHMIEDEL: Yes.



1           THE COURT: And once that's done, we will  
2 just be picking it up at that point.

3           MR. SCHMIEDEL: That's fine.

4           THE COURT: I want to make sure that's  
5 clear.

6           MR. SCHMIEDEL: That's fine, Judge. And so  
7 then we need hearing dates for that. I think I  
8 would like to ask for a short date to come back to  
9 give you the name of Mr. Garofalo. And then we  
10 can -- I don't know if you want to set aside some  
11 hearing dates on the partition action and on the  
12 apportionment agreement.

13           THE COURT: This is what I'm thinking.  
14 Given the high emotions that had been connected with  
15 this case, that I would like to give a date for  
16 several things to be done, dates when filings or  
17 hearing will be heard.

18                         December 21st. And we'll set that for  
19 11:30.

20           MR. SCHMIEDEL: That's fine. That would be  
21 basically a status?

22           THE COURT: That would be a status on  
23 everything where you would then bring forth your  
24 name. I want everything to go out to her in advance

1 so she knows what's going to be here. You have  
2 listed several items you want to be considered.

3 I want her to know that that's what's  
4 going to be considered that day. Day one, of  
5 course, would be the date when Dr. Shaw will re-  
6 appear. We are setting these dates. If she were  
7 here, I would be setting dates. She is not here. I  
8 want to continue it once to give her an opportunity  
9 to be here for those dates.

10 MR. SCHMIEDEL: That's fine. The 21st at  
11 11:30 is fine.

12 THE COURT: We will then -- all matters  
13 are continued to the 21st for presentation of the  
14 name of the commissioner and setting of hearings on  
15 all outstanding matters.

16 Why don't you list them as best you  
17 can so that she understands.

18 MR. SCHMIEDEL: I understand.

19 THE COURT: I don't want there to be any  
20 confusion. And, after all, she's not an attorney.  
21 And we always have to be very careful that we are  
22 explicit in what we do.

23 MR. SCHMIEDEL: I will detail that, Judge.

24 MS. FARENGA: Would you give the Court the

1 update on the eviction order?

2 MR. SCHMIEDEL: The eviction order, as I  
3 said, the appellate court lifted the stay. We went  
4 to place it with the sheriff. Unfortunately,  
5 because of the delay, we have to go back and get a  
6 new order issued.

7 It only lasted -- it expired on  
8 October 18th during the pendency of the bankruptcy.  
9 So we now have to make an appearance in front of  
10 Judge Garber to get the order entered. I presume  
11 that will be pro forma.

12 THE COURT: Especially when you were  
13 delayed by the bankruptcy court.

14 MR. SCHMIEDEL: We could not go to the  
15 appellate court until the bankruptcy was dismissed  
16 and they cleared the way for everything in front of  
17 this court on the municipal court.

18 THE COURT: And those are things that I  
19 want so that she knows what's there.

20 MR. SCHMIEDEL: We will deal with the  
21 forcible here.

22 THE COURT: Not the forcible.

23 MR. SCHMIEDEL: That's fine.

(Which was all the evidence offered and received  
in the above-entitled cause on this day.)

STATE OF ILLINOIS )  
 ) ss:  
COUNTY OF C O O K )

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

I, CAROL BELL, C.S.R., an Official  
Court Reporter for the Circuit Court of Cook County,  
County Department, Probate Division, do hereby  
certify that I reported in shorthand the proceedings  
had at the hearing of the above-entitled cause before  
the Honorable Jane L. Stuart, and that I thereafter  
caused the foregoing to be transcribed into  
typewriting, which I hereby certify to be a true and  
correct transcript of the proceedings had as  
previously aforesaid.



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CAROL BELL, C.S.R.  
Official Court Reporter  
Illinois C.S.R. #084-002526

Dated this 15th day  
of June, A.D., 2012.

STATE OF ILLINOIS )  
   ) SS:  
 COUNTY OF C O O K )

I, the Honorable Jane L. Stuart, Judge of the Circuit Court of Cook County, presiding judge at the hearing of the aforementioned cause, do hereby certify that the above and foregoing is a true and correct Report of Proceedings had at the said hearing.

AND, FORASMUCH, THEREFORE, as the matters and things hereinbefore set forth do not otherwise fully appear of record, the attorney for the Petitioner tenders this Report of Proceedings and prays that the same may be signed and sealed by the judge of this court pursuant to the statute in such case made and provided.

WHICH IS ACCORDINGLY DONE THIS \_\_\_\_\_day  
 of \_\_\_\_\_, 2012.

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Honorable Jane L. Stuart  
 Circuit Court of Cook County, Illinois