

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

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

THE ESTATE OF)
)
MARY SYKES,) 09 P 004585
)
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 Thursday,
the 6th day of October, A.D., 2011

PRESENT:

MR. ADAM STERN,
Guardian Ad Litem;

MR. PETER SCHMIEDEL,
on behalf of the Guardian.

MS. GLORIA JEAN SYKES.

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

1 MS. SYKES: Gloria Jean Sykes, Mary G. Sykes'
2 youngest daughter.

3 MR. STERN: Adam Stern, one of the two Guardian Ad
4 Litem assigned to the case.

5 MR. SCHMIEDEL: Peter Schmiedel, the attorney for
6 Carolyn Toerpe, guardian of the estate and person.

7 THE COURT: On September 14, I entered an order
8 continuing your petition for partition to today at
9 11:30 a.m. I believe Ms. Sykes has also put something
10 before the Court. This is something that was in my
11 mailbox outside my office. It had been received by fax
12 yesterday, I assume. It was sent last night as 8:14.
13 It's addressed to me. It's ex-parte communication if
14 it has not also been sent to all of the attorneys of
15 record.

16 MR. SCHMIEDEL: I got it, Judge.

17 MR. STERN: I received it this morning as well,
18 Judge. I don't know if Cynthia Farenga received it.

19 MR. SCHMIEDEL: But it's a letter. It's not a
20 motion.

21 THE COURT: There is a motion before the Court, I
22 think.

23 MS. SYKES: Your Honor, there's a bankruptcy
24 partition --

1 THE COURT: Is there a motion?

2 MR. STERN: I have not seen any motion, Judge.

3 MS. SYKES: All I was told by the bankruptcy court
4 is --

5 THE COURT: I don't know what this is.

6 MS. SYKES: This is my bankruptcy, that I filed a
7 petition for bankruptcy. So everything is moot right
8 now because it's stayed. It's an automatic stay.

9 MR. SCHMIEDEL: Judge, I don't agree with that
10 statement. I believe there are things that can
11 proceed. Certainly we can proceed with the
12 guardianship. That is not stayed. To the extent that
13 there is a stay with respect to anything else, we'll be
14 moving into bankruptcy court to lift that stay.

15 THE COURT: I will note that there is a -- I'm
16 going to call it reduce, and probably is reduced
17 because of forms in -- that are generating possible a
18 larger than -- The forms that they generate there may
19 be larger than could be accommodated on this page.
20 It's simply -- It indicates that there is a
21 Case No. 1139381; Case Name, Gloria Jean Sykes. And it
22 says that this was, I presume, received -- There must
23 be a date. Oh, here it is. 9/28/11. And that was a
24 date of filing. The Court takes note that this has

1 been filed, but, of course, this doesn't come before
2 this Court appropriately. And I'm sure that whatever
3 they told you in bankruptcy court -- It's always
4 interesting when people in other jurisdictions, if I
5 may, want to explain how things are done in another
6 jurisdiction. And federal court is, in my experience,
7 a little jealous of their procedures and their desire
8 for the state courts to comply. However, I will note
9 that the bankruptcy exists.

10 As to the petition for partition, you have
11 nothing to present. And the Court has no expert to
12 recommend?

13 MR. SCHMIEDEL: I do have somebody.

14 MR. STERN: Wasn't there an attorney present for
15 Ms. Sykes? Wasn't that what was told last time?

16 THE COURT: Give me a second. The order that I
17 entered on September 14th reads as follows:

18 "The matter being heard on status on the
19 appointment of a commissioner in relation to the
20 guardian's petition for partition Gloria Sykes asking
21 for a continuance for an attorney to appear. It is
22 hereby ordered the petition for partition previously
23 granted is entered and continued to October 6, 2011, at
24 11:30 a.m. for status on the appointment of the

1 commissioner and the appearance of Gloria Sykes'
2 attorney."

3 Thank you for bringing that up.

4 You don't have an attorney?

5 MS. SYKES: I do. Well, no, he couldn't show up
6 because there's a stay. And it's an automatic stay
7 which means we can't have any proceedings at all.

8 THE COURT: I'm glad that he thinks that. It might
9 be helpful if he comes. You don't have your
10 commissioner who you want to be put before me?

11 MR. SCHMIEDEL: I can put that before you orally,
12 or I can --

13 THE COURT: I'd like it in paper.

14 MR. SCHMIEDEL: I was going to actually try to get
15 a date for the 18th, perhaps the 18th or 19th of
16 October. I was going to give the Court a status with
17 respect to the bankruptcy and also with respect to
18 the -- we set it at 11:00 o'clock or 11:30, as well as
19 the commissioners, as well as make a report about some
20 other incidents that have occurred most recently this
21 week.

22 THE COURT: No. 18th and 19th are bad.

23 MR. SCHMIEDEL: Tell me what's good for you.

24 MS. SYKES: Something has happened to my mother.

1 MR. SCHMIEDEL: Nothing's happened to your mother.
2 THE COURT: How about Thursday the 27th?
3 MR. SCHMIEDEL: That's fine.
4 THE COURT: Or the 31st?
5 MR. SCHMIEDEL: No.
6 MS. SYKES: Your Honor, I'm not going to be around.
7 THE COURT: Will you be around on the 31st of
8 October?
9 MS. SYKES: No, I'm out of town, your Honor.
10 THE COURT: When will you return?
11 MS. SYKES: I will be back November 8th.
12 THE COURT: November 8th. Turning the page. The
13 9th, the 10? I'm going through dates that the Court
14 would be available. The 9th, 10th, the 14th. Do you
15 want to come the next day after you come back?
16 MS. SYKES: If that's all available -- The 10th
17 would be better. Thank you.
18 MR. STERN: I'm not downtown.
19 THE COURT: How about the 14th or the 15th?
20 MR. SCHMIEDEL: One of the issues I wanted to
21 address in my motion was an issue with the 1st and 2nd
22 of December which set aside all day for hearings on the
23 case. That's why I wanted to get in earlier then.
24 Perhaps the 14th of November? Because my office is

1 moving from its current location to 155 North Wacker on
2 the 1st and the 2nd of December. So I was asked not to
3 set anything on those dates.

4 THE COURT: I said the 14th.

5 MR. SCHMIEDEL: No, no. We have an all-day
6 hearing date set for the 1st -- I wanted to reset that,
7 either advance it or postpone it briefly.

8 THE COURT: We can postpone it.

9 MR. SCHMIEDEL: I wanted to make sure of that.

10 THE COURT: How about I strike it now because we
11 have a lot of things going on? You're going to go down
12 you've said to bankruptcy court and ask for a lifting
13 of the stay relative to these proceedings. There's a
14 lot of balls in the air. So I can strike the days of
15 December 1st and 2nd and have you back here on the 9th
16 of November. That will give you, at least, one day
17 home before you have to come.

18 MS. SYKES: Thank you, very much.

19 MR. SCHMIEDEL: That will be 11:00 o'clock?

20 THE COURT: Yes, 11:30.

21 MR. SCHMIEDEL: Very good, Judge. I will draft an
22 order striking those dates and setting the status for
23 November 9 at 11:30.

24 THE COURT: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

MR. SCHMIEDEL: I will also continue the partition.

THE COURT: Yes, that would be good.

(Which were all the proceedings had in
the above-entitled cause.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE OF ILLINOIS)
)
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 15th day of May, 2012.