

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

ALGONQUIN TOWNSHIP ROAD)
DISTRICT,)
Plaintiff,)
v.) Case No. 19 LA 6
CHARLES A. LUTZOW, JR.,) Judge Thomas Meyer Presiding
Defendant,)

MOTION FOR DEFAULT JUDGMENT

NOW COMES Plaintiff, ALGONQUIN TOWNSHIP ROAD DISTRICT, and with its Motion for Default Judgment against CHARLES A. LUTZOW, JR., herein states as follows:

1. The Complaint was filed on January 10, 2019.
2. Service on the named Defendant, Charles Lutzow, Jr. was had on January 17, 2018. See Exhibit A, (Proof of Service).
3. The Defendant had an obligation to answer or otherwise plead to the complaint on or before February 17, 2019.
4. On February 7, 2019, James Kelly appeared on behalf of the Defendant CHARLES A. LUTZOW, JR, but failed to answer or otherwise plead in this cause of action as required by the summons.
5. That more than thirty (30) days have passed since the date of service of the summons and complaint.
6. A review of the Court's docket for this case reveals that no answer or other responsive pleading has been filed.

WHEREFORE, Plaintiff prays that this Honorable Court grant the relief sought in the Complaint as follows:

- A) Enter judgment for compensatory damages against Defendant, CHARLES LUTZOW, JR., in an amount not less than \$1,000,000;
- B) Order Defendant, CHARLES LUTZOW, JR., to pay as punitive damages an amount equal to at least three times the amount of ALGONQUIN TOWNSHIP ROAD DISTRICT funds held in accounts in names other than the ALGONQUIN TOWNSHIP ROAD DISTRICT;
- C) Order Defendant, CHARLES LUTZOW, JR., to cause all funds of the ALGONQUIN TOWNSHIP ROAD DISTRICT to be returned to an account of the ALGONQUIN TOWNSHIP ROAD DISTRICT in the name of the ALGONQUIN TOWNSHIP ROAD DISTRICT; and
- D) For such other and further relief as this Court deems just and equitable.

Respectfully submitted,

ALGONQUIN TOWNSHIP ROAD DISTRICT,
Plaintiff.

By: /s/ Robert T. Hanlon
Robert T. Hanlon, One of Plaintiff's Attorneys

Robert T. Hanlon, ARDC #6286331
Attorney for Plaintiff
Law Offices of Robert T. Hanlon & Assoc., P.C.
131 East Calhoun Street
Woodstock, IL 60098
(815) 206-2200
(815) 206-6184 (Fax)

Exhibit A

(Affidavit of Service)

AFFIDAVIT OF SERVICE

STATE OF ILLINOIS
In the
Circuit Court of the 22nd Judicial Circuit, McHenry County, Illinois
Algonquin Township Road District vs Charles A Lutzow Jr
CASE NO: 19LA6

On Thursday, January 17, 2019, at 11:35 AM, I served the within described Summons Together With A Copy Of The Complaint In This Action in the manner described below;

I served the within Summons Together With A Copy Of The Complaint In This Action upon the within named Charles A Lutzow Jr by giving a true copy to Charles A Lutzow Jr personally,

Said service was effected at 305 Greenview, Crystal Lake, IL, 60014,

Charles A Lutzow Jr is a White Male approximately 55 years of age, 5' 7" Tall and approximately 225-250 pounds with Bald hair.

I know the person I served was Charles A Lutzow Jr because he so stated it.

I Paula A Schneider, swear that I am an adult over the age of 18 years, and I am not a party to the above entitled action. Furthermore, I am employed as a private detective under Illinois Agency License #117-030870.


Paula A Schneider, Process Server

MDS INVESTIGATIONS, INC.
P.O. Box 309
McHenry, IL, 60051
(815) 314-4657 (800) 988-6374, (815) 314-4831

Subscribed and Sworn to before me, January 17, 2019,



Notary Public, State of IL
My Commission Expires :

Our Job Serial Number: 74194



SUMMONS – 30 DAY
IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

(Name all parties)

ALGONQUIN TOWNSHIP ROAD

DISTRICT,

Plaintiff(s)

vs.

CHARLES A. LUTZOW, JR.,

Defendant(s)

19LA000006

Case Number

Amount Claimed \$ 1,000,000.00

SUMMONS

To each Defendant: CHARLES A. LUTZOW, JR., CAL FINANCIAL GROUP INC.,
755 McARDLE DRIVE, UNIT C, CRYSTAL LAKE, IL 60014

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance, in the office of the Clerk of this court, McHenry County Government Center, 2200 N. Seminary Avenue, Woodstock, Illinois, 60098, within 30 days after service of this summons, not counting the day of service. **IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.**

E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp>.


To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.



WITNESS

Clerk of the C

| | |
|--|------------------------------------|
| 1/10/2019 1:46 PM | Electronically Issued |
| DATE | |
|  | <i>Katherine M. Keefe</i> |
| | KATHERINE M. KEEFE, Clerk of Court |
| | PB |
| | Deputy Clerk |

Plaintiff's attorney or plaintiff if he is not represented by an attorney

Name Law Offices of Robert T. Hanlon

Prepared by Robert T. Hanlon

Attorney for Plaintiff

Attorney Registration No. 6286331

Address 131 East Calhoun Street

City, State Zip Woodstock, IL 60098

Telephone (815) 206-2200

Email robert@robhanlonlaw.com

SHERIFF'S FEES

Service and return \$ _____
Miles _____ \$ _____
Total Sheriff's Fees \$ _____

Sheriff of _____ County

I CERTIFY THAT I SERVED THIS SUMMONS ON DEFENDANTS AS FOLLOWS:

(a) INDIVIDUAL DEFENDANTS – PERSONAL:

The officer or other person making service, shall (a) identify as to sex, race and approximate age of the defendant with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of the day when the summons was left with the defendant.

(b) INDIVIDUAL DEFENDANTS – ABODE:

By leaving a copy of the summons and a copy of the complaint at the usual place of abode of each individual defendant with a person of his family, of the age of 13 years and upwards, informing that person of the contents of the summons. The officer or other person making service, shall (a) identify as to sex, race and approximate age of the person, other than the defendant, with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of day when the summons was left with such person.

and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully pre-paid, addressed to each individual defendant at his usual place of abode, as follows:

| Name of Defendant | Mailing Address | Date of Mailing |
|-------------------|-----------------|-----------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

(c) CORPORATION DEFENDANTS:

By leaving a copy of the summons and a copy of the complaint with the registered agent, officer or agent of each defendant corporation, as follows:

| Defendant Corporation | Registered Agent, Officer or Agent | Date of Service |
|-----------------------|------------------------------------|-----------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

(d) OTHER SERVICE

_____, Sheriff of _____ County
By: _____, Deputy