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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT - FIRST DISTRICT

CITY OF CHICAGO, a Municipal Corporation, )

Plaintiff, )

v. )

JIMMIE WOOTEN; CLYDIE WOOTEN; )

CREDITCORP, INC.; SOUTHSIDE )

MECHANICAL SERVICES; )

AMERICAN GENERAL FINANCE, INC.; )

JANE DOE WOOTEN; UNKNOWN )

OWNERS and NON-RECORD )

CLAIMANTS, )

Defendants. )

No.: **00M1-402997**

Re: 1610 South Hamlin Avenue



00499936

**00499936**

4472/0003 03 001 Page 1 of 12  
**2000-07-06 09:41:09**  
Cook County Recorder 43.50

## SUMMONS

To: **Credicorp, Inc.**  
**c/o Bradley Joseph Martin**  
**233 South Wacker Drive, Suite 4030**  
**Chicago, IL 60606**

You are hereby summoned and required to file an appearance and answer to the complaint, a copy of which is attached. If you fail to answer or appear, a judgment by default may be entered against you for the relief asked for in the complaint. This cause will be heard in Courtroom 1111 of the Richard J. Daley Center on **July 14, 2000**, at 9:30 A.M.

This summons must be returned by the officer or other person to whom it was given for service, with endorsement or service and fees, if any, immediately after service, and not less than 3 days before the day for appearance. If service cannot be made, this summons shall be returned so endorsed.

This summons may not be served later than three days before the day for appearance.

Witness \_\_\_\_\_  
(Date) Seal of Court

Aurelia Pucinski  
Clerk of Court

MARA S. GEORGES  
Corporation Counsel of the City of Chicago  
30 North LaSalle Street, Suite 700  
Chicago, Illinois, 60602  
(312) 744-8791

Date of Service: \_\_\_\_\_ (to be inserted by officer on copy left with defendant or other person)

**JUN 14 2000**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT - FIRST DISTRICT

CITY OF CHICAGO, a Municipal Corporation, )

Plaintiff, )

v. )

JIMMIE WOOTEN; CLYDIE WOOTEN; )  
CREDITCORP, INC.; SOUTHSIDE )  
MECHANICAL SERVICES; )  
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JANE DOE WOOTEN; UNKNOWN )  
OWNERS and NON-RECORD )  
CLAIMANTS, )

Defendants. )

No.:

Re: 1610 South Hamlin Avenue

00M1-402997

**PLAINTIFF CITY OF CHICAGO'S  
COMPLAINT FOR EQUITABLE AND OTHER RELIEF**

Plaintiff City of Chicago ("City"), by its attorney, Mara S. Georges, Corporation Counsel, complains of the defendants as follows:

**GENERAL ALLEGATIONS**

Nature of the Case

1. The City brings this action pursuant to its police power as a home rule unit under Article VII of the Illinois Constitution, which includes "the power to regulate for the protection of the public health, safety, morals and welfare." Ill. Const. art. VII, par. 6(a). As a further grant of authority, the City brings this action pursuant to the Unsafe Property Statute, 65 ILCS 5/11-31-1(a) et seq. (1996), as amended, and the Injunction Statute for Building and Zoning Violations, 65 ILCS 5/11-13-15 (1996). By bringing this action, the City seeks to abate the dangerous and unsafe conditions at the property in question and obtain equitable relief, civil penalties, attorney's fees and costs.

The Parties and the Property at Issue

2. The City is a municipal corporation organized and existing under the laws of the State of Illinois.

3. Within the corporate limits of Chicago, there is a parcel of real estate legally described as:

LOT 156 IN DOWNING'S SUBDIVISION OF LOTS 7 TO 14, BOTH INCLUSIVE, IN J.H. KEDZIE'S SUBDIVISION OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This parcel is commonly known as 1610 South Hamlin Avenue, Chicago, Illinois ("subject property"), and has permanent index numbers of 16-23-303-028.

4. Located on the subject property is a one-story, multiple-family, residential building.

5. At all times relevant to this complaint, the defendants owned, managed, controlled, collected rents from, contributed to the ongoing violations at, or had a legal or equitable interest in the subject property.

Dangerous and Unsafe Conditions

6. On or about April 27, 2000, and continuing to the present, dangerous and unsafe conditions existed at the subject property, in that:

- a. The building located on the subject property has become structurally compromised and is located in an occupied area.
- b. That building's northwest and southwest elevations have partially collapsed.
- c. That building's exterior walls are rotting.
- d. That building's sashes, frames, doors and trim are rotting.
- e. That building's masonry is marked by severe stress fractures.
- f. That building is located next door to a church.

7. The building located on the subject property has deteriorated by 25 percent based upon an initial, exterior-only assessment of its vital systems, including the masonry, porches, walls, sashes, frames, doors, trim, stairs, plaster and glazing.

## COUNT I

### Unsafe Property Provisions - Equitable Relief

8. The City realleges and incorporates paragraphs 1 through 7 of the General Allegations as paragraph 8 as Count I.

9. The Unsafe Property Statute provides, in pertinent part, that:

The corporate authorities of each municipality may demolish, repair, or enclose or cause the demolition, repair or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the municipality. . . .

65 ILCS 5/11-31-1(a) (1996).

10. The Unsafe Buildings Ordinance also authorizes the City of Chicago to seek a court order authorizing the demolition, repair or enclosure of "any building . . . found in a dangerous and unsafe condition or uncompleted and abandoned" within the city limits of Chicago. Municipal Code of Chicago § 13-12-130 (1998).

11. The defendants have violated, and continue to violate, the Unsafe Property Statute and Unsafe Buildings Ordinance by allowing the subject property to remain in a dangerous and unsafe condition posing a danger to the public health, safety and welfare. The building on the subject property would require major reconstruction in order to remedy its dangerous and unsafe condition and is beyond reasonable repair.

12. The levying of a fine is not an adequate remedy for the dangerous and unsafe conditions at the subject property.

WHEREFORE, the City requests that this Court enter an order:

A. Requiring the defendants to demolish, repair, enclose or clean-up the subject property under proper permits issued by the City of Chicago;

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- B. Alternatively, authorizing the City of Chicago to demolish, repair, enclose or clean up the subject property pursuant to 65 ILCS 5/11-31-1(a) and Municipal Code of Chicago § 13-12-130, the costs of which are to be assessed as a judgment against the defendants, and as a lien against the subject property;
- C. Permitting foreclosure of any City of Chicago liens entered against the subject property in this proceeding, pursuant to 65 ILCS 5/11-31-1(c);
- D. Awarding to the City court costs, attorney's fees and other costs related to the enforcement of 65 ILCS 5/11-31-1(a) against the defendants; and
- E. Granting any other relief that this Court deems appropriate.

## COUNT II

### Public Nuisance - Injunctive Relief

13. The City realleges and incorporates paragraphs 1 through 7 of the General Allegations as paragraph 13 of Count II.

14. The Public Nuisance Ordinance, Municipal Code of Chicago § 7-28-060 (1998), provides, in pertinent part, that:

Every building or structure constructed or maintained in violation of the building provisions of this code, or which is in an unsanitary condition, or in an unsafe or dangerous condition, or which in any manner endangers the health or safety of any person or persons, is hereby declared to be a public nuisance.

Municipal Code of Chicago § 7-28-060 (1998).

15. The defendants who own, control or otherwise manage the subject property are in continuous violation of the Public Nuisance Ordinance because the subject property violates the building provisions of the Municipal Code of Chicago, is unsafe and dangerous, and endangers the health and safety of the people of Chicago.

16. The condition of the subject property constitutes an ongoing injury to the public health, safety and welfare, for which there is no adequate remedy at law. The prosecution and fining alone of the defendants who own, control or otherwise manage the subject property for violation of the Public

Nuisance Ordinance will not promptly abate the nuisance.

17. Preliminary and permanent injunctive relief is necessary to end the conduct of those defendants who own, control or otherwise manage the subject property in violation of the Public Nuisance Ordinance.

WHEREFORE, the City requests that this Court enter an order:

- A. Finding that the subject property constitutes a statutory public nuisance as alleged herein;
- B. Granting preliminary and permanent injunctive relief requiring the defendants who own, control or otherwise manage the subject property to abate the statutory public nuisance alleged herein; and
- C. Granting any other relief that this Court deems appropriate.

## COUNT III

### Public Nuisance - Injunctive Relief

18. The City realleges and incorporates paragraphs 1 through 7 of the General Allegations as paragraph 18 of Count III.

19. The Public Nuisance Ordinance, Municipal Code of Chicago § 7-28-060 (1998), provides, in pertinent part, that:

Every building or structure constructed or maintained in violation of the building provisions of this code, or which is in an unsanitary condition, or in an unsafe or dangerous condition, or which in any manner endangers the health or safety of any person or persons, is hereby declared to be a public nuisance. Municipal Code of Chicago § 7-28-060 (1998).

20. The defendants who own, control or otherwise manage the subject property are in continuous violation of the Public Nuisance Ordinance because the subject property violates the building provisions of the Municipal Code of Chicago, is unsafe and dangerous, and endangers the health and safety of the people of Chicago.

21. The condition of the subject property constitutes an ongoing injury to the public health, safety and welfare, for which there is no adequate remedy at law. The prosecution and fining alone of the defendants who own, control or otherwise manage the subject property for violation of the Public Nuisance Ordinance will not promptly abate the nuisance.

22. Preliminary and permanent injunctive relief is necessary to end the conduct of those defendants who own, control or otherwise manage the subject property in violation of the Public Nuisance Ordinance.

WHEREFORE, the City requests that this Court enter an order:

- A. Finding that the subject property constitutes a statutory public nuisance as alleged herein;
- B. Granting preliminary and permanent injunctive relief requiring the defendants who own, control or otherwise manage the subject property to abate the statutory public nuisance alleged herein; and
- C. Granting any other relief that this Court deems appropriate.

**COUNT IV**

**Public Nuisance - Injunctive Relief**

23. The City realleges and incorporates paragraphs 1 through 7 of the General Allegations as paragraph 23 of Count IV.

24. The Public Nuisance Ordinance, Municipal Code of Chicago § 7-28-060 (1998), provides, in pertinent part, that:

Every building or structure constructed or maintained in violation of the building provisions of this code, or which is in an unsanitary condition, or in an unsafe or dangerous condition, or which in any manner endangers the health or safety of any person or persons, is hereby declared to be a public nuisance.

Municipal Code of Chicago § 7-28-060 (1998).

25. The defendants who own, control or otherwise manage the subject property are in continuous violation of the Public Nuisance Ordinance because the subject property violates the building provisions of the Municipal Code of Chicago, is unsafe and dangerous, and endangers the health and safety of the people of Chicago.

26. The condition of the subject property constitutes an ongoing injury to the public health, safety and welfare, for which there is no adequate remedy at law. The prosecution and fining alone of the defendants who own, control or otherwise manage the subject property for violation of the Public Nuisance Ordinance will not promptly abate the nuisance.

27. Preliminary and permanent injunctive relief is necessary to end the conduct of those defendants who own, control or otherwise manage the subject property in violation of the Public Nuisance Ordinance.

WHEREFORE, the City requests that this Court enter an order:

- A. Finding that the subject property constitutes a statutory public nuisance as alleged herein;
- B. Granting preliminary and permanent injunctive relief requiring the defendants who own, control or otherwise manage the subject property to abate the statutory public nuisance alleged herein; and
- C. Granting any other relief that this Court deems appropriate.

## COUNT V

### Public Nuisance Ordinance - Civil Penalties

28. The City realleges and incorporates paragraphs 24 through 27 of Count IV as paragraph 28 of Count V.

29. The Public Nuisance Ordinance provides that:



Any person found guilty of violating any of the provisions of this section shall be subject to a penalty of not less than \$25.00 nor more than \$200.00, or imprisonment not to exceed 10 days, or both such fine and imprisonment for each offense. Each day such violation shall continue shall constitute a separate and distinct offense.

Municipal Code of Chicago § 7-28-060 (1998).

30. The City seeks the maximum daily fine and incarceration against all defendants who own, control or otherwise manage the subject property, and who have maintained the subject property as a public nuisance.

WHEREFORE, the City requests that this Court enter an order:

- A. Assessing civil penalties against all defendants who own, control or otherwise manage the subject property in the maximum amount per day from the date the violation began until the public nuisance is abated; and
- B. Granting any other relief that this Court deems appropriate.

## COUNT VI

### Posting Ordinance - Civil Penalties

31. The City realleges and incorporates paragraphs 1 through 7 of the General Allegations as paragraph 31 of Count VI.

32. The Posting Ordinance, Municipal Code of Chicago § 13-12-125 (1998), requires anyone who owns, maintains, operates, or collects rents from any building that is vacant and abandoned to do the following within thirty days from the date the building becomes abandoned:

- (a) Enclose and secure the building;
- (b) Post a sign affixed to the building indicating the name, address, and telephone number of the owner and the owner's agent for the purpose of managing, controlling or collecting rents. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer; and
- (c) Maintain the building in a secure and closed condition and maintain the sign until the building is again occupied or until repair or completion of the building has been undertaken.

Municipal Code of Chicago § 13-12-125 (1998).

33. The defendants who own, maintain, operate, or collect rents from the subject property are in continuous violation of the Posting Ordinance because they have failed properly to enclose and secure the building on the subject property, to maintain the building in a secure and closed condition, and to post the required sign.

34. The Posting Ordinance provides that:

Any person who violates any provision of this section . . . shall be fined not less than \$200.00 and not more than \$1000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

Municipal Code of Chicago § 13-12-125 (1998).

35. The City seeks the maximum daily fine against all defendants who own, maintain, operate, or collect rents from the subject property and who have failed to meet the requirements of the Posting Ordinance.

WHEREFORE, the City requests that this Court enter an order:

- A. Assessing civil penalties against all defendants who own, maintain, operate, or collect rents from the subject property in the maximum amount per day from the date the violation began until the subject property complies with the requirements of the Posting Ordinance; and
- B. Granting any other relief that this Court deems appropriate.

Respectfully submitted,

MARA S. GEORGES  
Corporation Counsel of the City of Chicago

By:

  
Assistant Corporation Counsel

NILDA M. SOLER

Deputy Corporation Counsel

STEPHANIE L. UHLARIK

Chief Assistant Corporation Counsel

JOHN ADOLPH

Assistant Corporation Counsel

Building and Land Use Litigation Division

30 North LaSalle Street, Suite 700

Chicago, Illinois 60602

(312) 744-8791

Property of Cook County Clerk's Office

## LISTING OF DEFENDANTS

Re: 1610 South Hamlin Avenue

Jimmie Wooten  
1610 South Hamlin Avenue  
Chicago, IL 60623

Clydie Wooten  
1610 South Hamlin Avenue  
Chicago, IL 60623

Credicorp, Inc.  
c/o Bradley Joseph Martin  
233 South Wacker Drive, Suite 4038  
Chicago, IL 60606

Southside Mechanical Services  
10245 South Western Avenue  
Chicago, IL 60643

American General Finance, Inc.  
c/o Louis A. Weinstock  
20 North Clark Street, Suite 2600  
Chicago, IL 60602

Jane Doe Wooten  
1610 South Hamlin Avenue  
Chicago, IL 60623

Unknown Owners/Non-Record Claimants

Property of Cook County Clerk's Office