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#90909 (Zoning)

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

CITY OF CHICAGO, a Municipal Corporation,

Plaintiff,

v.

COLUMBIA NATIONAL BANK, as Trustee,
et al.,

Defendants.

No. 02 M1 404934

Re: 5747 W. Waveland

Courtroom 1107

Agreed Order of Settlement with a Permanent Injunction

This case is before the Court to approve the terms of this Agreed Order of Settlement between the plaintiff City of Chicago ("City") and Defendant Jadwiga Torz ("Defendant").

The parties wish to resolve this case without a trial, and have read and agreed to the terms of this Order. The Court makes the following findings of fact and law, and orders Defendant to comply with each of the agreements listed in this Agreed Order:

1. The Court has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property located at 5747 West Waveland, Chicago, Illinois, ("subject property") which has a permanent index number of 13-20-226-004-0000 and is legally described as:

LOT 101 (EXCEPT THE EAST 90 FEET THEREOF) IN KOESTER AND ZANDER'S ADDITION TO WEST IRVING PARK, A SUBDIVISION OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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2. The subject property contains a one-and-a-half brick residence with a basement and an attic ("the subject building") and is located in an R2 Single Family Residence District.
3. Defendant is the beneficiary of Columbia National Bank of Chicago, Trust Number 4799, under Trust Agreement dated November 18, 1994. **30327679**
4. The City alleges in its complaint that beginning on or about September 17, 2002, and continuing to the present, Defendant has been maintaining more than one dwelling unit in an R2 Single Family Residence District in violation of the Municipal Code of Chicago Sections 17-7.3-2 and 7-28-060 (2001).
5. Defendant admits that these allegations and agrees to plead liable to all counts contained in the City's Complaint. Judgment is entered in favor of the City on all of these counts. Defendant agrees to pay a \$500.00 fine to the City by March 21, 2003.
6. Defendant agrees to obtain a permit to deconvert the attic dwelling unit at the subject property from the City's Department of Buildings no later than May 9, 2003. Defendant agrees to deliver a copy of this permit to the City's attorney at the address listed below.
7. Defendant further agrees to reimburse the City for its litigation costs in the amount of ~~\$151.00~~ ^{149.88 plus} no later than March 21, 2003. Payment shall be made by certified check or money order, payable to the City of Chicago, delivered in person or by mail to Tina Zvanja, at 30 North LaSalle Street, Suite 700, Chicago, Illinois 60602.
8. Defendant, along with her successors, heirs, assignees, agents, and/or other person(s) working in concert with them or under their control, are permanently enjoined from maintaining, arranging, designing, or using more than one dwelling unit at the subject property.
9. The Court shall retain jurisdiction to enforce the terms of this Agreed Order. If a violation of any of this Order's provisions exists, the penalty shall be:
 - a. A fine to the City in the amount of \$200.00 per day of violation; and
 - b. Upon petition by the City, a hearing as to why Defendants or any other party subject to this Order should not be held in contempt of court for violation of this Agreed Order.
10. Pursuant to Illinois Supreme Court Rule 304(a), this is a final order and the Court finds no just reason for delaying enforcement. All parties waive their right to appeal this Order.
11. Defendant Columbia National Bank of Chicago, as Trustee Under Trust Agreement dated November 18, 1994, Trust Number 4799, is in default as a party defendant for failing to appear or otherwise plead in the case after being served with a summons and the City's

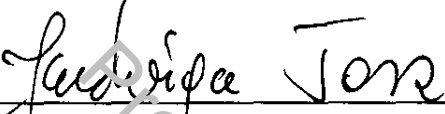
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Complaint on December 7, 2002, and is made subject to each of the terms of this Agreed Order by default.

12. This case is taken off the Court's call.

Agreed to by:

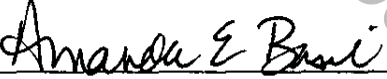
Defendant Jadwiga Torz



Jadwiga Torz
5747 W. Waveland
Chicago, Illinois 60634

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Attorney for the City of Chicago
Mara S. Georges, Corporation Counsel, City of Chicago

By: 

Amanda E. Basil
Building and Land Use Litigation Division
30 N. LaSalle Street, Suite 700
Chicago, IL 60602
(312) 744-0210
#90909

ENTERED:



Judge

Assoc. Judge ANN HOUSER
MAR 07 2003

Circuit Court - 227

Date