



Doc#: 0433816194
Eugene "Gene" Moore Fee: \$28.00
Cook County Recorder of Deeds
Date: 12/03/2004 12:40 PM Pg: 1 of 3

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

**CITY OF CHICAGO, a Municipal
Corporation,**

Plaintiff,

v.

Ernesto De La Tore and Pedro Diaz,

Defendants.

No. 04 M1 402044

Re: 4859 S. Kostner Ave.

Courtroom 1107

Agreed Order of Settlement with Permanent Injunction

This case is before the Court to approve the terms of this Agreed Order of Settlement with Permanent Injunction between the plaintiff City of Chicago ("City"), and Defendants Ernesto de la Tore and Pedro Diaz ("Defendants.")

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

1. The Court has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property commonly known as 4859 South Kostner Avenue, Chicago, Illinois ("the subject property"), and legally described as:

LOT 21 IN BLOCK 2 IN ARCHER HIGHLANDS ADDITION, BEING H. H. WESSEL AND COMPANY'S SUBDIVISION OF THE WEST 1/4 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, ALSO OF THE EAST 1/4 (EXCEPT THE RAILROAD RIGHT OF WAY) OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID

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SECTION 10, IN TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 19-10-208-020.


2. The subject property is approximately 3,750 square feet in lot area, contains a one-story residential building with a basement and an attic ("the subject building"), and at the time of the filing of the City's Complaint was located in an R3 General Residence District and as of August 1, 2004, is now located in an RS3 Residential Single-Unit District.
3. Defendants are the owners of the subject property.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about August 4, 2003, and continuing to the present, defendants maintained multiple dwelling units at the subject property with less than 2,500 square feet of lot area per dwelling unit, in violation of Municipal Code of Chicago Sections 17-7.5-3 and 7-28-060 (2003).
5. Defendants admit these allegations and agree to plead liable to Counts I and II in the City's Complaint. Judgment is entered in favor of the City on each of these counts and Defendants shall pay \$250 fine to the City under Count I. Defendants shall reimburse the City for its litigation costs in the amount of \$134. Payment of the fine and litigation costs of \$384 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, no later than December 30, 2004.
6. The Court finds that there is one dwelling unit in the subject building.
7. Defendants agree to the entry of a permanent injunction enjoining them, their successors, heirs, assignees, agents, and/or other person(s) working in concert with them or under their control from maintaining, using, or designing a separate dwelling unit in the subject building's basement and from maintaining, using, or designing more than one dwelling unit in the subject building.
8. The Court shall retain jurisdiction of the injunctive portions of this Agreed Order solely for the purposes of enforcement or modification of the injunctions, upon proper motion. The Court shall retain jurisdiction of all other portions of this Agreed Order solely for the purpose of enforcement of the terms of this Agreed Order.
9. The parties agree and understand that the penalty for violating any of this Order's provisions will be:
 - a. A fine to the City in the amount of \$200 per day of violation; and

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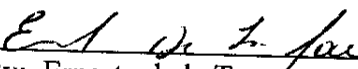
- b. Upon petition by the City, a hearing as to why Defendants, or any other party subject to this Agreed Order, should not be held in contempt of court for violation of this Order.
- 10. Pursuant to Illinois Supreme Court Rule 304(a), this is a final order and the Court finds no just reason for delaying the enforcement or appeal of this Order. All parties to this agreement waive their right to appeal this Order.
- 11. This case is taken off the Court's call.

Agreed to by:

Defendant Ernesto de la Torre

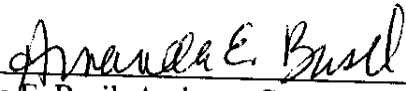

 Ernesto de la Torre
 4859 S. Kostner
 Chicago, IL 60632
 (773) 581-9595

Defendant Pedro Diaz


 By: Ernesto de la Torre, as attorney-in-fact for Pedro Diaz,
 under Power of Attorney dated December 2, 2004
 4859 S. Kostner
 Chicago, IL 60632
 (773) 581-9595

Attorney for the City of Chicago:

Mara S. Georges
Corporation Counsel
City of Chicago

By: 
 Amanda E. Basil, Assistant Corporation Counsel
 30 N. LaSalle St., Suite 700
 Chicago, IL 60602
 (312) 742-0344
 #90909

Assoc. Judge ANN HOUSER

ENTERED: **DEC 03 2004**
Circuit Court - 227

Date


 Judge