

UNOFFICIAL COPY



Doc#: 0630522131 Fee: \$46.50
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 11/01/2006 03:13 PM Pg: 1 of 12

(Rev. 9/24/99)

LIS PENDENS NOTICE CCG 0066

IN THE CIRCUIT COURT OF
COOK COUNTY, ILLINOIS

TIMOTHY VAN ALTENA ET AL.

plaintiff

v.

ROBERTO REYES, ET AL.

defendant

No. 06 M1 169292

LIS PENDENS NOTICE

with the CLERK OF COURT

I, the undersigned, do hereby certify that the above entitled cause was filed ~~in my office~~ on the 6TH

day of SEPTEMBER, 2006 and is now pending in said court and that the property affected

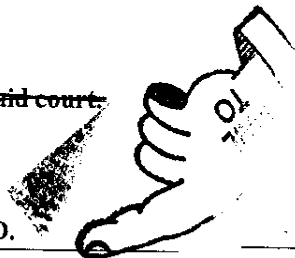
by said cause is described as follows:

4210 NORTH SAWYER AVENUE, CHICAGO, ILLINOIS 60618; PIN 13-14-414-036-0000

LOT 17 IN BLOCK 80 IN NORTHWEST LAND ASSOCIATION SUBDIVISION OF THE WEST 1/2 OF THE NORTH 1/2 OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

in Cook County, Illinois.

~~Witness my hand and the seal of said court~~



Atty. No.: 37311

Name: ZOE G. BIEL/KLISE & BIEL, LTD.

Atty. for: PLAINTIFFS

Address: 1478 WEST WEBSTER AVENUE

City/State/Zip: CHICAGO ILLINOIS 60614

Telephone: (773) 871-6446

~~Clerk of the Circuit Court~~

By

~~Deputy Clerk~~

~~DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS~~

OK

UNOFFICIAL COPY

2120 - Served 2220 - Not Served 2620 - Sec. of State
2121 - Alias Served 2221 - Alias Not Served 2621 - Alias Sec. of State

Summons (This form replaces CCM 0646, CCM1 0646, CCM1 0651, CCMD 0648, and CCMD 0649-2 thru 6) CCM N649-100M-2/03/06 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

FIRST MUNICIPAL DISTRICT

20061169292
CALENDAR/ROOM 1106
TIME 09:30
Statutory Action

Name All Parties

TIMOTHY V VANALTENA & ANNMARIE S. VAN ALT
Plaintiff(s)

Case No. 06 M

Amount Claimed \$: 8135+COSTS+FEES

Appearance Filing/Return Date: 10/4/06

Status Date:

Trial Date:

Time: 9:30 Room: 1106

ROBERTO REYES & ELVIRA REYES
Defendant(s)

4210 NORTH SAWYER, CHICAGO 60618

4535 N KEDZIE Address of Defendant(s)
CHICAGO

SUMMONS

To each Defendant:

YOU ARE SUMMONED and required:

1. To file your written appearance by yourself or your attorney and pay the required fee in:

- District 1: Richard J. Daley Center; 50 West Washington, Room 602; Chicago, IL 60602
- District 2: 5600 Old Orchard Rd., Rm 136; Skokie, IL 60077
- District 3: 2121 Euclid, Rm 121; Rolling Meadows, IL 60008
- District 4: 1500 Maybrook Dr., Rm 236; Maywood, IL 60153
- District 5: 10220 S. 76th Ave., Rm 121; Bridgeview, IL 60455
- District 6: 16501 S. Kedzie Pkwy., Rm 119; Markham, IL 60428

on October 4, 2006, between the hours of 8:30 a.m. and 2:30 p.m.;

on _____, before 9:00 a.m.

2. File your answer to the complaint before 9:00 a.m. as required by the applicable subsections of Paragraph 3 or 4 in the NOTICE TO THE DEFENDANT on the reverse side.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT, A COPY OF WHICH IS HERETO ATTACHED.

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, 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 3 days before the day for appearance.

THERE WILL BE A FEE TO FILE YOUR APPEARANCE. SEE FEES ON THE REVERSE SIDE OF THIS FORM.

Atty. No.: 37311

Name: ZOE G. BIEL, KLISE & BIEL, LTD.

Atty. for: PLAINTIFFS

Address: 1478 WEST WEBSTER AVENUE

City/State/Zip: CHICAGO ILLINOIS 60614

Telephone: 773.871.6446/773.871.6902 FAX

WITNESS, _____

DOROTHY BROWN, Circuit Court Clerk

Date of Service: _____
(To be inserted by officer on copy left with Defendant or other person)

SEE REVERSE SIDE

** Service by Facsimile Transmission will be accepted at:

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL COURT FILE

UNOFFICIAL COPY

Firm No. 37311

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

20061169292
CALENDAR/ROOM 1106
TIME 09:30
Statutory Action

TIMOTHY V. VAN ALTENA)
and ANNMARIE S. VAN ALTENA,)
Plaintiffs,)

No.:

v.)

ROBERTO REYES and)
ELVIRA REYES.)
Defendants.)

Amount \$8135 plus costs & fees

VERIFIED COMPLAINT AT LAW

Now Comes Plaintiffs, Timothy and Annmarie van Altena (hereinafter individually and/or collectively "VAN ALTENA") complaining of Defendants, Mr. and Mrs. Roberto Reyes, and in support thereof states as follows:

COUNT I: NO IDENTIFICATION OF THE OWNER AND AGENTS, A VIOLATION OF CHICAGO "RLTO" SECTION 5-12-090

1. Timothy and Annmarie van Altena reside in Chicago, Illinois.
2. Upon information and belief Mr. and Mrs. Roberto Reyes still reside in Chicago, Illinois doing business at 4210 N. Sawyer, Chicago, Illinois, 60618.
3. On May 1, 2005, VAN ALTENA entered into a one year written lease agreement with Geoffrey Loren and Lori Myers, the landlords, for Unit 1 located at 4210 North Sawyer Avenue in the City of Chicago, County of Cook, State of Illinois, 60618.

UNOFFICIAL COPY

Firm No. 37311

4. Such Lease was and is subject to the Chicago Residential Landlord and Tenant Ordinance; Municipal Code Title 5, Chapter 12 et seq. (hereinafter referred to as the "RLTO") because the apartment unit is located within the City of Chicago and is not subject to any exclusions as provided in Section 5-12-020.
5. Upon information and belief, Defendants purchased the property at 4210 North Sawyer and became the subsequent landlords on or about October 31, 2005.
6. Section 5-12-090 of the RLTO requires the landlord to disclose to the tenant in writing at or before the commencement of the tenancy the name, address and telephone number of the owner or person authorized to manage the premises.
7. The Defendants failed to disclose contact information in writing to VAN ALTENA when they became the new owners and subsequent landlords.
8. VAN ALTENA only became aware that the Defendants had become the successor landlord when Mrs. Reyes knocked on their door to collect rent for the month of November 2005.
9. Defendants failed to provide VAN ALTENA any contact information or method for contacting the Defendants.
10. The Penalty for a violation of Section 5-12-090 of the RLTO is one months rent or actual damages.
11. VAN ALTENA paid a monthly rent to the landlords (both the prior and to Defendants) \$1000.00 pursuant to the terms of the Lease.

UNOFFICIAL COPY

Firm No. 37311

WHEREFORE, Plaintiffs, TIMOTHY AND ANNMARIE VAN ALTENA, pray for a judgment in the amount of \$1,000.00 plus reasonable court costs and attorney's fees.

COUNT II: DISPOSAL OF PERSONAL PROPERTY, A VIOLATION OF CHICAGO RLTO SECTION 5-12-130(f)

- 1-5. VAN ALTENA repeats and realleges paragraphs 1-5 of Count I as paragraphs 1-5 of this Count II.
6. Under Section 5-12-130(f) of the RLTO a landlord is provided with a remedy granting him/her the ability to dispose of a tenant's abandoned property, however, the landlord is only allowed to exercise this remedy if the tenant has abandoned the apartment as proscribed in Section 5-12-130(e) of the RLTO.
7. VAN ALTENA remained tenants at the premises and of Defendants until January 31, 2006 and maintained a storage room in the basement of the premises, which the former owners had assigned to them.
8. Some time in mid to late November, 2005 VAN ALTENA informed the Defendants that everything in that room belonged to VAN ALTENA.
9. Some time after that VAN ALTENA noticed that their window air conditioning unit and reclining metal lawn chair(s) were missing from the storage room and one of their boxes was placed inside a shower in the basement. After discovering these conditions, VAN ALTENA placed name and address labels on all their boxes in the storage room.

UNOFFICIAL COPY

Firm No. 37311

10. On or about January 14, 2006 VAN ALTENA discovered that all of their possessions in the basement storage space were missing.

11. VAN ALTENA inquired of Defendant, Mrs. Reyes, about the belongings. Mrs. Reyes denied any knowledge that any of the items belonged to VAN ALTENA. When VAN ALTENA reminded Mrs. Reyes that in November they had previously informed the Defendants about the belongings being located in the storage space, Mrs. Reyes stated that what VAN ALTENA had told the Defendants was no longer relevant and that because they needed the space they disposed of all of VAN ALTENA'S belongings located in the storage space.

12. Defendants caused much of VAN ALTENA'S personal property that was stored in the basement storage to be destroyed.

13. Plaintiff has been damaged in an amount totaling at least \$135.00.

WHEREFORE, the Plaintiffs pray for a judgment in the amount of at least \$135.00 plus reasonable court costs and attorney's fees.

**COUNT III: RETALIATORY CONDUCT BY LANDLORDS,
A VIOLATION OF CHICAGO RLTO SECTION 5-12-150**

1-11. VAN ALTENA repeats and realleges paragraphs 1-11 of Count II as paragraphs 1-11 of Count III.

12. A landlord is prohibited from taking retaliatory action against a tenant under Section 5-12-150 because the tenant requested the landlord to make repairs to the

UNOFFICIAL COPY

Firm No. 37311

premises as required by a building code, health ordinance, other regulation, or the residential rental agreement.

13. VAN ALTENA made various requests of the Defendants to fix certain issues on the premises from October 2005 until sometime in January 2006.

14. After these requests, the Defendants, without notice to VAN ALTENA, knowingly disposed of their personal property labeled and stored in the basement.

15. The penalty for a violation of Section 5-12-150 is an amount equal to and not more than two months' rent or twice the damages sustained by him, whichever is greater, and reasonable attorney's fees.

WHEREFORE, the Plaintiffs pray for a judgment in the amount of \$2,000.00 plus reasonable court costs and attorney's fees.

COUNT IV: FAILURE TO MAINTAIN SAFE AND SECURE PROPERTY, VIOLATION OF CHICAGO RLTO SECTION 5-12-070 AND 5-12-110

1-5. VAN ALTENA repeats and realleges paragraphs 1-5 of Count I as paragraphs 1-5 of Count IV.

6. A landlord is required by Section 5-12-070 to maintain the premises in compliance with all applicable provisions of the RLTO and to make all repairs necessary to fulfill this obligation.

7. Further, Section 5-12-110 of the RLTO provides that failure to maintain exits and stairways is material noncompliance with Section 5-12-070.

UNOFFICIAL COPY

Firm No. 37311

8. VAN ALTENA gave notice to the Defendants that the upstairs tenants were leaving common doors unlocked and open.
9. VAN ALTENA also gave notice to the Defendants that the upstairs tenants and their guests were often noisy, obstructing normal pathways and preventing VAN ALTENA access to the garage.
10. Upon information and belief, Defendants, failed to address these problems and maintain the premises in compliance with the RLTO.
11. The penalty for a violation of Section 5-12-110 of the RLTO is to award an amount that reflects the reduced value of the premises due to the material noncompliance.

WHEREFORE, the Plaintiffs pray for a judgment in the amount of at least \$1,000.00 plus reasonable court costs and attorney's fees.

**COUNT V: UNSAFE HEAT LEVELS,
A VIOLATION OF CHICAGO RLTO SECTION 5-12-070**

- 1-6. VAN ALTENA repeats and realleges paragraphs 1-6 of Count IV as paragraphs 1-6 of Count V.
7. Section 5-12-110(f) of the RLTO states that failure to provide heat at such levels as required by the municipal code is material noncompliance with Section 5-12-070.
8. On or about December 31, 2005, VAN ALTENA, upon returning from vacation, noticed that the temperature in the apartment was 91°F degrees. Even after

UNOFFICIAL COPY

Firm No. 37311

VAN ALTENA turned the heat off and opened windows, the temperature remained between 78 and 85 degrees.

9. On numerous occasions VAN ALTENA brought the issue of excessive heat in the apartment to the Defendants' attention.
10. The excessive heat levels posed a health risk to VAN ALTENA and their pets.
11. The Defendants never did anything about the excessive heat levels.
12. The penalty for violation of section 5-12-110 of the RLTO is to award an amount that reflects the reduced value of the premises due to the material noncompliance.

WHEREFORE, the Plaintiffs pray for a judgment in the amount of at least \$1,000.00 plus reasonable court costs and attorney's fees.

COUNT VI: SECURITY DEPOSIT NOT RETURNED, VIOLATION OF CHICAGO RLTO SECTION 5-12-080

- 1-5. VAN ALTENA repeats and realleges paragraphs 1-5 of Count I as paragraphs 1-5 of Count VI.
6. A landlord is required by Section 5-12-080 to return a tenant's security deposit and the interest due thereon within 45 days after the date the tenant vacates the unit.
7. On or about January 28, 2006 VAN ALTENA vacated their unit due to the numerous issues and disputes that arose with Defendants.
8. On or about March 15, 2006, 45 days after VAN ALTENA vacated the apartment, the Defendants should have returned to VAN ALTENA the security

UNOFFICIAL COPY

Firm No. 37311

deposit and the interest due thereon. Not only did Defendants fail to return the security deposit and interest due thereon, but Defendants failed to send VAN ALTENA a letter explaining why it had not been returned.

9. To date Defendants have failed to return the security deposit and the interest due within the statutory time limit nor have they sent a letter to VAN ALTENA stating why they are withholding the deposit and the interest.

10. The penalty for violation of Section 5-12-080 of the RLTO is to award damages in an amount equal to two times the security plus interest determined under 5-12-081 of the RLTO.

11. VAN ALTENA paid a security deposit in the amount of \$1500 pursuant to the terms of the Lease.

WHEREFORE, the Plaintiffs pray for a judgment in the amount of at least \$3,000.00 plus the interest due thereon, reasonable court costs and attorney's fees.

Firm No. 37311
 Zoe G. Biel, Esq.
 Klise & Biel, Ltd
 1478 West Webster Avenue
 Chicago, Illinois 60614
 (773) 871-6446
 (773) 871-6902

Respectfully Submitted,

Timothy and Annmarie van Altena

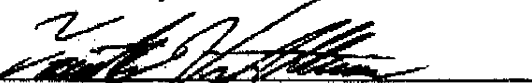
One of Plaintiffs' Attorneys

UNOFFICIAL COPY

Firm No. 37311

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certify as follows: they are Timothy and Annmarie van Altena, they have knowledge of the answers alleged therein, and that the same are true and correct to the best of their knowledge, except as to matters therein stated to be on information and belief and as to such matters the undersigned certify as aforesaid that they believe the same to be true.



Timothy and Annmarie van Altena

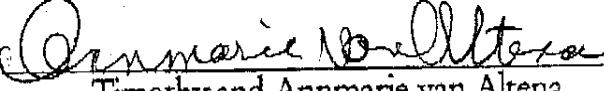
Property of Cook County Clerk's Office

UNOFFICIAL COPY

Firm No. 37311

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certify as follows: they are Timothy and Annmarie van Altena, they have knowledge of the answers alleged therein, and that the same are true and correct to the best of their knowledge, except as to matters therein stated to be on information and belief and as to such matters the undersigned certify as aforesaid that they believe the same to be true.


Timothy and Annmarie van Altena

Property of Cook County Clerk's Office