

DUPLICATE ORIGINAL

UNOFFICIAL COPY



Doc#: 0912529088 Fee: \$40.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 05/05/2009 03:46 PM Pg: 1 of 3

Space reserved for the Recorder's Office

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

CITY OF CHICAGO, a municipal corporation,
Plaintiff,
v.
WELLS FARGO BANK, N.A., et al.,
Defendants.

No. 08 M1 450220

Re: 4059 W. Maypole

Courtroom: 1111

ORDER OF DEMOLITION EFFECTIVE 5/26/09

This cause coming to be heard on May 5, 2009, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Mara S. Georges, Corporation Counsel of the City of Chicago, against the following named Defendants:

Wells Fargo Bank, N.A.
Estate of James Lee Gardner
U.S. Department of Housing & Urban Development
Illinois Department of Healthcare and Family Services
Unknown Heirs & Legatees of James Lee Gardner
Unknown Owners and Non-record Claimants

The Court being fully advised of the premises of this proceeding and having heard the testimony of the City's inspector, finds that:

1. The Court has jurisdiction of the parties hereto and the subject matter, which is the premises located at the following address: 4059 W. Maypole, Chicago, Illinois, and legally described as follows:

LOT 43 IN F.S. TYRRELLS SUBDIVISION OF BLOCK 17 IN WEST CHICAGO LAND CO.'S SUBDIVISION OF THE SOUTH 1/2 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This parcel has a Permanent Index Number of 16-10-416-001.

6

UNOFFICIAL COPY

2. Located on the subject property is a one-story frame residential building.
3. The Court having heard testimony and evidence finds that the building located on the subject property is dangerous, hazardous, unsafe and beyond reasonable repair under the Unsafe Buildings Statute, 65 ILCS 5/11-31-1 (1996) in that:
 - a. The building is vacant;
 - b. The electrical system is damaged, stripped, or inoperable;
 - c. The heating system is damaged, stripped, or inoperable;
 - d. The plumbing system is damaged, stripped, or inoperable;
 - e. The block chimneys are damaged;
 - f. The partition walls are fire damaged;
 - g. The siding has been stripped off;
 - h. The sash have been broken out;
 - i. The entrance doors are damaged;
 - j. The rear porch system is rotten;
 - k. The plaster walls and ceilings are fire and water damaged;
 - l. The window glazing is broken.
4. Demolition of the subject property, as a whole, is the least restrictive alternative available to effectively abate the conditions now existing there.

UNOFFICIAL COPY**WHEREFORE, IT IS HEREBY ORDERED THAT**

- A. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants on Counts I and IV of the City of Chicago's complaint for demolition.
- B. The remaining counts of the City's complaint for demolition are voluntarily dismissed.
- C. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, the City is authorized to demolish the building and is entitled to a lien for the costs of demolition and debris removal, court costs and other costs enumerated by statute.
- D. The authority granted in Paragraph C. above shall become effective 5-26-09.
- E. Wells Fargo Bank N.A. is ordered to reimburse the City's litigation costs of \$153,000 no later than 6-5-09. _____ is ordered to pay a fine of _____ to the City no later than _____, to fully settle Count II of the City's complaint. Payment must be by certified check, business check, or money order, made payable to the City of Chicago. Payment must be delivered to 30 N. LaSalle Street, Suite 700, Chicago, IL, 60602, Attn: Kristina Mokrzycki. Payment must include the case number on its face, and be accompanied by a copy of this court order.
- F. Defendants shall remove any and all persons, if any, occupying the subject property and all personal property from said premises no later than the effective date so that said premises will be completely vacant and free of personal property before demolition is commenced.
- G. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order. The Court finds no just reason for delay in the enforcement or appeal of this order.
- H. The Court reserves jurisdiction of this case to enforce the terms of this order and for the purpose of ascertaining the demolition and litigation costs.

ENTERED: 6/6/09 Judge

PLAINTIFF, CITY OF CHICAGO
 MARA S. GEORGES, Corporation Counsel

By:

Maggie Rizzo
 Maggie Rizzo
 Assistant Corporation Counsel
 Building and License Enforcement Division
 30 N. LaSalle Street, Suite 700
 Chicago, Illinois 60602
 Phone: (312)742-1935 Facsimile: (312)744-1054
 ATTY NO. 90909