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

CITY OF CHICAGO, a Municipal
Corporation,)

Plaintiff,)

v.)

ELBERT HOYE, ERROL HOYE,
COOK COUNTY PUBLIC GUARDIAN,)

UNKNOWN OWNERS AND)

NON-RECORD CLAIMANTS,)

Defendants.)

NO: 07 M1 402293

RE: 5329 S. HALSTED

ORDER OF DEMOLITION- FRONT AND REAR BUILDINGS

This cause coming to be heard on November 10, 2009, on the First Amended Complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Mara S. Georges, Corporation Counsel, against the following named Defendants:

- Elbert Hoyer;
- Errol Hoyer;
- Cook County Public Guardian; and
- Unknown Owners and Non-record Claimants.

The Court having heard the evidence at trial and being fully advised in the premises finds that:

1. The Court has jurisdiction of the parties hereto and the subject matter which is the building located at the common address of **5329 S. Halsted**, Chicago, Illinois, and legally described as follows:

LOT 32 IN BLOCK 4 IN PUTNAM'S SUBDIVISION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE SOUTH 23 ACRES THEREOF), IN COOK COUNTY, ILLINOIS.

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The permanent index number is **20-09-316-011**. Located on the property is a two-story frame multiple family building. The last known use of the building was residential ("subject property").

2. The subject property is dangerous, unsafe and beyond reasonable repair under the terms of the Illinois Municipal Code, 65 ILCS 5/11-31-1 (1996) (Unsafe Buildings), in that:

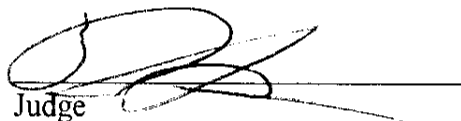
- a. The building is vacant.
- b. The electrical systems are stripped, inoperable and/or defective.
- c. The plumbing systems are stripped, inoperable and/or defective.
- d. The heating systems are stripped, inoperable and/or defective.
- e. The chimney is deteriorating with loose flaky bricks.
- f. The siding and roofing are deteriorated, loose and/or missing.
- g. The flooring and floor tile are deteriorated, loose and/or missing.
- h. The sashes, frames, doors, and trim are broken, rotted, loose and/or missing throughout.
- i. The porch and stair systems have rotted, missing, broken and/or loose members throughout.
- j. The plaster is broken, loose, and water damaged throughout building.
- k. The glazing is broken at all elevations.
- l. There are high weeds and shrubbery surrounding the subject property.
- m. There is interior trash and debris.

3. The Court finds that it would take major reconstruction of a responsible owner to bring the subject property into full compliance with the Municipal Code, and that the building is beyond reasonable repair. The Court further finds that demolition of the building on the subject property is the least restrictive alternative as of November 10, 2009.

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

- A. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants on Counts I and IV of the City's first amended complaint seeking demolition authority.
- B. The City of Chicago's costs of **\$364.00** shall be paid by the ~~Cook County Public Guardian~~ ^{Estate of Elbert Hoyer} on behalf of Elbert Hoyer by December 30, 2009. The 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.
- C. The remaining counts the City's first amended complaint are voluntarily withdrawn without prejudice.
- D. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, the City is granted authorization to demolish the building on the subject property and is entitled to a lien for the costs of demolition, court costs, and other costs enumerated by statute, and / or other statutory remedies.
- E. Defendants shall immediately remove any and all persons occupying the subject property and all personal property from said premises instanter so that said premises will be completely vacant and free of personal property before demolition is commenced.
- F. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court finds there is no just reason for delaying the enforcement or appeal of this order.
- G. The Court reserves jurisdiction of this cause to enforce the terms of this order and for the purpose of ascertaining the demolition costs for entry of a money judgment against the defendant owners, as defined by the applicable statutes and ordinances.
- H. Unknown owners and non-record claimants and Errol Hoyer, having failed to appear as of the publication default date of October 22, 2009, are in default and all allegations in the first amended complaint are deemed admitted against them in default.

ENTERED:



Judge

ERIN M. MURPHY
 Assistant Corporation Counsel
 City of Chicago, Department of Law
 Building and License Enforcement Division
 30 N. LaSalle Street, Suite 700
 Chicago, Illinois 60602
 (312) 744-8417

Associate Judge William G. Filago

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Circuit Court 1764