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Doc#: 1002139048 Fee: \$40.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 01/21/2010 02:23 PM Pg: 1 of 3

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

CITY OF CHICAGO, a Municipal Corporation,
Plaintiff,
v.
KEVIN HARRIS, et al.,
Defendants.

No. 09 M1 400917
Re: 4923-25 West Jackson Blvd
Courtroom: 1109

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EMERGENCY ORDER OF DEMOLITION NUNC PRO TUNC

This cause having been heard on December 7, 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:

- Real Estate Asset Disposition Corporation d/b/a REO Acceptance Corporation, a Florida Corp. not registered or authorized to do business in the state of Illinois, owner unit GE (PIN 1001);
- Wells Fargo Bank NA, owner unit GW (PIN 1002);
- IndyMac Bank FSB n/k/a One West Bank FSB, owner unit 2E (PIN 1003);
- Stone Crest Income and Opportunity Fund - I, LLC, a California limited liability company not registered or authorized to do business in the state of Illinois, owner unit 2W (1004);
- Tribeca Lending Corp., owner unit 3E (1005);
- Res Distressed Asset Fund XVII, LLC, a Delaware limited liability corporation not registered or authorized to do business in Illinois, owner unit 3W (1006);
- HSBC Bank USA NA, owner unit 1E (1007);
- Sales Away d/b/a Dream Angel Investments Inc., a California corporation not registered or authorized to do business in Illinois, owner unit 1W (1008);
- New Vision Development, Tax payer and Developer;
- UNKNOWN OWNERS AND NON-RECORD CLAIMANTS

The Court being fully advised in the premises and having heard the evidence, from the City of Chicago Inspectors and the Receiver, after a trial on the merits, finds that:

- The Court has jurisdiction of the parties and the subject matter, which is the property located at: **4923-25 West Jackson Blvd, Chicago, Illinois, 60644**, ("subject property"), and legally described as follows:

THE UNDERLYING PROPERTY AND ALL UNITS IN 4925 WEST JACKSON CONDOMINIUMS AS DELINEATED ON A SURVEY OF LOTS 2 AND 13 IN JAMES J. CAHILL'S SUBDIVISION OF LOT 24, ALL IN SCHOOL TRUSTEE'S SUBDIVISION OF THE NORTH PART BEING THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH SURVEY IS RECORDED AS DOCUMENT NO. 0434303130 AND REFERRED TO IN THE DECLARATION OF CONDOMINIUM RECORDED DECEMBER 8, 2004 IN THE OFFICE OF THE RECORDER OF DEEDS, COOK COUNTY, ILLINOIS, AS DOCUMENT NO. 0434303130, AS AMENDED FROM TIME TO TIME, TOGETHER WITH EACH UNIT'S UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, SITUATED IN COOK COUNTY, IN THE STATE OF ILLINOIS

This parcel has a **Permanent Index Number (PIN)** of

16-16-215-079-1001; 16-16-215-079-1002; 16-16-215-079-1003;
16-16-215-079-1004; 16-16-215-079-1005; 16-16-215-079-1006;
16-16-215-079-1007; and 16-16-215-079-1008.

2. Located on the subject property is a 3 - story brick residential building. The subject property is located in a residential area.
3. 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 et seq.

The Court specifically finding that: the exterior front has severe mortar erosion and spalling bricks; all of the windows, both panes and frames, have been damaged by fire or vandalism; the rear porch is dangerous and hazardous and is missing numerous members and parts of the system; the interior and exterior have evidence of severe and extensive fire damage; the roof is missing on approximately 50% or more of the property; the vital systems (electrical, plumbing, heating) are damaged, missing or vandalized; there is severe weather penetration in the property leading to extensive deterioration of the interior; there is evidence of illegal occupancy and squatting in the property; the property is filled with junk and debris; the internal support structure has been damaged by the fires and is in imminent danger of collapse- which would result in the property collapsing in on itself or falling on to the adjacent parcels; there have been at least 2 fires in the property and these fires have resulted in the death of one occupant and injury to two Chicago firefighters along with the destruction of the property; the property is continually found, by the City and the Receiver, to be vacant and open-despite the best efforts of the Court's Receiver to keep the property secure by securing the exterior doors and enclosing the rear porch; there is a catch basin-with a drop in excess of twelve feet- that is constantly being opened and left unsecured; criminal activity has been regularly observed at this property; the property on the east parcel would be subject to being the landing location of this property when this property collapses- if the building is not demolished or repaired in the very near future; the costs of repair to this property would be in excess of \$575,000 and no owner or condominium association is actively pursuing any permits; no permits have been issued or applied for as of December 2, 2009; the property is located on a major boulevard that has heavy foot and automobile traffic and is located within 50 feet of an active bus stop.

4. Major reconstruction would be necessary to correct the conditions that currently exist at the subject property.
5. Demolition of the subject property as a whole, is the least restrictive alternative available to effectively abate the conditions now existing there.

WHEREFORE, IT IS ORDERED THAT:

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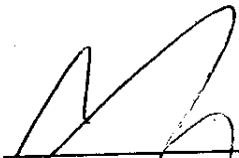
- A. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants on Counts I and V of the City's First Amended Verified Complaint for Equitable and Other Relief.
- B. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, the City is authorized to demolish the building on the subject property and is entitled to a lien for the costs of demolition, court costs and other costs enumerated by statute.
- C. Defendants shall remove any and all persons occupying the subject property, and all personal property immediately so that the subject property will be completely vacant before demolition begins. The City is authorized to assist in the relocation of any tenants or occupants and may petition for cost recovery under 65 ILCS 5/11-31-1 if needed for this service.
- D. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court finds no just reason for delaying the enforcement or appeal of this order.
- E. The Court retains jurisdiction of this cause to enforce the terms of this order and for the purpose of ascertaining the demolition and litigation costs for entry of a money judgment against the Defendant(s) and for other matters ordered and entered separately and as to the Receivership's Final Accounting.
- F. This matter is continued until Monday March 8, 2010 at 9:30 a.m. in courtroom 1109 or the Richard J. Daley Center, 50 West Washington, Chicago, Illinois, without further notice.

ENTERED

Judge William G Pileggi

Courtroom 1109

By:


 Steven Quaintance McKenzie
 Senior Assistant Corporation Counsel
 City of Chicago Department of Law
 Building and License Enforcement Division
 30 North LaSalle Street, Suite 700
 Chicago, Illinois 60602
 (312) 744-8710
 ATTY NO. 90909

Duplicate Original

Associate Judge William G. Pileggi

JAN 11 2010

Circuit Court 1754