

# UNOFFICIAL COPY



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Eugene "Gene" Moore  
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## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS MUNICIPAL DEPARTMENT - FIRST DISTRICT

AMERICAN HOME MORTGAGE SERVICING, )  
INC., )

Plaintiff )

No.: 08 M1 450730

v. )

RE: 4956 S. Loomis

CITY OF CHICAGO, et al., )

Defendant. )

CITY OF CHICAGO, a Municipal Corp., )  
Counter-plaintiff )

v. )

AMERICAN HOME MORTGAGE SERVICING, )  
INC., and UNKNOWN OWNERS )  
AND NON-RECORD CLAIMANTS, )  
Counter-defendants )

### ORDER OF DEMOLITION

This cause coming to be heard on 2/18/10, on the complaint of the Counter-plaintiff, City of Chicago, a municipal corporation ("City"), by Mara S. Georges, Corporation Counsel, against the following named Defendants:

- STONECREST INVESTMENTS, LLC; 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 property located at the common address of **4956 S. Loomis**, Chicago, Illinois, and legally described as follows:

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**LOT 1 IN THE SUBDIVISION OF LOTS 1 TO 5, 44 TO 53 (BOTH INCLUSIVE) IN BRONSON AND HYDE'S SUBDIVISION OF THE EAST ½ OF THE NORTH ½ (EXCEPT THE NORTH 158 FEET THEREOF) OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

The permanent index number is 20-08-121-048. The property contains a two-story, frame building. The last known use of the building was residential and commercial ("the 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 and open;
- b. The electrical system is defective, inoperable and/or stripped;
- c. The heating system is defective, inoperable and/or stripped;
- d. The plumbing system is defective, inoperable and/or stripped;
- e. The exterior walls are damaged with missing and broken siding and brick;
- f. The roofing is curled and deteriorated with sagging sheathing and rafters;
- g. The flooring is weak and uneven with holes and over cut and rotted joists;
- h. The doors, frames and sashes are broken and/or missing;
- i. There is missing drywall and plaster;
- j. The glazing is broken;
- k. There is evidence of squatters;
- l. There is evidence of drug activity; and
- m. The building originally had three dwelling units.

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 subject property is beyond reasonable repair. The Court further finds that demolition of the subject property is the least restrictive alternative as of 2/13/10.

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## WHEREFORE, IT IS HEREBY ORDERED:

- A. Judgment is entered in favor of Counter-plaintiff City of Chicago and against Counter-defendants on Counts I and IV of the City's complaint seeking demolition authority.
- B. Judgment in the amount of \$151,269.50 is entered against Counter-defendant **Stonecrest Investments, LLC** pursuant to Count II of the City's Complaint with execution to issue. 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 of the City's 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 authority to demolish 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. Counter-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. Counter-defendants shall keep the subject property vacant and secure until demolition occurs.
- 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.

ENTERED:

William G. Ploof

FEB 18 2010

Judge

Circuit Court 1704

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