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HEAT

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

CITY OF CHICAGO, a municipal
corporation, Plaintiff,

CASE NO.: MI _____

ADDRESS: _____

Defendant(s) et. al.

Courtroom 1101 Richard J. Daley Center
Chicago, Illinois

ORDER OF JUDGMENT AND ENFORCEMENT

This matter coming on to be heard on the regular trial call and on motion of the plaintiff City of Chicago, and the Court having jurisdiction over the parties and having heard evidence and testimony, and being duly advised:

IT IS HEREBY ORDERED THAT:

1. The judgment(s) entered in this matter on the date(s) of _____ in the total amount(s) of \$ _____ shall plus \$60.00 in court costs against defendant(s) _____ stand as (a) final judgment(s) and leave for enforcement on said judgment(s) is granted Plaintiff, CITY OF CHICAGO, instanter.
2. This order is final, enforceable, and appealable, the court finding no just cause or reason to delay its enforcement or appeal.

HEARING DATE: ___ / ___ / 200__

ENTER:

Judge

Associate Judge Joseph M. Sconza

DEC 1 11 2009

Circuit Court-1914

Mara S. Georges, CORPORATION COUNSEL
ATTORNEY FOR PLAINTIFF

By: _____
Assistant Corporation Counsel
30 N. LaSalle Street, Room 700
Chicago, Illinois 60602
(312) 744-8791
Atty. No. 90909

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

0811 403418

CITY OF CHICAGO, a municipal corporation,
Plaintiff
V.
PHYLLIS NASH
FIRST MIDWEST BANK
LE-NA ENTERPRISES,LLC
FIFTH THIRD BANK
Unknown owners and non-record claimants
Defendants

) Case No. _____
) Amount claimed per day 2,000.00
) Address:
) 4934 - 4936 S DR MARTIN L KING JR DR
) CHICAGO IL 60615-
)
)

COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, City of Chicago, a municipal corporation, by Maria S. Georges, Corporate Counsel, by the undersigned Assistant(s) Corporation Counsel, complains of Defendants as follows:

Count I

1. Within the corporate limits of said city there is a parcel of real estate legally described as follows:

20-10-117-017

THE NORTH 37 1/2 FEET OF LOT 2 IN BLOCK 1 IN HARDIN'S SUBDIVISION OF THE EAST 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

4934 - 4936 S DR MARTIN L KING JR DR CHICAGO IL 60615-

and that located thereon is a

3 Story(s) Building

7 Dwelling Units

0 Non-Residential Units

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2. That at all times pertinent thereto on information and belief the following named defendants owned, maintained, operated, collected rents for, or had an interest in the said property on the date(s) herein set forth.

PHYLLIS NASH , OWNER

FIRST MIDWEST BANK , MORTGAGE HOLDER

LE-NA ENTERPRISES,LLC , LAST TAXPAYER OF RECORD

FIFTH THIRD BANK , LIEN HOLDER

Unknown owners and non-record claimants

3. That on 11/05/2008 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of City of Chicago as follows:

1 CN132016

Heat dwelling unit adequately from September 15th to June 1st. (13-196-410)
gas shut off apt 1 (4934-36)

2 PL154027

Supply adequate hot water with minimum temperature of 120 degrees F. (13-196-430)
no hot water (4934-36) apt 1- 71degree

3 CN197019

Install and maintain approved smoke detectors. (13-196-100 thru 13-196-160) Install a smoke detector in every dwelling unit. Install one on any living level with a habitable room or unenclosed heating plant, on the uppermost ceiling of enclosed porch stairwell, and within 15 feet of every sleeping room. Be sure the detector is at least 4 inches from the wall, 4 to 12 inches from the ceiling, and not above door or window.

no smoke detector 4934 apt

4 CN046013

Stop using cooking or water heating device as heating device. (13-196-400)
stop using store to heat dwelling -apt 1 (4934) apt 1 (4936)

*** End of Violations ***

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4. That R.L. Rodriguez is the Commissioner of the Department of Buildings of City of Chicago, and as such and pursuant to the Building Code of City of Chicago, caused inspection(s) to be conducted by inspectors of the Department of Buildings of City of Chicago, who have knowledge of the facts stated in this complaint.

5. That this proceeding is brought pursuant to the provisions of the Municipal Code of Chicago, and Chapter 65, Section 5/11-31-1, 5/11-31-2, and 5/11-13-15 of the Illinois Compiled Statutes, as amended.

Wherefore, plaintiff prays for a fine against the defendants, as provided under 13-12-020 of the Municipal Code of Chicago, in the amount indicated on the heading of the Complaint for each day said violations have existed and/or exist, said fine computed in accordance with Section 13-12-040 of the Municipal Code of Chicago.

Count II

Plaintiff, City of Chicago, a municipal corporation, realleges the allegations of paragraphs one through five of Count I as paragraphs one through five of Count II and further alleges:

6. That the levying of a fine is not an adequate remedy to secure the abatement of the aforesaid municipal code violations and the public nuisance which they constitute, and that it is necessary that a temporary and permanent injunction issue and, if necessary, that a receiver be appointed, to bring the subject property into compliance with the Municipal Code of Chicago.

7. That R.L. Rodriguez, the Commissioner of the Department of Buildings, City of Chicago, has determined said building does not comply with the minimum standards of health and safety set forth in the Building Code.

WHEREFORE, PLAINTIFF PRAYS:

- a. For a temporary and permanent injunction requiring the defendants to correct the violations alleged in the complaint and to restrain future violations permanently, pursuant to 65 ILCS 5/11-31-1 (a), 5/11-31-2 and 5/11-13-15 and 13-12-070 of the Municipal Code.
- b. For the appointment of receiver, if necessary, to correct the conditions alleged in the Complaint with the full powers of receivership including the right to issue and sell receivers certificates in accordance with Section 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended.
- c. For an order authorizing the plaintiff to demolish, repair, enclose or clean up said premises, if necessary, and a judgment against defendants and a lien on the subject property for these costs in accordance with Section 5/11-31-1 (a) of Chapter 65 of the Illinois Compiled Statutes, as amended.
- d. If appropriate and under proper petition, for an order declaring the property abandoned under Section 5/11-31-1 (d) of Chapter 65 of the Illinois Compiled Statutes as amended and for an order granting City of Chicago a judicial deed to the property if declared abandoned.
- e. If a statutory lien is obtained in this proceeding under Section 5/11-31-1 or 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended, for an order permitting foreclosure of said lien in this proceeding.
- f. For reasonable attorney fees and litigation and court costs.

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g. For such other and further relief as may be necessary in the premises and which the court shall deem necessary.

CITY OF CHICAGO, a municipal corporation

By: _____

ASSISTANT CORPORATION COUNSEL

VERIFICATION

The undersigned, being first duly sworn on oath, deposes and says that he/she is the duly authorized agent of the plaintiff for the purpose of making this affidavit; that he/she has read the above and forgoing complaint and has knowledge of the contents thereof, and that matters set out therein are true in substance and in fact, and as to matters alleged on information and belief that he/she believes them to be true.

Subscribed and sworn to before me this _____ Day
of _____ 20_____.

By: _____

Deputy Circuit Court Clerk or Notary Public

For further information Contact: Department of Buildings
Public Information Desk (312) 744 3400

Mara S. Georges
Corporation Counsel
Attorney for Plaintiff

By: _____

Assistant Corporation Counsel
30 N LaSalle St. 7th floor
Chicago, Illinois 60602
Atty. No 90909
(312) 744-8791