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Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 03/26/2010 01:21 PM Pg: 1 of 5

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

THE CITY OF CHICAGO, a municipal corporation,  
Plaintiff,  
v.  
Marvin  
Cruz  
et al.,  
Defendant(s).

No: 10 MI 400462  
Re: 2100-02 N.K. Ipatwick  
Courtroom 11 05, Richard J. Daley Center

ORDER OF PERMANENT INJUNCTION

This cause coming to be heard on the set call and on motion of Plaintiff, the Court having jurisdiction over the defendant(s) and the subject matter, and being fully advised in the premises:

IT IS HEREBY ORDERED THAT:

1. Defendant(s) Marvin Cruz + Chicago Title Land Trust Co. TR# 300870-01 and his / her / their / its agents, heirs, legatees, successors, and assigns shall be permanently enjoined and restrained from renting, using, leasing, or occupying the: 2100 (1st + 2nd floor) + 2102 (1st + 2nd floor) until the same have established full compliance with the Municipal Code of the City of Chicago as stated in this cause and further order of court. Defendant(s) and his / her / their / its agents, heirs, legatees, successors, and assigns shall maintain the subject property in a sanitary, boarded, and secure condition while it remains subject to this injunction.
2. The court reserves jurisdiction of this matter for the purposes of modification, enforcement, or termination of this permanent injunction.
3. This order is final, appealable, and enforceable, the court finding no just cause or reason to delay its enforcement or appeal.

HEARING DATE: 3, 11, 10

By: [Signature]  
Assistant Corporation Counsel  
Mara S. Georges, Corporation Counsel #90909  
30 N. LaSalle, Room 700  
Chicago, IL 60602 (312) 744-8791

Assoc. Judge ANN HOUSER  
MAR 11 2010  
Circuit Court - 227  
[Signature]  
Judge Houser Courtroom 1105

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

CITY OF CHICAGO, a municipal corporation,  
Plaintiff  
V.  
MARVIN CRUZ  
CHICAGO TITLE LAND TRUST CO. TR  
#300870-01  
CHICAGO TITLE AND TRUST COMPANY  
MALVIN CRUZ  
Unknown owners and non-record claimants  
Defendants

) Case No. **10M1 400462**  
 ) Amount claimed per day 1,500.00  
 ) Address:  
 ) 2100 - 2102 N KILPATRICK AVE CHICAGO IL  
 ) 60639-  
 ) 4708 - 4710 W DICKENS AVE CHICAGO IL  
 ) 60639-  
 )

**COMPLAINT FOR EQUITABLE AND OTHER RELIEF**

Plaintiff, City of Chicago, a municipal corporation, by Mara 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:

13-34-117-038

LOTS 9 AND 10 IN BLOCK 3 IN JOHN F. THOMPSON'S ARMITAGE AVENUE SUBDIVISION OF BLOCKS 2 AND 3 IN VANNATTAS SUBDIVISION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

2100 - 2102 N KILPATRICK AVE CHICAGO IL 60639-

4708 - 4710 W DICKENS AVE CHICAGO IL 60639-

and that located thereon is a

2 Story(s) Building

10 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.

MARVIN CRUZ , OWNER

CHICAGO TITLE LAND TRUST CO. TR #300870-01 , TRUSTEE

CHICAGO TITLE AND TRUST COMPANY , MORTGAGE HOLDER

MALVIN CRUZ , TAX PAYER

Unknown owners and non-record claimants

3. That on 12/26/2009 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 CN046013

Stop using cooking or water heating device as heating device. (13-196-400)

2102n/ 2nd floor apartment- using cooking stove as heating device.

Location: INTERIOR:002 :

SEQ #: 001

2 CN142016

Heat dwelling unit adequately from September 15th to June 1st. (13-196-410)

2102n/2nd floor apartment- front room 52f, bedroom 56f. 2102n/ 2nd floor apartment- front room 51f, bedroom 52f. 2102n/ 1st floor apartment- front room 56, bedroom 54f. Heating system is off at time of inspection, no heat provided.

Location: INTERIOR:002 :

SEQ #: 002

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.

2100n/ interior stairway/ smoke detector- missing.

Location: INTERIOR:002 :

SEQ #: 003

\*\*\* End of Violations \*\*\*

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4. That Richard Monocchio 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 Richard Monocchio, 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

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