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

THE CITY OF CHICAGO, a municipal corporation,)
Plaintiff)
v. BNC Mortgage, Inc.)
et al.,)
Defendant(s).)

No: 09 MI 4103248
Re: 1038 W. 61st St
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) BNC Mortgage, Inc and Velonise Cosby and his / her / their / its agents, heirs, legatees, successors, and assigns shall be permanently enjoined and restrained from renting, using, leasing, or occupying the: entire premises 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.

Judge LaGuina Clay-Clark

APR 27 2010

HEARING DATE: 4 / 27 / 10

Circuit Court - 1943

Judge Clay-Clark Courtroom

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

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Pink Copy for Defendant(s) (photocopy if required)

Yellow Copy for City of Chicago Department of Law

White Original for Court Records

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

2009 DEC -7 A 9 29 09 M 1 4 03248

CITY OF CHICAGO, a municipal corporation, **DOROTHY BROWN**
 Plaintiff **CLERK OF CIRCUIT COURT**
 V. **DIAL DIVISION**
 BNC MORTGAGE, INC.)
 MORTGAGE ELECTRONIC REGISTRATION)
 SYSTEMS, INC. AS NOMINEE FOR BNC)
 ANDREW WILLIAMS)
 ESTATE OF MILLIE MARTIN)
 VALONISE COSBY)
 Unknown owners and non-record claimants
 Defendants

Amount claimed per day 1,500.00
)Address:
)1038 - 1038 W 61ST ST CHICAGO IL 60621-

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:

20-17-410-041

LOT 9 IN BLOCK 2 IN C.H. MIFFLINS SUBDIVISION OF THE WEST 8-3/4 ACRES OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

1038 - 1038 W 61ST ST CHICAGO IL 60621-

and that located thereon is a

2 Story(s) Building

3 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.

BNC MORTGAGE, INC. , MORTGAGE HOLDER

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR BNC ,
MORTGAGE HOLDER

ANDREW WILLIAMS , POSSIBLE INTERESTED PARTY

ESTATE OF MILLIE MARTIN , POSSIBLE INTERESTED PARTY

VALONISE COSBY , POSSIBLE INTERESTED PARTY

Unknown owners and non-record claimants

3. That on 11/10/2009 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 CN132016

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

common plant no heat gas shut off .temp 64.

Location: INTERIOR:002 :entire building

SEQ #: 001

2 CN197039

Relocate improperly installed smoke detectors. (13-196-110) 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 stair well, 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.

smoke detectors not installed .

Location: INTERIOR:002 :2nd hall and apartment

SEQ #: 002

3 PL154027

Supply adequate hot water with minimum temperature of 120 degrees F. (13-196-430)

common plant no hot water.

Location: INTERIOR:002 :entire building

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 aforesated 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
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Atty. No 90909
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