# **UNOFFICIA**

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Doc#: 1013434073 Fee: \$44.00 Eugene "Gene" Moore Cook County Recorder of Deeds Date: 05/14/2010 01:27 PM Pg: 1 of 5

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IN T	HE CIRCUIT	<b>COURT OF</b>	г соок со	UNTY, ILLINOIS
).	MUNICIPAL	DEPARTM	IENT-FIRS	F DISTRICT

	MUNICIPAL DEPARTMENT-FIRST DISTRICT
V.	Re: 6233-35 5 Ellis  No: 10 M1 400466  Re: 6233-35 5 Ellis  Courtroom 11 05, Richard J. Daley Center  et al.,  Defendant(s).
	ORDER OF JUDGMENT AND ENFORCEMENT
adv	is cause coming to be heard on the set call, the Court having jurisdiction over the defendant(s) and the subject matter, being fully vised in the premises, and having heard evidence and testimony;  IS HEREBY ORDERED THAT:
1.	The judgment entered on 3 / 30 / 1/0 in the amount of \$ 200 .00 plus \$ 60 .00 court costs for
	a total of \$ 260 .00 against Defendant(s) Benjamin Passishall stand as final judgment
2.	against said Defendant(s) as to Count I of City's Complaint; this judyment. stayed until 5/1/10.  First in Singly were Cumplimed.  Leave for enforcement of said judgment is granted plaintiff, City of Chicago, instantor. Stype
3.	Any and all other counts against the above named Defendant(s) are hereby dismissed.
4.	Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order. The Court finds no jus reason to delay enforcement or appeal of this judgment.
۶. HE	Benjamin Pap shall comply with order #4 + install all valves within 7 days + a reinspection shall be done within 21 days ARING DATE: 3 130110
Mai 30 1	Judge Clark Courtroom 11 <u>05</u> WA Judge Clark Courtroom 11 <u>05</u> WA Judge Clark Courtroom 11 <u>05</u> N. LaSalle, Room 700  cago, IL 60602 (312) 744-8791

FORM CONS.9003 rev. 4/2009

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

Case No.	400460
Amount claimed per day	2,500.00
Address: 6233 - 6235 S ELLIS AVE C	CHICAGO IL 60637-
	Amount claimed per day Address:

### COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, City of Chicago, a municipal corporation, by Mara 3 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 esta e legally described as follows:

20-14-316-006

LOT 14 AND 15(EXCEPT THE EAST 8 FEET OF SAID LOTS TAKEN FC.? ALLEY) IN BLOCK 10 IN LLOYD'S RESUBDIVISION OF BLOCK 8 AND 9 AND THE WEST HALF OF BLOCK 10 IN CHARLES BUSBY'S SUBDIVISION IN THE SOUTH HALF OF THE SOUTH WEST QUARTER OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINC'PAL MERIDIAN, (EXCEPT 2/1/2 ACRES) IN COOK COUNTY, ILLINOIS.

Commonly known as

6233 - 6235 S ELLIS AVE CHICAGO IL 60637-

and that located thereon is a

- 3 Story(s) Building
- 6 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.

BENJAMIN POP, OWNER

GOLD COAST BANK, MORTGAGE HOLDER

ROY MAYO, LAST TAXPAYER OF RECORD

Unknown owners and non-record claimants

3. That on 01/28/2010 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:

CN046013

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

6235 2nd flr.tenact using electrical heater

Location:

OTHER.

SEQ #: 001

2

CN104075

Failed to maintain windows in relation to the adjacent wall construction as to completely exclude rain and substantially exclude wind from entering the premises. (13-196-550(f))

all elevation windows air-seepage

Location:

OTHER::/

SEQ #: 002

3

CN132016

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

6235 2nd flr.insufficient heat 65dg.

Location: OTHER::/

SEQ #: 003

4

CN132046

Provide and maintain every facility, piece of equipment, or utility in sate and sound working condition. (13-196-400, 13-196-440)

6235 2nd flr.living room radiator disconnceted, radiators air-valves missing, freed to check other apt.]

Location:

OTHER::/

SEQ #: 004

5

CN197019

Install and maintain approved smoke detectors. (13-196-100 thru 13-196-160) Install a srocke 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.

enclose porch,6235 2nd flr. no smoke detector

Location:

OTHER::/

SEQ #: 005

\*\*\* 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 paragraps 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 aforestated municipal code violations and the public nuisance which they constitute, and that it is necessary that a temporary and permanent injunction sale 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 vith 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 desendants to correct the violations alleged in the complaint and to restrain future violations permanently, present 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; aid 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, 25 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
de	em 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.

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Subscribed and sworn to before me this	Da
of	
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	C <sub>2</sub>
Deputy Circuit Court Clerk or Notary Public	
	4,

For further information Contact: Department of Buildings
Public Information Desk (312) 44 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