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Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 11/05/2010 12:42 PM Pg: 1 of 4

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

AMERICA'S SERVICING COMPANY, )  
SERVICING FOR HSBC BANK USA, NATIONAL )  
ASSOCIATION, AS TRUSTEE FOR THE )  
HOLDERS OF NOMURA HOME EQUITY LOAN, )  
INC., HOME EQUITY LOAN TRUST, SERIES )  
2007-1 AND MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, INC. AS NOMINEE )  
FOR SILVER STATE FINANCIAL SERVICES )  
INC. D/B/A SILVER STATE MORTGAGE, )  
Plaintiff, )

09 M1 450757

Re: 436 N. Leamington Ave.

v. )

CITY OF CHICAGO, A Municipal Corporation, )  
Defendant. )

CITY OF CHICAGO, A Municipal Corporation, )  
Counter-Plaintiff, )

v. )

AMERICA'S SERVICING COMPANY, )  
SERVICING FOR HSBC BANK USA, NATIONAL )  
ASSOCIATION, AS TRUSTEE FOR THE )  
HOLDERS OF NOMURA HOME EQUITY LOAN, )  
INC., HOME EQUITY LOAN TRUST, SERIES )  
2007; RUFUS REED; HSBC BANK USA, )  
NATIONAL ASSOCIATION, AS TRUSTEE FOR )  
THE HOLDERS OF NOMURA HOME EQUITY )  
LOAN, INC., HOME EQUITY LOAN TRUST, )  
SERIES 2007 UNKNOWN OWNERS, )  
AND NON-RECORD CLAIMANTS, )  
Counter-Defendants. )

ORDER OF DEMOLITION  
(EFFECTIVE DECEMBER 3, 2010)

This cause coming to be heard on November 2, 2010, on the Counter-Complaint of the Counter-Plaintiff, City of Chicago, a municipal corporation ("City"), by Mara S. Georges, Corporation Counsel, against the following named Counter-Defendants:

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AMERICA'S SERVICING COMPANY, SERVICING FOR HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF NOMURA HOME EQUITY LOAN, INC., HOME EQUITY LOAN TRUST, SERIES 2007-1 AND MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR SILVER STATE FINANCIAL SERVICES, INC. D/B/A SILVER STATE MORTGAGE;

HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF NOMURA HOME EQUITY LOAN, INC., HOME EQUITY LOAN TRUST, SERIES 2007-1;

RUFUS REED

and

UNKNOWN OWNERS AND NON-RECORD CLAIMANTS.

The Court being fully advised in the premises of this proceeding finds that:

1. The Court has jurisdiction of the parties hereto and the subject matter which is the building located at the common address of 436 N. Leamington, Chicago, Illinois, and legally described as follows:

LOT 5 AND THE NORTH 5 FEET OF LOT 6 IN BLOCK 3 IN WALLER'S SUBDIVISION OF THE WEST ½ OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE NORTH 22 ACRES THEREOF), IN COOK COUNTY, ILLINOIS.

Permanent Index Numbers: 16-09-224-019 and 16-09-224-020.

2. Located on the subject property is a two-story building of frame construction ("the subject building").
3. The subject building is dangerous, unsafe and beyond reasonable repair under the terms of the Illinois Municipal Code Unsafe Buildings Statute, 65 ILCS 5/11-31-1 (1996) in that:
  - a. The building located on the subject property ("the building") is vacant and open.
  - b. The building's electrical, plumbing, and heating is defective and inoperable.
  - c. The building's foundation wall is leaning.
  - d. The building's roof has holes, is deteriorated, and contains defective rafters.
  - e. The building's flooring is charred.
  - f. The building's floor joists are charred, water damaged, and rotted.
  - g. The buildings floors are warped and buckled.
  - h. The building's exterior walls are damaged.

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- i. The building's doors, frames, and sashes are broken or missing.
  - j. The building's rear porch is damaged.
  - k. The building's front porch is rotted.
  - l. The building's interior stairs are charred.
  - m. The building's plaster and glazing is broken or missing.
  - n. The building's partitions and exterior walls contain mold.
  - o. The building's exterior walls are breached and missing siding.
  - p. The building's plaster has failed and is falling.
  - q. There is evidence of prostitution on the property.
4. The court finds that it would take major reconstruction of a responsible owner to bring the building into full compliance with the Municipal Code, and that the building is beyond reasonable repair. The Court further finds that demolition of the building on the subject property is the least restrictive alternative to abate the conditions described above.

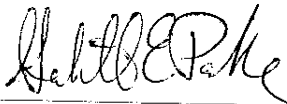
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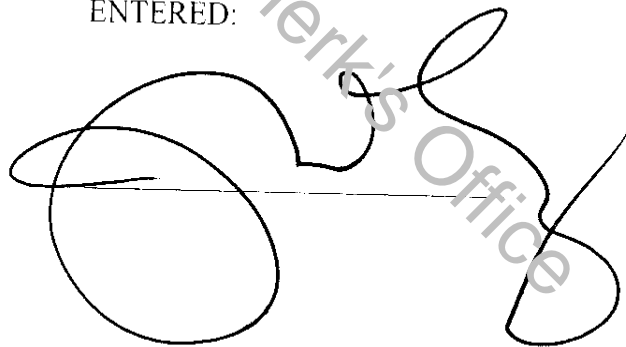
**WHEREFORE, IT IS HEREBY ORDERED** that:

- A. Judgment is entered in favor of Counter-Plaintiff City of Chicago and against Counter-Defendants on Count I and IV of the City's counter-complaint seeking demolition.
- B. Counts II, III, V, VI, and VII of the City's counter-complaint are voluntarily dismissed without prejudice.
- C. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, and Section 13-12-130 of the Municipal Code of Chicago, the City is authorized to demolish the building situated on 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.
- D. Counter-Defendants shall remove any and all persons occupying the subject property and all personal property from said premises by November 26, 2010, so that said premises will be completely vacant and free of personal property before demolition is commenced.
- F. Pursuant to Illinois Supreme Court Rule 304(a) this is a final and appealable order and judgment, the Court finding no just reason to delay the enforcement or appeal of this final order and judgment.
- 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 monetary judgment against the defendant owners, as defined by the applicable statutes and ordinances.

ENTERED:



By: Gabrielle E. Parker  
 Assistant Corporation Counsel  
 City of Chicago Law Dept.  
 Building and License Enforcement Division  
 30 N. LaSalle Street, Suite 700  
 Chicago, Illinois 60602  
 (312) 744-3326



**Judge James M. McGing**

NOV 04 2010

**Circuit Court 1926**