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Cook County Recorder of Deeds
Date: 04/20/2011 01:17 PM Pg: 1 of 4

ORDER DECLARING REMOVAL AND DECONVERSION
PURSUANT TO THE ILLINOIS CONDOMINIUM ACT,
SECTION 765 ILCS 605/14.5,
OF 2901 WEST 64TH STREET CONDOMINIUMS
at 2901-2911 WEST 64TH STREET.

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**CONDOMINIUM
IN THE CIRCUIT COURT OF COOK COUNTY
MUNICIPAL DEPARTMENT – FIRST DISTRICT**

CITY OF CHICAGO, a municipal corporation)	
)	Case No. 10 M1 400431
Plaintiff)	
v.)	Address: 2901-11 W 64 th St.
Adele Plienias, et al.,)	CHICAGO IL 606
)	
Defendants)	Courtroom 1109
)	Richard J. Daley Center
)	
)	

**ORDER DECLARING REMOVAL AND DECONVERSION PURSUANT TO THE ILLINOIS
CONDOMINIUM ACT, SECTION 765 ILCS 605/14.5,
OF THE 2901 WEST 64TH STREET CONDOMINIUMS AT 2901-2911 WEST 64TH STREET**

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

1. This Court hereby makes the following findings of fact as of April 11, 2011:
 - a. The subject property has serious violations of the City of Chicago Municipal Code as described in the preceding paragraphs, specifically: DEFECTIVE AND INOPERABLE HEATING, DEFECTIVE PORCHES, CONTINUING VANDALISM AND BREAK-INS AT THE PROPERTY.
 - b. Approximately 63%, five of the eight units, are in foreclosure now or have been in foreclosure in the past eighteen months. Three of the units have gone to judicial sales deed as a result of foreclosure since January of 2009.
 - c. Upon information and belief, the essential utility services – water, gas and electric – are all terminated or otherwise inaccessible due to lack of infrastructure to support the provision of these services.
 - d. There is no active association in place to undertake plans or repairs.
2. Based on the above-stated findings of fact, this Court finds that the property at 2901-2911 WEST 64th STREET is a distressed condominium property pursuant to 765 ILCS 605/14.5(a)(1).
3. This Court further finds that the property at 2901-2911 WEST 64th STREET is not viable as a condominium pursuant to 765 ILCS 605/14.5(c)(2).
4. The current unit owners are the fee title owners of the individual condominium units in The 2901 West 64th Street Condominium Association ("Association"), the Association and condominium units being established by

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virtue of a DECLARATION OF CONDOMINIUM OWNERHISP FOR 2901 WEST 64TH STREET CONDOMINIUMS, recorded on March 12, 2004, in the Office of the Recorder of Deeds, of Cook County, Illinois, as Document 0407219108, and legally described as follows ("Property"):

UNDERLYING PIN: 19-24-113-041

UNIT PINS: 19-24-113-041-1001; 19-24-113-041-1002; 19-24-113-041-1003; 19-24-113-041-1004;
19-24-113-041-1005; 19-24-113-041-1006; 19-24-113-041-1007; 19-24-113-041-1008

LEGAL DESCRIPTION:

UNIT NUMBERS 1001-1008 IN 2901 WEST 64TH STREET CONDOMINIUM, AS DELINEATED ON A PLAT OF SURVEY OF THE FOLLOWING DESCRIBED TRACT OF LAND LOTS 1 AND 2 AND THE NORTH 4 FEET 2 INCHES OF LOT 3 IN BLOCK 4 IN EAST CHICAGO LAWN, BEING SWANELL'S SUBDIVISION OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH PLAT OR SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED MARCH 12, 2004 AS DOCUMENT NUMBER 0407219108; TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

5. Each of the current owners is the owner in fee simple of the unit(s) set forth below, and each unit is assigned the percentage interest in the common elements as follows:

UNIT	PIN	OWNER	% INTEREST IN COMMON ELEMENTS
1	19-24-113-041-1001	Andrew Plienias	15.19
2	19-24-113-041-1002	Andrew Plienias	15.15
3	19-24-113-041-1003	Deutsche Bank National Trust Co, trustee in trust for the benefit of the certificate holders for Ameriquest Mortgage Sec. Inc. ASB Pass-thru Certs. Series 2005-R1	11.34
4	19-24-113-041-1004	Andrew Plienias	11.59
5	19-24-113-041-1005	Harris, NA	12.08
6	19-24-113-041-1006	One West Bank FSB Successor to Indymac Bank	11.75
7	19-24-113-041-1007	Adele Plienias	11.47
8	19-24-113-041-1008	Aurora Loan Services	11.43
			<u>100.00 %</u>

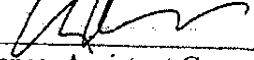
6. Pursuant to 765 ILCS 605/14.5(c)(2), this Court hereby makes the following Declaration:
- That the property at 2901-2911 WEST 64TH STREET is no longer a condominium, effective immediately;
 - That 2901-2911 WEST 64TH STREET is deemed to be owned in common by each of the unit owners, as indicated above;
 - That the undivided interest in the properties which shall appertain to each unit owner shall be the percentage of undivided interest previously owned by the owner in the common elements, as listed in the declaration of condominium and indicated above;
 - That any liens affecting any unit shall be deemed to be attached to the undivided interest of the unit owner in the property.

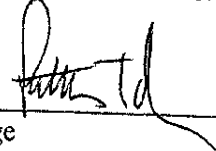
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7. The power and authority of the Receiver, Community Initiatives, Inc. ("CII, Inc." or "the Receiver") located at 222 S Riverside Plaza, Suite 2200, Chicago, IL, 60606, phone number 312-258-8155, is hereby expanded to include the following pursuant to 765 ILCS604/14.5(e):
- To have full power and authority to operate, manage and conserve the property;
 - To delegate managerial functions to a person in the business of managing real estate of the kind involved who is financially responsible and prudently selected;
 - To secure, clean, board and enclose, and keep secure, clean, boarded and enclosed, the property or any portion of the property;
 - To secure tenants and execute leases for the property, the duration and terms of which are reasonable and customary for the type of use involved, and the leases shall have the same priority as if made by the owner of the property;
 - To collect the rents, issues, and profits, including assessments which have been or may be levied;
 - To insure the property against loss by fire or other casualty;
 - To employ counsel, custodians, janitors, and other help;
 - To pay taxes which may have been or may be levied against the property;
 - To maintain or disconnect, as appropriate, any essential utility to the property;
 - To make repairs and improvements necessary to comply with building, housing, and other similar codes;
 - To hold receipts as reserves as reasonably required for the foregoing purposes; and
 - To appeal tax assessments for affected condominium units in front of the Cook County Assessor, the Cook County Board of Review, and the Illinois Property Tax Appeal Board.
 - To exercise the other powers as are granted to the receiver by the appointing court.
8. The Receiver, CII, Inc., has further authority to record a copy of this Declaration in the office of the Cook County Recorder of Deeds against both the individual units and owners and the general property.
9. The Receiver, CII, Inc., has further authority to forward this Declaration to Cook County Assessor's Office.
10. The City's oral motion to set this matter for a hearing to authorize the Receiver CII, Inc. to market and sell the deconverted condominium property pursuant to 765 ILCS 605 14.5(d) is entered and continued for hearing on the next court date. All parties are granted 28 days to object or otherwise respond to the City's motion to allow the sale of the deconverted property.
11. Defendant Andrew Plienias, though well-intentioned and responsible, did not present a feasible plan to improve the property and acquire the remaining five units that he does not currently own.
12. The receiver, CII, shall present an accounting by the next court date.
13. The receiver, CII, shall redeem the 2007 taxes on units 4, 5, and 7 by July 24, 2011.

IT IS FURTHER ORDERED THAT this cause is continued to 06/27/2011 at 9:30 a.m. in courtroom 1109, Daley Center, without further notice, for a hearing on the City's motion to allow the Receiver, CII, Inc., to market and sell the deconverted condominium property pursuant to 765 ILCS 605/14.5(d).

HEARING DATE: 4/11/2011

By: 
Greg Janes, Assistant Corporation Counsel
Mara S. Georges, Corporation Counsel #90909
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 742-0342


Judge _____ 2007
1109

duplicate original

Judge Patrick T. Rogers

APR 11 2011

Circuit Court-2007