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Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 06/07/2011 12:25 PM Pg: 1 of 3

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

CITY OF CHICAGO, a Municipal Corporation,)
)
Plaintiff,)
vs.)
)
2103 WEST BERWYN, LLC, et al.)
)
Defendants)

Case No: 10-M1-401695
Re: 2103-23 W. Berwyn.
Pin #14-07-118-002-0000
14-07-118-004-1001 to 1052

ORDER APPOINTING BERWYN CAF RECEIVER, LLC AS RECEIVER OF THE SUBJECT PROPERTY PURSUANT TO THE ILLINOIS CONDOMINIUM ACT, SECTION 765 ILCS 605/14.5, 0

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 May 26, 2011:
 - a. The property in question has serious violations of the Municipal Code of Chicago. The property was occupied without a certificate of occupancy, over half the units are incomplete, vital utilities were installed incorrectly, the roof and porches are in a state of disrepair.
 - b. One Hundred percent of the units are in foreclosure or have been in foreclosure in the past 18 months.
 - c. There is not a functioning condominium association; and
 - d. It is not economically feasible to rehabilitate this property as a condominium.
2. Based on the above-stated findings of fact, this Court finds that the property at 2101-23 W. Berwyn is a distressed condominium property pursuant to 765 ILCS 605/14.5(a)(1).
3. The current unit owners are the fee title owners of the individual condominium units in the **2103-2123 WEST BERWYN CONDOMINIUM ASSOCIATION** ("Association"), the Association and condominium units being established by virtue of a **DECLARATION OF CONDOMINIUM OWNERSHIP AND EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS** recorded on February 11, 2008 in the Office of the Recorder of Deeds, of Cook County, Illinois, and legally described as follows ("Property"):

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LOT 1 IN FOSTER HOYNE SUBDIVISION OF THE EAST ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 7, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS WITH A DECLARATION OF CONDOMINIUM RECORDED FEBRUARY 11, 2008 DELINEATING 40 DWELLING UNITS AND 12 PARKING SPOTS.

This parcel is commonly known as 2103-2123 W. Berwyn and has permanent index numbers of 14-07-118-002-0000 and 14-07-118-004-1001 to 1052.

4. The Receiver, Berwyn CAF Receiver, LLC., is authorized and empowered to exercise all the power delineated in 765 ILCS604/14.5(e), including but not limited to the following:
- a. To have full power and authority to operate, manage and conserve the property;
 - b. To make repairs and improvements necessary to comply with building, housing, and other similar codes, including securing architectural plans for the rehabilitation of the property;
 - c. To secure a certificate of occupancy for the building, prior to renting, using, or occupying any areas of the subject property;
 - d. 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;
 - e. To secure, clean, board and enclose, and keep secure, clean, boarded and enclosed, the property or any portion of the property;
 - f. 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;
 - g. To collect the rents, issues, and profits, including assessments which have been or may be levied;
 - h. To insure the property against loss by fire or other casualty;
 - i. To employ counsel, custodians, janitors, and other help;
 - j. To pay taxes which may have been or may be levied against the property;
 - k. To maintain or disconnect, as appropriate, any essential utility to the property;
 - l. To hold receipts as reserves as reasonably required for the foregoing purposes; and
 - m. 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.
 - n. To exercise the other powers as are granted to the receiver by the appointing court.

5. This order shall be effective immediately upon the closing of the sales transaction transferring the interests of Wheaton Bank and 2103 W. Berwyn LLC to Marc Realty or a related entity, MRR (IV) 2103 W. Berwyn, LLC, on or about May 31, 2011.

6. Upon the close of the transaction, Plan B Solutions, LLC shall be discharged as the receiver as to this matter only. Plan B Solutions, LLC shall file with this court a final accounting within 28 days thereafter, or by July 1, 2011. All parties shall have 21 days thereafter to object to the final accounting, or by July 22, 2011. *Plan B Solutions, LLC has 14 days thereafter to reply. Plan B Solutions, LLC is granted leave to hire counsel.**

7. *The July 7, 2011 is stricken.*

IT IS FURTHER ORDERED THAT this cause is continued to 9/1/2011 at 11:00 a.m. in courtroom 1105, Daley Center, without further notice.

HEARING DATE: May 26, 2011

By: *[Signature]*

MAY 26 2011
[Signature]
Judge Daniel Malone 1105

** Courtesy copies of objections to the court 7 days prior to 9/1/2011.*

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