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Doc#: 1116734032 Fee: \$42.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 06/16/2011 10:23 AM Pg: 1 of 4

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

CITY OF CHICAGO, a Municipal Corporation,  
Plaintiff,  
v.  
SERAFIN ESTRELLA AND  
LUZ MARIA MORENO, et. al.,  
Defendants.

No. 07 M1 401815  
Re: 2429 N. Monitor  
Courtroom 1107

### AGREED ORDER OF SETTLEMENT WITH PERMANENT INJUNCTION

This case is before the Court to approve the terms of this Agreed Order of Settlement with Permanent Injunction between Plaintiff City of Chicago ("City") and Maria Isabel Ventura.

The parties wish to resolve this case without a trial, and have read and voluntarily agreed to the terms of this Order. The Court makes the following findings of fact and law, and orders Defendants to comply with each of the agreements stated in this Order:

1. The Court has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property commonly known as 2429 North Monitor, Chicago, Illinois ("subject property"), and legally described as:

LOT 35 IN BLOCK 8 IN BOOTH'S SUBDIVISION OF THE SOUTH 33 1/3 ACRES OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent index number: 13-29-428-011-0000

2. The subject property contains a one-story residential building with a basement and attic and is located in an RS3 Residential District. The subject building is a legal, non-conforming residential building with one dwelling unit each on the basement and first

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- floors.
3. Defendants Serafin Estrella and Luz Maria Moreno were the record owners when the City filed this case and are currently mortgagors of the subject property.
  4. Defendants Jose Juan Ventura and Maria Isabel Ventura are the current record owners of the subject property, having obtained title by quit claim deed dated April 19, 2007, recorded on October 3, 2008.
  5. Defendant Deutsche Bank National Trust Company as Trustee for GSAA Home Equity Trust 2007-5 Asset-Backed Certificates Series 2007-5 is a mortgagee of the subject property.
  6. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about October 31, 2006, Defendants have used the subject property to maintain multiple dwelling units without having sufficient lot area for these dwelling units, in violation of Title 17 ("Zoning Ordinance") and various other provisions of the Municipal Code of Chicago.
  7. Defendant Maria Isabel Ventura admits to these allegations and agrees to plead liable to all counts alleged in the City's Complaint. Defendant further agrees to pay the City a fine in the amount of \$500.00 and reimburse the City of the City's litigation costs in the amount of \$228.00. Payment of the \$728.00 shall be made by a certified check or money order payable to the "City of Chicago" and delivered to Kimberly Miller at 30 North LaSalle Street, Suite 700, Chicago, Illinois, 60602, no later than ~~August 1~~, 2011.  
*October*
  8. Defendant Maria Isabel Ventura agrees to remove all cabinets, sinks and plumbing, and the gas line in the attic of the subject building no later than August 1, 2011.
  9. Defendant Maria Isabel Ventura agrees to an interior inspection by the City's zoning investigator to confirm compliance with paragraph 8 above on Wednesday, August 3, 2011, between 11 a.m. and 3 p.m.
  10. Defendant Maria Isabel Ventura shall obtain a permit from the City to deconvert the attic dwelling unit and shall deconvert the attic dwelling unit in accordance with the approved plans and permit, no later than June 10, 2012.
  11. Defendant Maria Isabel Ventura further agrees to the entry of a permanent injunction enjoining her, her successors, heirs, assignees, agents, and/or other person(s) working in concert with her or under her control, from maintaining a separate dwelling unit (as defined under Municipal Code of Chicago Section 17-17-0248) in the attic of the subject building.

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12. Defendant Maria Isabel Ventura along with her successors, heirs, assignees, agents, and/or other person(s) working in concert with her or under her control, further agrees to a permanent injunction not to rent, use, lease, or occupy the attic of the subject building unless a permit to deconvert has been obtained from the City and the subject property is brought into full compliance with the Municipal Code of Chicago.
13. The parties subject to this Agreed Order shall allow City inspectors access to the full interior of the subject building for periodic inspections to be conducted during regular business hours (Monday through Friday) to determine compliance, and continued compliance, with the terms of this Agreed Order and the Municipal Code of Chicago. If City inspectors are unable to gain access to the full interior of the subject building during any inspection, Defendants, or any other party subject to this Order, shall contact the City's attorney to schedule an immediate reinspection.
14. The Court shall retain jurisdiction of the injunctive portions of this Agreed Order solely for the purposes of enforcement or modification of the injunctions, upon proper motion. The Court shall retain jurisdiction of all other portions of this Agreed Order solely for the purpose of enforcement of the terms of this Agreed Order.
15. The parties agree and understand that any violation of this Order's provisions shall result in:
  - a. A fine to the City in the amount of \$1,000.00 per day of violation; and
  - b. Upon petition by the City, a hearing as to why Defendants, or any other party subject to this Agreed Order, should not be held in contempt of court for violation of this Order.
16. Defendant Jose Juan Ventura, having been served with a signed and sealed summons and a copy of the City's Complaint on October 19, 2007, and failing to answer the City's Complaint or otherwise appear, is in default and is subject to the terms of the permanent injunctions stated in paragraphs 11 and 12 above and all potential penalties specified in this order.
17. Defendant Serafin Estrella, having been served with a signed and sealed summons and a copy of the City's Complaint on July 31, 2008, and failing to answer the City's complaint, is in default and is subject to the terms of the permanent injunctions stated in paragraphs 11 and 12 above and all potential penalties specified in this order. Defendant Serafin Estrella is liable on all counts alleged in the City's Complaint and judgement on count I of the City's Complaint is entered against Defendant in the amount of \$500.00.
18. Defendant Luz Maria ~~Ventura~~ <sup>Moreno</sup>, having been served with a signed and sealed summons and a copy of the City's Complaint on July 31, 2007, and failing to answer the City's complaint or otherwise appear, is in default and is subject to the terms of the permanent injunctions stated in paragraphs 11 and 12 above and all potential penalties specified in

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this order. Defendant Luz Maria Ventura is liable on all counts alleged in the City's Complaint and judgement on count I of the City's Complaint is entered against Defendant in the amount of \$500.00.

19. All parties to this agreement waive their right to appeal this Order.

20. This case is taken off the Court's call.

Agreed to by: \_\_\_\_\_

Defendant Maria Isabel Ventura:

Maria Isabel Ventura  
Maria Isabel Ventura  
2816 N. Meade  
Chicago, IL 60634  
(773) 396-3830

Plaintiff City of Chicago:

Stephen R. Patton  
Corporation Counsel

By: Allison Fink  
Allison Fink  
Assistant Corporation Counsel  
30 N. LaSalle St., Suite 700  
Chicago, IL 60602  
(312) 742-0466  
#90909

ENTERED:

Associate Judge Joseph M. Sconza  
JUN 10 2011  
Circuit Court - 1014

Date \_\_\_\_\_

Judge Joseph M. Sconza