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Doc#: 1119929014 Fee: \$40.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 07/18/2011 10:03 AM Pg: 1 of 3

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

CITY OF CHICAGO, a Municipal Corporation,

Plaintiff,

v.

JUAN GAYTAN and MARIA GAYTAN

Defendants.

No. 10 M1 401241

Re: 4335 South Whipple Street

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 Defendants Juan Gaytan and Maria Gaytan ("Defendants").

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 terms stated in this Order:

1. The Court has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property commonly known as 4335 South Whipple Street, Chicago, Illinois ("subject property"), and legally described as:

THE NORTH 15 FEET OF LOT 34 AND THE SOUTH 15 FEET OF LOT 35 IN BLOCK 9 IN STEWART'S, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent index number: 19-01-304-012-0000.

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2. The subject property is a one-story residence with a basement and an attic ("subject building") and is located in an RS3 Residential District.
3. Defendants are the record owners of the subject property, having obtained title by warranty deed dated April 23, 2007, and recorded as document number 0713435096.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about July 7, 2009, Defendants used the subject property to maintain a basement dwelling units in an RS3 District, in violation of Title 17 ("Zoning Ordinance") and various other provisions of the Municipal Code of Chicago.
5. Defendants admit to these allegations and agree to plead liable to all counts alleged in the City's Complaint. Defendants also agree to pay the City a fine of \$500.00 and to reimburse the City of the City's litigation costs in the amount of \$178.00. Payment of the ~~\$178.00~~ ^{\$678.00} 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 September 1, 2011.
6. Defendants further agree to the entry of a permanent injunction enjoining them, their successors, heirs, assignees, agents, and/or other person(s) working in concert with them or under their control, from maintaining more than one dwelling unit (as defined under Municipal Code of Chicago Section 17-17-0248) in subject building. This prohibits use of the subject building's basement or attic as a separate dwelling unit.
7. 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, Defendant, or any other party subject to this Order, shall contact the City's attorney to schedule an immediate reinspection.
8. 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.
9. 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 \$500.00 to \$1,000.00 per day of violation; and

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- b. Upon petition by the City, a hearing as to why Defendant, or any other party subject to this Agreed Order, should not be held in contempt of court for violation of this Order.
- 10. All parties to this agreement waive their right to appeal this Order.
- 11. This case is taken off the Court's call.

Agreed to by:

Defendants Juan Gaytan and Maria Gaytan

Juan Gaytan
 Juan Gaytan
 4335 South Whipple Street
 Chicago, Illinois 60639
 (773) 927-0177
 (847) 652-7496

Maria A. Gaytan
 Maria Gaytan
 4335 South Whipple Street
 Chicago, Illinois 60639

Plaintiff City of Chicago:
 Stephen R. Patton
 Corporation Counsel

By: Amanda Basil
 Amanda Basil
 Senior Counsel
 30 N. LaSalle St., Suite 700
 Chicago, IL 60602
 (312) 744-6648
 #90909

ENTERED:

Date _____

Judge
 Judge Laurela H. [unclear]
 JUL 15 2011
 Circuit Court 1938