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Doc#: 1123412078 Fee: \$46.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 08/22/2011 11:15 AM Pg: 1 of 8

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

THE CITY OF CHICAGO, a municipal corporation,)
Plaintiff,)
)
v. Carlos Pineda)
)
et al.,)
Defendant(s).)

No: 10 MI 402671
Re: 4841 W. Nelson
Courtroom 11 05, Richard J. Daley Center

ORDER OF PERMANENT INJUNCTION

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

IT IS HEREBY ORDERED THAT:

- Defendant(s) Carlos Pineda and his / her / their / its agents, heirs, legatees, successors, and assigns shall be permanently enjoined and restrained from renting, using, leasing, or occupying the: Entire Premises until the same have established full compliance with the Municipal Code of the City of Chicago as stated in this cause and further order of court. Defendant(s) and his / her / their / its agents, heirs, legatees, successors, and assigns shall maintain the subject property in a sanitary, boarded, and secure condition while it remains subject to this injunction.
- The court reserves jurisdiction of this matter for the purposes of modification, enforcement, or termination of this permanent injunction.
- This order is final, appealable, and enforceable, the court finding no just cause or reason to delay its enforcement or appeal.
- Defendant Carlos Pineda shall register the building as vacant within 30 days pursuant to Municipal Code 13-12-125

HEARING DATE: 8 / 18 / 2011

5. This matter is off call!
AUG 18 2011

By: [Signature]
Assistant Corporation Counsel Attorney for the City
Mara S. Georges, Corporation Counsel #90909
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 744-8791

Judge Malone Circuit Court Courtroom 1105
Duplicate Original

Pink Copy for Defendant(s) (photocopy if required)
Yellow Copy for City of Chicago Department of Law
White Original for Court Records

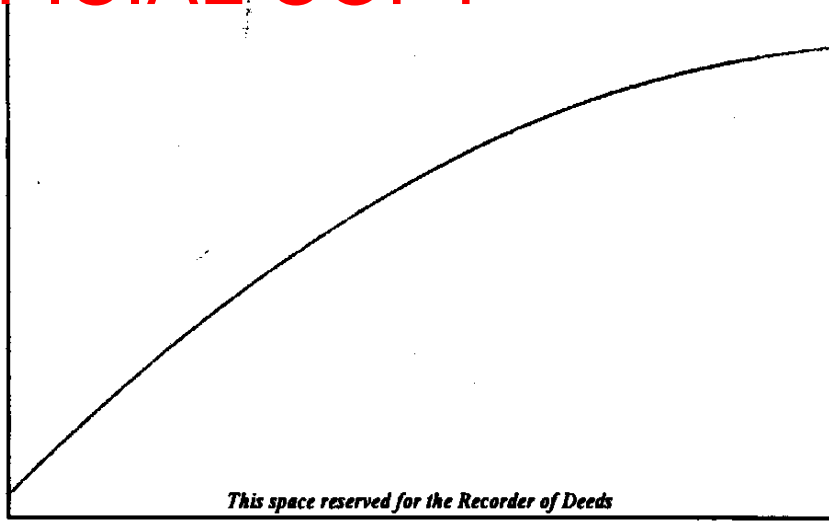
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS MUNICIPAL DEPARTMENT—FIRST DISTRICT

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v. Carlos Pineda
et al.,
Defendant(s).

No: 10 MI 402671

Re: 4841 W. Nelson

Courtroom 11 05, Richard J. Daley Center

Agreed ORDER OF JUDGMENT AND ENFORCEMENT WITH SETTLEMENT

This cause coming to be heard by the Court, the Court having heard evidence and testimony and having made a finding of full compliance substantial compliance subject to reinspection of the violations listed in Plaintiff's Complaint.

IT IS HEREBY ORDERED THAT:

1. The judgment entered on 8 / 18 / 2011 in the amount of \$ 2,500.00 plus \$ 60.00 court costs for a total of \$ 2560.00 against Defendant(s) Carlos Pineda shall stand as final judgment as to Count I of plaintiff's complaint.

Leave to enforce said judgment is stayed until 11 / 1 / 2011. Execution is to issue on the judgment thereafter.

- Any and all other counts and defendants in this cause are hereby dismissed.
- Any and all other counts against the above named Defendant(s) are hereby dismissed.

2. Plaintiff agrees to accept \$ 560.00 (including court costs which shall be remitted to the Clerk) in full settlement of the judgment if payment is made to the City of Chicago on or before 11 / 1 / 2011. If payment is mailed it must be postmarked on or before the above date and sent ATTN: Kimberly Miller, 30 N. LaSalle St., Suite 700, Chicago, IL 60602.

3. If this case is dismissed subject to reinspection, Defendant(s) must call the assigned City inspector at (312) 743- by _____ to arrange for an interior / exterior inspection of the subject premises.

Pursuant to Ill. S.Ct. Rule 304(a), this order is final and appealable, there being no just reason for delaying enforcement or appeal.

HEARING DATE: 8 / 18 / 2011

By: [Signature]
~~Assistant Corporation Counsel~~ Attorney for the City
Mara S. Georges, Corporation Counsel #90969
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 744-8791

Defendant: [Signature]
By Counsel: Manuel A Cardenas / Alexander
Phone: (773) 227-6858 [Signature]

Judge Daniel B. Malone

AUG 18 2011

Circuit Court 2012

[Signature]

Judge Malone

Courtroom 11 05

UNOFFICIAL COPY**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - FIRST DISTRICT****10 M 1 402671**

CITY OF CHICAGO, a municipal corporation,) Case No. _____
Plaintiff) Amount claimed per day 2,500.00
V.) Address:
CARLOS PINEDA) 4841 - 4841 W NELSON ST CHICAGO IL
MANUEL SINCHI) 60641-
BAC HOME LOAN SERVICING LP)
Unknown owners and non-record claimants	
Defendants	

COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, City of Chicago, a municipal corporation, by Mara S. Georges, Corporate Counsel, by the undersigned Assistant(s) Corporation Counsel, complains of Defendants as follows:

Count I

1. Within the corporate limits of said city there is a parcel of real estate legally described as follows:

13-28-215-006

LOT 25 IN FALCONER'S SUBDIVISION OF BLOCK 4 OF FALCONER'S ADDITION TO CHICAGO, A SUBDIVISION OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

4841 - 4841 W NELSON ST CHICAGO IL 60641-

and that located thereon is a

2 Story(s) Building

3 Dwelling Units

0 Non-Residential Units

2. That at all times pertinent thereto on information and belief the following named defendants owned, maintained, operated, collected rents for, or had an interest in the said property on the date(s) herein set forth.

CARLOS PINEDA , OWNER

MANUEL SINCHI , OWNER

BAC HOME LOAN SERVICING LP , MORTGAGE HOLDER

Unknown owners and non-record claimants

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3. That on 11/04/2010 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of City of Chicago as follows:

1 CN046013

Stop using cooking or water heating device as heating device. (13-196-400)

Electric, and propane, used for heat, and cooking, devices.

Location: INTERIOR:-1 :Basement.

SEQ #: 001

2 CN132016

Heat dwelling unit adequately from September 15th to June 1st. (13-196-410)

Heat off at time of inspection. Gas shut off.

Location: INTERIOR:-1 :Basement.

SEQ #: 002

3 CN197019

Install and maintain approved smoke detectors. (13-196-100 thru 13-196-160) Install a smoke detector in every dwelling unit. Install one on any living level with a habitable room or unenclosed heating plant, on the uppermost ceiling of enclosed porch stairwell, and within 15 feet of every sleeping room. Be sure the detector is at least 4 inches from the wall, 4 to 12 inches from the ceiling, and not above door or window.

No smoke detectors.

Location: INTERIOR:-1 :Basement.

SEQ #: 003

4 CN197087

Install carbon monoxide detector within 40 feet of every sleeping room in residential structure. (13-64-190, 13-64-210) A carbon monoxide detector is needed whenever there is a heating appliance on the premises that burns fossil fuel such as gas, oil, or coal, or air that is circulated through a heat exchanger. Install according to manufacturer instructions. A hard wired model requires an electrical wiring permit. In a single family residence, be sure the detector is on or below the lowest floor with a place to sleep. In a multiple dwelling residence heated by a boiler, install a detector in the same room as the boiler. Otherwise, each apartment follows single family guidelines. The owner is responsible for installation and written instructions, the tenant for testing, maintenance, and batteries.

No carbonmonoxide detectors.

Location: INTERIOR:-1 :Basement.

SEQ #: 004

5 PL154027

Supply adequate hot water with minimum temperature of 120 degrees F. (13-196-430)

No hot awater, 40 degrees.

Location: INTERIOR:-1 :Basement

SEQ #: 005

*** End of Violations ***

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4. That Richard Monocchio is the Commissioner of the Department of Buildings of City of Chicago, and as such and pursuant to the Building Code of City of Chicago, caused inspection(s) to be conducted by inspectors of the Department of Buildings of City of Chicago, who have knowledge of the facts stated in this complaint.

5. That this proceeding is brought pursuant to the provisions of the Municipal Code of Chicago, and Chapter 65, Section 5/11-31-1, 5/11-31-2, and 5/11-13-15 of the Illinois Compiled Statutes, as amended.

Wherefore, plaintiff prays for a fine against the defendants, as provided under 13-12-020 of the Municipal Code of Chicago, in the amount indicated on the heading of the Complaint for each day said violations have existed and/or exist, said fine computed in accordance with Section 13-12-040 of the Municipal Code of Chicago.

Count II

Plaintiff, City of Chicago, a municipal corporation, realleges the allegations of paragraphs one through five of Count I as paragraphs one through five of Count II and further alleges:

6. That the levying of a fine is not an adequate remedy to secure the abatement of the aforesaid municipal code violations and the public nuisance which they constitute, and that it is necessary that a temporary and permanent injunction issue and, if necessary, that a receiver be appointed, to bring the subject property into compliance with the Municipal Code of Chicago.

7. That Richard Monocchio, the Commissioner of the Department of Buildings, City of Chicago, has determined said building does not comply with the minimum standards of health and safety set forth in the Building Code.

WHEREFORE, PLAINTIFF PRAYS:

- a. For a temporary and permanent injunction requiring the defendants to correct the violations alleged in the complaint and to restrain future violations permanently, pursuant to 65 ILCS 5/11-31-1 (a), 5/11-31-2 and 5/11-13-15 and 13-12-070 of the Municipal Code.
- b. For the appointment of receiver, if necessary, to correct the conditions alleged in the Complaint with the full powers of receivership including the right to issue and sell receivers certificates in accordance with Section 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended.
- c. For an order authorizing the plaintiff to demolish, repair, enclose or clear up said premises, if necessary, and a judgment against defendants and a lien on the subject property for these costs in accordance with Section 5/11-31-1 (a) of Chapter 65 of the Illinois Compiled Statutes, as amended.
- d. If appropriate and under proper petition, for an order declaring the property abandoned under Section 5/11-31-1 (d) of Chapter 65 of the Illinois Compiled Statutes as amended and for an order granting City of Chicago a judicial deed to the property if declared abandoned.
- e. If a statutory lien is obtained in this proceeding under Section 5/11-31-1 or 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended, for an order permitting foreclosure of said lien in this proceeding.
- f. For reasonable attorney fees and litigation and court costs.
- g. For such other and further relief as may be necessary in the premises and which the court shall deem necessary.

CITY OF CHICAGO, a municipal corporation

By: _____

ASSISTANT CORPORATION COUNSEL

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VERIFICATION

The undersigned, being first duly sworn on oath, deposes and says that he/she is the duly authorized agent of the plaintiff for the purpose of making this affidavit; that he/she has read the above and forgoing complaint, and has knowledge of the contents thereof, and that matters set out therein are true in substance and in fact, and as to matters alleged on information and belief that he/she believes them to be true.

Subscribed and sworn to before me this _____ Day
of _____ 20_____.

By: _____

Deputy Circuit Court Clerk or Notary Public

For further information Contact: Department of Buildings
Public Information Desk (312) 744 3400

Mara S. Georges
Corporation Counsel
Attorney for Plaintiff

By: _____

Assistant Corporation Counsel
30 N LaSalle St. 7th floor
Chicago, Illinois 60602
Atty. No 90909
(312) 744-8791

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