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Eugene "Gene" Moore
Cook County Recorder of Deeds
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JUDGE DOROTHY KIRIE KINNAIRD'S JUNE 4, 2009 JUDGMENT ORDER

Permanent Index Numbers: 17-07-209-035-0000 & 17-07-209-053-0000

Addresses: 1834 & 32 West Erie Street, Chicago, Illinois

Legal Description:

Lot 36 in W.E. Doggett's Subdivision of Block 14 in the Canal Trustee's Subdivision of Section 7, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois

Lot 37 in W.E. Doggett's Subdivision of Block 14 in the Canal Trustee's Subdivision of Section 7, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

**THIS INSTRUMENT PREPARED BY
AND UPON RECORDING RETURN TO:**

Bryan P. Lynch
Law Office of Bryan P. Lynch, P.C.
734 N. Wells Street
Chicago, Illinois 60654

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CLERK OF COURT
JUN 04 2009

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

FELIPE LOPEZ and JESUS LOPEZ,

Plaintiffs,

v.

**SCHILLER DEVELOPMENT, INC., an
Illinois corporation, 1830-32 WEST
ERIE, INC. an Illinois corporation,**

Defendants.

Case No. 08 CH 44974

8071-P

ENTERED

JUN 04 2009

JUDGE
GROTHY KIRIE KINHAIRD - 276

ORDER

This matter having come before the Court for trial on Counts I and II of Plaintiffs' Verified Amended Complaint for Injunctive and Other Relief, the Court having conducted a trial, the parties receiving proper notice of all matters to date, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED AS FOLLOWS:

1. Judgment is entered in favor of the Plaintiffs as to Counts I and II of the Amended Complaint for Injunctive and Declaratory Relief.
2. The Court finds that Defendants' construction of the sidewalk, fence, and garage ("Improvements") on 1830-32 W. Erie Street, Chicago, Illinois extend over the west lot line of lot 37 and encroach ("Encroachments") onto Plaintiffs' real property commonly known as 1834 W. Erie Street, Chicago, Illinois, also identified as lot 36 ("Plaintiffs' Property").

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3. The Court finds that Defendants constructed the Improvements knowing that they were encroaching onto Plaintiffs' Property.
4. The Court also finds that Gremley & Biedermann's July 16, 2008 survey is a true and accurate determination of the lot lines for lots 36 and 37 ("Survey").
5. The Court additionally finds that health and safety issues warrant the removal of the Encroachments from Plaintiffs' Property.

6. Defendants shall, on or before July 9, 2009, do the following:

- a. Uninstall and remove their fence and concrete sidewalk .81 feet east from their present location at the southeast corner of lot 36 as noted by the Survey;
- b. Uninstall and remove their entire fence and concrete sidewalk, which runs north and south along lot 37 and encroaches onto lot 36;
- c. Remove the fence and sidewalk so as to provide and maintain at all future times a minimum of 2.85 feet of clearance between the southeast corner of Plaintiffs' building and the easterly lot line of lot 36, as noted on the Survey, and the clearance shall proportionally increase from the southeast corner of Plaintiffs' building proceeding north to the northeast corner of Plaintiffs' building so as to provide a minimum of 2.93 feet of clearance between the northeast corner of Plaintiffs' building and the easterly lot line of lot 36, as noted on the Survey;
- d. Remove the entire fence and concrete sidewalk so as to provide and maintain at all future times a minimum of 3.24 feet of clearance between the northeast corner of Plaintiffs' porch and the easterly lot line of lot 36, as noted on the Survey, and the clearance shall proportionally increase from the northeast

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corner of Plaintiffs' porch proceeding north to the southeast corner of Plaintiffs' garage so as to provide a minimum of 3.45 feet of clearance between the southeast corner of Plaintiffs' garage and the easterly lot line of lot 36, as noted on the Survey;

- e. Demolish and remove all encroaching portions of their garage which is located on the north end of lot 37 and encroaches onto lot 36 as noted on the Survey ("Garage"). Defendants shall specifically remove all encroaching footings, foundations, and any other subsurface structures of the Garage, including but not limited to all encroachments between the southwest corner of the Garage, which encroaches by .86 feet over the east lot line of lot 36, and the northwest corner of the Garage which encroaches by .82 feet over the east lot line of lot 36, as noted on the Survey; and
- f. Ensure that after the demolition of the westerly encroaching portions of the Garage that the remainder of the Garage, if any, is left in a safe and code compliant condition.

7. Defendants further shall remove the remainder of Plaintiffs' original sidewalk that is located on the east side of Plaintiffs' building, and pour Plaintiffs a new concrete sidewalk along the entire depth of lot 36 from the south lot line to the north lot line and along the east lot line. The new sidewalk shall begin at ½ inch from the east lot line of lot 36 and extend three feet to the west and start at the south lot line of lot 36 and proceed north to the southeast corner of Plaintiffs' building as noted on the Survey. Thereafter, the new sidewalk shall be from the east façade of Plaintiffs' building to ½ inch from the east lot line of lot 36 as

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noted on the Survey, and then shall proceed north to the northeast corner of Plaintiffs' building. From the northeast corner of Plaintiffs' building the new sidewalk shall proceed north and shall be poured from east edge of Plaintiffs' enclosed porch and patio and the east façade of Plaintiffs' garage to ½ inch from the east lot line of lot 36 as noted on the Survey, and the sidewalk shall continue to the north lot line of lot 36. Defendants shall undertake all customary steps to prepare the areas on lot 36 on which the new concrete sidewalk is to be poured, including framing where necessary, provide five inches of compacted CA-6, utilizing existing CA-6 and new CA-6 as necessary and pouring no less than five (5) inches of concrete throughout to form the sidewalk. The new sidewalk shall also be pitched away from Plaintiffs' building.

8. Defendants shall install a wooden or similar fence one inch east of the west lot line of lot 37, as noted on the Survey, along the entire depth of lot 37. However, if Defendants shall maintain a garage or construct a garage on the north end of lot 37 then the fence shall terminate at the south face of the garage.
9. Defendants shall repair the existing wrought iron gate on lot 36 which currently is located at the southeast corner of Plaintiffs' property. The gate shall be repaired in all respects to allow it to close and latch shut.
10. Defendants shall remove the existing post at the northeast corner of the building on Lot 36. Defendants shall install a new steel post or reset the old post, and repair the gate, and undertake all necessary work to allow it to close completely, latch shut, and the gate shall also be prepared so that a cylinder deadbolt lock can be installed and locked.

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11. Defendants shall repair the existing post at the northeast corner of the garage on lot 36 and re-install the existing wrought iron gate at the northeast corner of the garage on lot 36. The gate shall be repaired in all respects to allow it to close and latch shut, and the gate shall also be prepared so that a cylinder deadbolt lock can be installed into the gate, as existing.
12. Defendants shall observe the lot lines for lots 36 and 37 as delineated in the Survey and ensure that at all times it performs its work so as to avoid creating any encroachments onto lot 36.
13. Upon Defendants' completion of the items contained in this Order, Gremley & Biedermann, at Plaintiffs' sole discretion, may be retained to update its July 16, 2008 boundary survey of lots 36 and 37 which will identify the new improvements and work required in this Order and that the survey may be recorded, at Plaintiffs' sole discretion, against title to lots 36 and 37 with the Cook County Record of Deeds. The new Gremley & Biedermann survey shall serve as evidence, in perpetuity, of the lot lines for lots 36 and 37. Plaintiffs' may also record a copy of this Order against title to lots 36 and 37.
14. Defendants shall complete all of the work in paragraphs 6, 7, 8, 9, 10, 11 and 12 on or before July 9, 2009.
15. Defendants shall obtain and tender to Plaintiffs prior to commencing work an insurance policy for the work contained in this Order in an amount not less than \$1,000,000 per incident and shall include Felipe Lopez and Jesus Lopez as co-insured parties. Defendants shall indemnify and hold harmless Felipe Lopez and

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Jesus Lopez for all claims, actions, liability, suits and issues arising out of or relating in any manner to the work contained in this Order.

- 16. Plaintiffs are awarded court costs incurred in this matter to date.
- 17. The findings of the Court as set forth in the Report of Proceedings of May 26, 2009, are incorporated into, made a part of, and attached to this Order.

ENTERED:

[Handwritten Signature]
 Judge Dorothy Kirie Kinnaird 276
No. 276

ENTERED
 JUN 04 2009
 JUDGE
 DOROTHY KIRIE KINNAIRD - 276

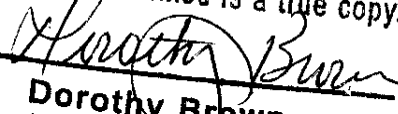
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 Atty No. 42953

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I hereby certify that the document to which this certification is affixed is a true copy.


Dorothy Brown
Clerk of the Circuit Court
of Cook County, IL

10/3/11

