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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.

David A Swore
et al.,
Defendant(s).

No: 11 MI 400407
Re: 5235-37 West Madison
Courtroom 105, Richard J. Daley Center

ORDER OF JUDGMENT AND ENFORCEMENT

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:

IT IS HEREBY ORDERED THAT:

- The judgment entered on 10/20/11 in the amount of \$ 1500.00 plus \$ 60.00 court costs for a total of \$ 1560.00 against Defendant(s) DANIEL A SWORE and KINYATTA MCGEE-SWORE shall stand as final judgment against said Defendant(s) as to Count I of City's Complaint.
- Leave for enforcement of said judgment is granted plaintiff, City of Chicago, instanter.
- Any and all other counts against the above named Defendant(s) are hereby dismissed.
- Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order. The Court finds no just reason to delay enforcement or appeal of this judgment.

HEARING DATE: 10/20/11

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

Judge Daniel B. Malone
OCT 20 2011
Circuit Court-2012

[Signature] Judge Malone Courtroom 1105

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**HEAT
IN THE CIRCUIT COURT OF COOK COUNTY
MUNICIPAL DEPARTMENT – FIRST DISTRICT**

CITY OF CHICAGO,
a municipal corporation

Plaintiff

v.

DANIEL A. SWOPE
KINYATTA MCGEE-SWOPE
ONEWEST BANK, FSB,

Unknown owners and non-record claimants,
Defendants

)
)
) Case No. **11M1 400407**
) Amount claimed: \$1,500.00 per day
)
) Address: **5235-37 W GLADYS AVE.**
) **CHICAGO IL 60644**
)
)
) Courtroom 1105
) Richard J. Daley Center

COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, City of Chicago ("City"), a municipal corporation, by Mara S. Georges, Corporation 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:

16-16-116-010-0000

LOTS 14 AND 15 IN MORRISON'S SUBDIVISION OF LOT 86 AND THAT PART WEST OF 52ND AVENUE OF LOT 75 IN THE SCHOOL TRUSTEES' SUBDIVISION OF THE NORTH PART OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

5235-37 W GLADYS AVE. CHICAGO, IL 60644

and that located thereon is a

| | |
|---|-----------------------|
| 2 | Story(s) Building |
| 4 | Dwelling Units |
| 0 | Non-Residential Units |

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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.

DANIEL A. SWOPE..... OWNER AND LAST TAXPAYER OF RECORD
 KINYATTA MCGEE-SWOPE..... OWNER
 ONEWEST BANK, FSB..... MORTGAGEE
 Unknown owners and non-record claimants

3. That on 2/8/2011 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of the City of Chicago as follows:

1 CN 132016

Failed to adequately heat dwelling unit adequately from September 15th to June 1st:
 (Municipal Code of Chicago, § 13-196-410)

49 DEGREES IN FIRST FLOOR FRONT ROOM AND SOUTH BEDROOM. HEATING SYSTEM IS OFF AT TIME OF INSPECTION, NO HEAT PROVIDED.

2 CN 132046

Failed to provide and maintain every facility, piece of equipment or utility in safe and sound working condition. (13-196-400, 13-196-410)

HEATING SYSTEM IS OFF AT TIME OF INSPECTION, NO HEAT PROVIDED.

3 CN 046013

Failure to provide adequate heating facilities and allowing usage of portable heating equipment and gas appliances for heat by occupants. (13-196-400)

FIRST FLOOR TENANT USED HEATERS AND STOVE TO HEAT UNIT WHEN HEATING SYSTEM STOPPED WORKING

*** End of Violations ***

4. That Richard Monocchio is the Commissioner of the Department of Buildings of City of Chicago, and as such and pursuant to the Building Codes of the City of Chicago, caused inspections(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 13-20-020 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.

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COUNT II

Plaintiff, City of Chicago, a municipal corporation, re-alleges 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 afore stated 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 reviewer be appointed, to bring the subject property into compliance with the Municipal Code.
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.
8. That on June 6, 2007, the City of Chicago filed a complaint (City of Chicago vs. Daniel A. Swope, case number 07 M1 401477) against Defendant Daniel A. Swope and other parties, alleging defendants failed to keep the property located at 5235-5237 W. Gladys Ave. in compliance with the Municipal Code of the City of Chicago. The matter was heard in courtroom 1103 at the Richard J. Daley Center in Chicago, IL.
9. That on November 19, 2008, Defendant Daniel A. Swope entered into an agreement with the City of Chicago as to the resolution of City of Chicago vs. Daniel A. Swope. Judgment was entered against Daniel Swope on November 19, 2008 in the amount of \$7,000.00, stayed until February 2, 2009. The City of Chicago agreed to accept \$300.00 in full settlement of the judgment if payment was made to the City of Chicago prior to February 2, 2009.
10. That, pursuant to the aforementioned November 19, 2008 agreement with the City of Chicago, Defendant Daniel A. Swope was ordered to bring 5735-37 W. Gladys into full compliance with the Municipal Code of the City of Chicago by August 1, 2009. Furthermore, Defendant Daniel Swope was ordered not to rent, use, lease, or occupy 5735-37 W. Gladys, and to keep the premises safe and secure, until further order of the court.

WHEREFORE, PLAINTIFF PRAYS:

- a. For the 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 a 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 clean 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 the City of Chicago a judicial deed to the property if declared abandoned.

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- 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

MARA S. GEORGES
Corporation Counsel of the City of Chicago
Attorney for Plaintiff
By: STEVEN Q. MCKENZIE
Assistant Corporation Counsel
Building and License Enforcement Division
30 North La Salle Street, Suite 700, Chicago, Illinois 60602
Atty. No 90909
(312) 742-0336

VERIFICATION

The undersigned, being 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.


ASSISTANT CORPORATION COUNSEL