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HEAT

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

CITY OF CHICAGO, a municipal corporation,	)	CASE NO: 10 M1 402616
Plaintiff,)	
	)	Property Address: 4016 W. Lexington
v.	)	Chicago, IL
	)	Room: 1105, Richard J. Daley Center
Fresh Start Development, et al.)	
Defendant(s)	)	Lien Amount: \$ 4,764.75

CLAIM FOR RECEIVER'S LIEN

The claimant, City of Chicago, a municipal corporation, by the authority granted by Illinois Compiled Statutes, Chapter 65, Section 5/11-31-2, hereby files its claim for lien against the following described property

Legal: LOT 13 (EXCEPT THE NORTH 16 FEET THEREOF) IN BLOCK 1 IN BUTLER, CUMMINGS AND SCULLY'S SUBDIVISION OF PART OF MUNSON'S ADDITION TO CHICAGO, IN THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly Known as: 4016 W. LEXINGTON AVE., CHICAGO, IL 60624

P.I.N.: 16-15-412-043

The aforesaid lien arises out of City of Chicago vs. Fresh Start Development, et al. Case Number 10M1402616 filed in the Circuit Court of Cook County, in which a receiver was appointed for said property by Court Order dated 01/25/2011. The receiver incurred expenses approved by the Court, pursuant to an order entered 11/29/2011. Pursuant thereto, the receiver issues a certificate in the amount of \$ 4,764.75 and bearing interest at 9% annum for costs and fees, which was transferred and assigned to the City of Chicago.

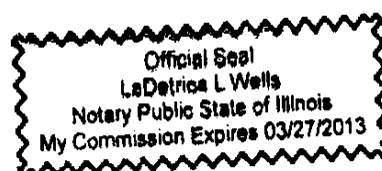
Claimant, City of Chicago, by an Assignment dated 11/30/2011, claims a lien on the above cited real estate for the amount of \$ 4,764.75 plus statutory interest of 9%. The City hereby reserves the right to amend this lien from time to time to include additional costs and fees. Pursuant to 35 ILCS 200/22-25 the advances made by the City to this property must be paid by tax purchaser prior to obtaining a tax deed for this property.

City of Chicago, a Municipal Corporation
STEPHEN R. PATTON, CORPORATION COUNSEL

Steven Q. McKenzie, Assistant Corporation Counsel, being first duly sworn on oath, deposes and says that he is the authorized agent for the City of Chicago, that he has read the foregoing Claim for Lien, knows the content thereof, and that all statements therein contained are true.

SUBSCRIBED AND SWORN TO BEFORE ME
BY Steven Q. McKenzie
This 8 day of Dec 2011.

LaDetricia L. Wells
STEPHEN R. PATTON, CORPORATION COUNSEL #90909
30 North LaSalle, Suite 700 Chicago, IL 60602 (312) 744-8791



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

CITY OF CHICAGO, a municipal corporation,	)	Case No: 10-M1-402616
)	
Plaintiff,	)	Property Address:
	)	4016 West Lexington
v.	)	<u>CHICAGO, IL.</u>
Fresh Start Development LLC, et al	)	Courtroom: <u>1107</u>
	)	Richard J. Daley Center
Defendant (s))	

RECEIVER'S CERTIFICATE

The undersigned David Feller was appointed heat receiver by the court to restore and maintain heat to the above premises on January 25, 2011. For value received, the receiver in his official capacity and not individually promises to pay to bearer the sum of \$4,764.75 on or before ninety (90) days after the date this certificate, with interest accruing at the rate of nine percent (9%) per annum until this receiver's certificate is fully paid, both principal and interest payable in such banking house or trust company in the City of Chicago, Illinois, as the legal holder of this receiver's certificate may appoint in writing or in the absence of such appointment, at the office of the Building and Housing Division of the City of Chicago's Law Department.

This receiver's certificate is issued under and by virtue of an order of the Circuit Court of Cook County, Illinois, entered on November 29, 2011 in the above-entitled cause, and pursuant to Illinois Compiled Statutes, chapter 5/11-31-2. This receiver's certificate is freely transferable and shall constitute a first lien in accordance with Illinois Compiled Statutes, chapter 65, section 5/21-31-2 and the foregoing order, upon the premises legally described as follows:

SEE ATTACHED

Permanent Index Number: 16-15-412-043-0000

This receiver's certificate, together with the interest thereon, in no manner constitute a personal obligation or liability of the receiver.

The holder of the receiver's certificate shall release the same receiver's certificate and the lien thereof by proper instrument, upon full and final payment of the underlying indebtedness evidenced by this receiver's certificate, either before or after maturity thereof. In the event the holder refuses to execute and deliver a release, the receiver may petition the court to order the holder to issue a release.

ASSIGNMENT

For the sum of one dollar (\$1.00) and for other good and valuable consideration, David Feller does hereby sell, assign and transfer to the City of Chicago, the foregoing receiver's certificate.

Dated: 11/20/2011


David Feller, Heat Receiver

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The undersigned, an Assistant Corporation Counsel, is the authorized agent of the City of Chicago in this transaction.

Mara S. Georges, Corporate Counsel

By: 
Assistant Corporation Counsel

**David Feller, Receiver
C/o Globetrotters
300 S. Wacker Drive
Suite 400
Chicago, IL. 60606
(312) 697-3556**

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2020 2021 2022 2023

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

CITY OF CHICAGO, a municipal corporation,
Plaintiff
V.
FRESH START DEVELOPMENT LLC
CHICAGO TITLE LAND TRUST COMPANY
Unknown owners and non-record claimants
Defendants

) Case No.

) Amount claimed per day

8,000.00

) Address:

) 4016 - 4016 W LEXINGTON ST CHICAGO IL

) 60624-

10 M1 402616.**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:

16-15-412-043-0000

LOT 13 (EXCEPT THE NORTH 16 FEET THEREOF) IN BLOCK 1 IN BUTLER, CUMMINGS AND SCULLY'S SUBDIVISION OF PART OF MUNSON'S ADDITION TO CHICAGO, IN THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

4016 - 4016 W LEXINGTON ST CHICAGO IL 60624-

and that located thereon is a

2 Story(s) Building

2 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.

FRESH START DEVELOPMENT LLC , OWNER

CHICAGO TITLE LAND TRUST COMPANY , MORTGAGE HOLDER

Unknown owners and non-record claimants

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3. That on 06/17/2010 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 CN062024

Failed to maintain parapet wall in good repair and free from cracks and defects. (13-196-530 and 13-196-641)

Parapet at west elevation has brick and mortar washed out.

Location: OTHER : :

SEQ #: 001

2 CN063014

Failed to maintain chimney in safe and sound working condition. (13-196-590, 13-196-530(b) and (c), 13-196-641)

Chimney at east elevation bricks and mortar are washed out.

Location: OTHER : :

SEQ #: 002

3 CN063024

Cap masonry chimney with non-combustible, water proof materials. (13-152-250 B, 13-152-240, 13-196-590)

Chimney at east elevation is missing cap.

Location: OTHER : :

SEQ #: 003

4 CN067014

Failed to maintain roof in sound condition and repair, watertight and free from defects. (13-196-530, 13-196-530(c) and 13-196-641)

Roof leaks causing extensive damage to 2nd and 1st floor ceilings and walls.

Location: OTHER : :

SEQ #: 004

5 CN070024

Failed to repair or replace defective or missing members of porch system. (13-196-570, 13-196-641)

Rear 2 story wood porch; rails are 36" toe nailed and loose at 2nd floor. 2x8 joist span 12'.

Foundation is unknown. 6x6 columns are stacked column-beam-column. Hatch cover missing.

Submit plans and obtain permit.

Location: OTHER : :

SEQ #: 005

6 CN073014

Failed to maintain exterior door in sound condition and repair. (13-196-550(d) and (e), 13-196-641)

Basement door is missing doorway is boarded.

Location: EXTERIOR:W :

SEQ #: 006

7 CN073024

Failed to maintain exterior door frames to exclude rain and wind from entering building and otherwise in sound condition and repair. (13-196-550, 13-196-550(f), 13-196-641)

Front entrance door to 1st, frame is broken.

Location: OTHER : :

SEQ #: 007

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8 CN073044

Failed to maintain exterior door hardware in good condition and repair. (13-196-550(d), 13-196-641)

Front entrance door to 1st and 2nd locks are loose.

Location: EXTERIOR:S :

SEQ #: 008

9 CN101015

Failed to maintain interior walls and ceilings free from holes or cracks. (13-19-540(c))

1st and 2nd floors; ceiling and walls have extensive water damage throughout apartment - front room, hallway, west bedroom, bathroom and kitchen.

Location: OTHER : :

SEQ #: 009

10 CN104015

Replace broken, missing or defective window panes. (13-196-550 A)

Broken windows at 1st front and rear.

Location: OTHER : :

SEQ #: 010

11 CN105015

Repair or replace defective door. (13-196-550)

Front bedroom door is broken.

Location: INTERIOR:001 :

SEQ #: 011

12 CN105035

Repair or replace door hardware. (13-196-550)

Various doors throughout have loose and hanging locks.

Location: INTERIOR:001 :

SEQ #: 012

13 CN106015

Failed to maintain interior stairway system in safe condition and sound repair. (13-196-570)

Front stairs 1st to 2nd missing handrail also one tread (diamond shape) towards the top end is split and weak.

Location: OTHER : :

SEQ #: 013

14 CN131026

Repair or replace defective screen. (13-196-560 B)

Window screens are torn at various locations.

Location: OTHER : :

SEQ #: 014

15 CN140016

Keep premises clean, sanitary, and safe. (13-196-620 A, 13-196-630)

Mildew on walls at 1st floor west bedroom and bathroom.

Location: INTERIOR:001 :

SEQ #: 015

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NC2011

Performed or allowed work to be performed without submitting plans prepared, signed and sealed by a licensed architect or registered structural engineer for approval and without obtaining a permit to perform the work. (13-32-010, 13-32-040, 13-40-020, 13-12-050)

Erected 1 story wood porch at front, no permit on record.

Location: OTHER : :

SEQ #: 016

*** 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 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 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