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Eugene "Gene" Moore

Cook County Recorder of Deeds

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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.)

RUSSELL M. FRYE, COUNTRYWIDE,)
HOME LOANS SERVICING, L.P.,)
UNKNOWN OWNERS and NON-RECORD)
CLAIMANTS,)

Defendants.)

No. 09 M1 402230

Re: 7931 S. Marquette Ave.
Chicago, IL

Courtroom: 1109

ORDER OF DEMOLITION

(effective 3/22/12)

This cause coming on to be heard on **February 22, 2012**, on the Plaintiff, City of Chicago, a municipal corporation's ("City"), by Stephen R. Patton, Corporation Counsel of the City of Chicago, against the following named defendants:

Russell M. Frye;
Countrywide Home Loans Servicing, L.P.;
Unknown Owners and
Non-Record Claimants.

The Court being fully advised in the premises and having heard the evidence after a trial on the merits, finds that:

1. The Court has jurisdiction of the parties and the subject matter, which is the property located at: 7931 S. Marquette Avenue, Chicago, Illinois, ("subject property"), and legally described as follows:

LOT 19 AND 20 IN THE SUBDIVISION OF BLOCK 6 IN CIRCUIT COURT PARTITION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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This parcel is commonly known as 7931 S. Marquette Avenue, Chicago, Cook County Illinois and has Permanent Index Number (PIN) of 21-31-106-018.

2. Located on the subject property is a one-story, brick construction building and garage. The last known use of the building was residential.
3. The Court finds that on or about January 31, 2011, and continuing to the present, dangerous and unsafe conditions existed at the subject property, in that:
 - a. The building is vacant and has a history of being open.
 - b. The building's electrical systems wiring are exposed.
 - c. The building's electrical systems are stripped or inoperable.
 - d. The building's electrical systems are missing fixtures.
 - e. Comed electrical service to the building has been terminated at the pole.
 - f. The building's interior floors are missing flooring.
 - g. The building's interior floors are warped, buckled and loose.
 - h. The building's window glazing is broken or missing.
 - i. The building's window glazing has cracked panes.
 - j. The building's heating systems are stripped or inoperable.
 - k. The building's heating systems have been vandalized.
 - l. The building's furnace is missing.
 - m. The building's joists are cracked.
 - n. The building's joists are missing.
 - o. The building's masonry has step or stress fractures.
 - p. The building's masonry has holes.
 - q. The building's mortar has washed out or missing mortar joints.
 - r. The building's plaster is broken and missing along the walls and ceilings and is smoke, fire or water damaged.
 - s. The building's plumbing systems are stripped or inoperable.
 - t. The building's plumbing systems are missing fixtures.
 - u. The building's sashes are broken, missing or inoperable.
 - v. The building's sashes are smoke, fire or water damaged.
 - w. The building's stair system has damaged handrails and decking.
4. The building located on the subject property is dangerous, hazardous, unsafe and beyond reasonable repair under the Unsafe Buildings Statute, 65 ILCS 5/11-31-1 (1996).
5. Major reconstruction would be necessary to correct the conditions that currently exist at the subject property.
6. Demolition of the subject property as a whole, is the least restrictive alternative available to effectively abate the conditions now existing there.

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WHEREFORE, IT IS HEREBY ORDERED that:

- A. Judgment is entered in favor of plaintiff City of Chicago and against defendants on Counts I and IV of its first amended complaint. Counts II, III, V, VI, VII and VIII are voluntarily withdrawn.
- B. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, and Section 13-12-130 of the Municipal Code of Chicago, the City is authorized to immediately demolish the building situated on the subject property and is entitled to a lien for the costs of demolition, court costs and other costs enumerated by statute.
- C. The City's performance under this order will result in a statutory in rem lien that attaches only to the subject parcel of real estate. If the City seeks a personal judgment against any individual party to this action, it will proceed by separate motion directed to that party.
- D. Defendants with either possession or control of the subject property shall immediately remove any and all persons occupying the subject property and all personal property from said premises instanter so that said premises will be completely vacant and free of personal property before demolition is commenced. The City's Department of Human Services is authorized to assist in the relocation of any tenants.
- E. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and personal judgment, the Court finding no just reason to delay the enforcement or appeal of this final order and judgment.

F. This order is stayed for 30 days.

ENTERED

Associate Judge William G. Pileggi

FEB 22 2012

Circuit Court - 1764

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