

# UNOFFICIAL COPY



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

CITY OF CHICAGO, a Municipal Corporation, )

Plaintiff, )

v. )

MARSHA TUCKER;  
FIRST NLC FINANCIAL SERVICES LLC, )

JEFFREY HERSCHEL D/B/A FIRST  
FINANCIAL SERVICES, LLC; )

Z FINANCIAL, LLC.; )

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS INC.,; )

UNKNOWN OWNERS AND  
NON-RECORD CLAIMANTS, )

Defendants. )

No. 11 M1 402077

Re: 1221 W. 71<sup>st</sup> St.

Courtroom: 1111

### ORDER OF DEMOLITION

This cause coming on to be heard on March 12, 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:

MARSHA TUCKER;  
FIRST NLC FINANCIAL SERVICES LLC;  
JEFFREY HERSCHEL D/B/A FIRST FINANCIAL SERVICES LLC;  
Z FINANCIAL, LLC.;;  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.;;  
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:

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1. The Court has jurisdiction of the parties and the subject matter, which is the property located at: 1221 W. 71<sup>st</sup> Street, Chicago, Illinois, ("subject property"), and legally described as follows:

LOT 8 IN BLOCK 21 IN WEDDELL AND COX'S HILLSIDE SUBDIVISION IN THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This parcel is commonly known as 1221 W. 71<sup>st</sup> Street, Chicago, Cook County Illinois and has Permanent Index Number (PIN) of 20-29-104-025.

2. Located on the subject property is a one story brick building and ~~garage~~. The last known use of the building was residential.
3. The Court finds that on or about April 11, 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 garage is vacant and open.~~
  - c. The building's electrical system is missing fixtures, and has exposed wiring.
  - d. The building's flooring is warped and missing in places.
  - e. The building's glazing is broken or missing.
  - f. The building's heating system is missing a furnace, is stripped and inoperable, and has indications of having been vandalized.
  - g. The building's masonry has step or stress fractures, and washed out mortar joints.
  - h. The building's masonry is missing siding, and has loose or missing brick.
  - i. The building's plaster is broken or missing.
  - j. The building's plumbing is missing fixtures and is stripped and inoperable.
  - k. The building's roof is missing shingles and is water damaged.
  - l. The building's sashes are broken, missing or inoperable.
  - m. The building's stairs have handrails that are of an improper height, and are also damaged.
  - n. The building's studding is missing.
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 *instantly* 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.

Associate Judge Pamela Hughes Gillespie

ENTERED

Judge James M. McGing

MAR 12 2012

By: Marc Augustave

Assistant Corporation Counsel  
Circuit Court - 1953

City of Chicago Law Dept.

Building and License Enforcement Division

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