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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

CITY OF CHICAGO, a municipal corporation,  
Plaintiff,  
v.  
MARY MITCHELL, et al.,  
Defendants.

No. 12 M1 400018  
Re: 4241 W. Walton  
Courtroom: 1111

**ORDER OF DEMOLITION**

This cause coming to be heard on 5-7-12, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen Patton, Corporation Counsel of the City of Chicago, against the following named Defendants:

- Mary Mitchell
- Smith Rothchild Financial Company
- REL Financial, L.L.C., as Successor to Smith Rothchild Financial Company
- Unknown Heirs and Legatees of Ernestine Davis
- Unknown Owners and Non-record Claimants

The Court being fully advised of the premises of this proceeding and having heard the testimony of the City's inspector, finds that:

1. The Court has jurisdiction of the parties hereto and the subject matter, which is the premises located at the following address: 4241 W. Walton, Chicago, Illinois, and legally described as follows:

THE WEST 1/2 OF LOT 17 AND ALL OF LOT 18 IN EDWARD T. NOONAN'S SUBDIVISION OF THE EAST 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This parcel has a Permanent Index Number of 16-03-419-008.

# UNOFFICIAL COPY

2. Located on the subject property is a two-story frame residential building and a one-story frame garage.
3. The Court having heard testimony and evidence finds that 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) in that:

## FRONT BUILDING

- a. The building(s) located on the subject property (“the building”) is vacant.
- b. The building’s electrical systems are stripped or inoperable.
- c. The building’s plumbing systems are stripped or inoperable.
- d. The building’s heating systems are stripped or inoperable.
- e. The building’s foundation is cracked.
- f. The building’s roof is leaking.
- g. The building’s floors are warped and buckled.
- h. The building’s joists are sagging and over notched.
- i. The building’s partitions are broken.
- j. The building’s exterior walls are breached with missing siding.
- k. The building’s sash, trim, and doors are missing.
- l. The building’s windows are broken.
- m. The building’s stairs and porches are missing members and are undersized.
- n. The building’s plaster is water damaged and is broken and falling.

## GARAGE

- o. The building’s garage is vacant and open.
4. 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 the City of Chicago's complaint for demolition.
- B. The remaining counts of the City's complaint for demolition are voluntarily dismissed.
- C. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, the City is granted authorization to demolish the building on the subject property, and is entitled to a lien for the costs of demolition, court costs, and other costs enumerated by statute, and/or other statutory remedies.
- D. The authority granted in Paragraph C. above shall become effective 5/7/12.
- E. 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.
- F. Mary Mitchell is ordered to keep the property secure until it is demolished.
- G. Defendants with either possession or control of the subject property shall remove any and all persons, if any, occupying the subject property and all personal property from said premises no later than the effective date so that said premises will be completely vacant and free of personal property before demolition is commenced.
- H. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order. The Court finds no just reason for delay in the enforcement or appeal of this order.

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I. The Court reserves jurisdiction of this cause to enforce the terms of this order and for the purpose of ascertaining and approving the demolition and litigation of ~~the~~ <sup>Judge James M. McGing</sup>.

MAY 07 2012  
Circuit Court 1926  
ENTERED Judge

PLAINTIFF, CITY OF CHICAGO  
STEPHEN PATTON, Corporation Counsel

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