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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.)
CARLA MILLER, et al.,)
Defendants.)

No. 09 M1 400181
Re: 356 N. Avers
Courtroom: 1111

ORDER OF DEMOLITION

This cause coming to be heard on 5-8-12, 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:

Carla Miller
First Magnus Financial Corporation
Mortgageit, Inc.
Mortgage Electronic Registration Systems, Inc., as Nominee for
First Magnus Financial Corporation
Mortgage Electronic Registration Systems, Inc., as Nominee for
Mortgageit, Inc.
OneWest Bank, FSB
Aurora Loan Services, L.L.C., as Assignee of First Magnus Financial Corporation
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: 356 N. Avers, Chicago, Illinois, and legally described as follows:

LOT 14 IN S.W. ROTH'S SUBDIVISION OF 5 ACRES OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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This parcel has a Permanent Index Number of 16-11-302-014.

2. Located on the subject property is a two-story brick residential building.
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:
 - a. The building(s) located on the subject property (“the building”) is vacant.
 - b. The building’s electrical systems are stripped or inoperable with exposed wiring and missing fixtures.
 - c. The building’s heating systems are stripped or inoperable with missing duct work and a missing furnace.
 - d. The building’s heating systems have been vandalized.
 - e. The building’s floors are missing or warped with smoke, fire, and/or water damage.
 - f. The building’s glazing is broken or missing with cracked panes.
 - g. The building’s joists are cracked, over notched, undersized, and/or over spanned.
 - h. The building’s joists are smoke, fire, and/or water damaged.
 - i. The building’s masonry has loose or missing brick and missing siding.
 - j. The building’s masonry has step or stress fractures with washed out mortar joints.
 - k. The building’s beams are rotted, compressed, and sagging.
 - l. The building’s plaster is broken or missing.
 - m. The building has evidence of drug activity.
4. Demolition of the subject property, as a whole, is the least restrictive alternative available to effectively abate the conditions now existing there.

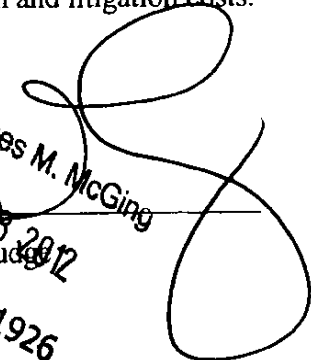
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WHEREFORE, IT IS HEREBY ORDERED THAT:

- 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 immediately.
- 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. Carla Miller 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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1. 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 costs.


 Judge James M. McGing
 MAY 08 2012
 Judge
 Circuit Court 1926
 ENTERED

PLAINTIFF, CITY OF CHICAGO
 STEPHEN PATTON, Corporation Counsel

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