

HEAT



Doc#: 1213541058 Fee: \$48.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 05/14/2012 10:57 AM Pg: 1 of 6

Duplicate Original

This space reserved for the Recorder of Deeds

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,
v. John H. Thomas, Director of the John H. Thomas Department of Trust &
et al.,
Defendant(s).

No: 11 MI 403487
Re: 1350 W. 48th St / 9817-253 Loms
Courtroom 1105, Richard J. Daley Center

Agreed ORDER OF PERMANENT INJUNCTION

This cause coming to be heard on the set call, the Court having jurisdiction over the defendant(s) and the subject matter, and being fully advised in the premises and having heard evidence and testimony:

IT IS HEREBY ORDERED THAT:

1. Defendant(s) John H. Thomas, Trustee of the John H. Thomas Department of Trust & his/her/their agents, heirs, successor or assigns, be permanently enjoined and restrained from renting, using, leasing, or occupying the entire premises until full compliance with the City of Chicago codes as stated in this cause and further order of court. Defendant(s) shall keep the subject property boarded and secured while it is subject to this injunction.
2. The court reserves jurisdiction of this matter for the purposes of modification, enforcement, or termination of this permanent injunction.
3. This order is final, appealable, and enforceable, the court finding no just cause or reason to delay its enforcement or appeal.

IT IS FURTHER ORDERED THAT this cause be continued to 8, 7, 12 at 1:30 p.m., Courtroom 1105, Richard J. Daley Center, 50 W. Washington St., Chicago, without further notice.

HEARING DATE: 05/18/12

Judge Daniel B. Malone

MAY 08 2012 Judge McGinn / Piloggi

Courtroom 1105

By: City Attorney
Assistant Corporation Counsel
Mara S. Georges, Corporation Counsel #90909
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 744-8791

Circuit Court-2012
222/3

Yellow Copy for City of Chicago Department of Law
White Original for Court Records
Pink Copy for Defendant(s) Attorney

UNOFFICIAL COPY

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

CITY OF CHICAGO,
a municipal corporation,

Plaintiff

v.

JOHN H. THOMAS DEC. OF TRUST 03/14/1996,
JOHN H. THOMAS, and
Unknown owner and non-record claimants,

Defendants.

)
)
) Case No. **11M 1-408487**
)
) Amount claimed: \$3,000.00 per day
)
) Address: 1350 W. 98TH PLACE
) CHICAGO, IL 60643
)
) 9817-9825 S. LOOMIS ST.
) CHICAGO, IL 60643
)
) Courtroom 1105
) Richard J. Daley Center

COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, City of Chicago, a municipal corporation, by Stephen Patton, Corporation Counsel, by the undersigned Assistant(s) Corporation Counsel, complains of Defendants as follows:

Count 1

1. Within the corporate limits of said city there is a parcel or real estate legally described as follows:

25-08-114-019-0000

LOTS 108 AND 107 IN HALEY AND SULLIVAN'S FIRST ADDITION TO LONGWOOD MANOR, BEING A SUBDIVISION OF PART OF BLOCK 2 IN HILLARD AND DOBBINS FIRST ADDITION TO WASHINGTON HEIGHTS IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 7 AND THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN TOGETHER WITH PART OF ABANDONED RAILROAD RIGHT OF WAY IN COOK COUNTY, ILLINOIS.

Commonly known as

1350 W. 98TH PLACE, CHICAGO, IL 60643
9817-9825 S. LOOMIS STREET, CHICAGO, IL 60643

and that located thereon is a

- 2 Story(s) Building
- 10 Dwelling Units
- 0 Non-Residential Units

DONALD J. BROWN
 CLERK
 CLERK OF THE CIRCUIT COURT
 CIVIL DIVISION
 2010 DEC 28 AM 8 46

UNOFFICIAL COPY

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.

JOHN H. THOMAS DEC OF TRUST 03/14/96, TRUSTEE

JOHN H. THOMAS, TRUST BENEFICIARY

Unknown owners and non-record claimants

3. That on 11/29/2011 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of the City of Chicago as follows:

1. CN 32016

Heat dwelling unit adequately from September 15th to June 1st. (13-196-410)

9825 S. – APARTMENT 1 – LIVING ROOM AND BEDROOM TEMPERATURES ONLY
61.3F. HEATING SYSTEM IS OFF AT TIME OF INSPECTION, NO HEAT PROVIDED.

2. PL 154027

Supply adequate hot water with minimum temperature of 120 degrees F. (13-196-430)

9825 S. – APARTMENT 1 – BATHROOM AND KITCHEN – NO HOT WATER SUPPLIED
TO THE FIXTURES AT TIME OF INSPECTION – HOT WATER TANK BROKEN.

3. CN 046013

Stop using cooking or water heating device as heating device. (13-196-400)

9825 S. – APARTMENT 1 – TENANT USING COOKING STOVE AND PORTABLE
ELECTRIC HEATERS AS HEATING DEVICE.

4. CN 197019

Install and maintain approved smoke detectors. (13-196-100 thru 13-196-160) Install a smoke detector in every dwelling unit. Install one on any living level with a habitable room or unenclosed heating plant, on the uppermost ceiling of enclosed porch stairwell, and within 15 feet of every sleeping room. Be sure the detector is at least 4 inches from the wall, 4 to 12 inches from the ceiling, and not above door or window.

9825 S. – APARTMENT 1 – NO SMOKE DETECTOR

5. CN 197087

Install carbon monoxide detector within 40 feet of every sleeping room in residential structure. (13-64-190, 13-64-210) A carbon monoxide detector is needed whenever there is a heating appliance on the premises that burns fossil fuel such as gas, oil, or coal, or air that is circulated through a heat exchanger. Install according to manufacturer instructions. A hard wired model requires an electrical wiring permit. In a single family residence, be sure the detector is on or below the lowest floor with a place to sleep. In a multiple dwelling residence heated by a boiler,

UNOFFICIAL COPY

install a detector in the same room as the boiler. Otherwise, each apartment follows single family guidelines. The owner is responsible for installation and written instructions, the tenant for testing, maintenance, and batteries.

9825 S. – APARTMENT 1 – NO CARBON MONOXIDE DETECTOR

6. CN132046

Provide and maintain every facility, piece of equipment, or utility in safe and sound working condition. (13-196-400, 13-196-440)

HOT WATER TANK OUT OF SERVICE.

*** End of Violations ***

4. That Richard Monocchio is the Commissioner of the Department of Buildings of City of Chicago, and as such and pursuant to the Building Codes of the City of Chicago, caused inspections(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 13-20-020 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, re-alleges 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 afore stated 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 reviewer be appointed, to bring the subject property into compliance with the Municipal Code.
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 the 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.

UNOFFICIAL COPY

- b. For the appointment of a 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 the 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

MARA S. GEORGES
 Corporation Counsel of the City of Chicago
 Attorney for Plaintiff
 By: SARAH M. ANDREW
 Assistant Corporation Counsel
 Building and License Enforcement Division
 30 North La Salle Street, Suite 700, Chicago, Illinois 60602
 Atty. No 90909
 (312) 742-0336

UNOFFICIAL COPY

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

Stephen Patton
Corporation Counsel
Attorney for Plaintiff

By: _____

Assistant Corporation Counsel
30 N LaSalle St. 7th floor
Chicago, Illinois 60602
Atty. No 90909
(312) 744-8791

Property of Cook County Clerk's Office