

# UNOFFICIAL COPY

Case No. 11 M1 402349



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Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 07/11/2012 10:46 AM Pg: 1 of 4

**DUPLICATE ORIGINAL**

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

CITY OF CHICAGO, a municipal corporation,	)	
	)	
Plaintiff,	)	Case No. 11 M1 402349
vs.	)	
	)	Re: 1428 W. 72 <sup>nd</sup> Street
YUSEF HARRIS A/K/A YUSEF HARRIS,	)	
FEDERAL HOME LOAN MORTGAGE CORP.,	)	COURTROOM: 1111
WELLS FARGO BANK, N.A.,	)	
MORTGAGE ELECTRONIC REGISTRATION	)	
SYSTEMS, INC., AS NOMINEE FOR TAYLOR BEAN	)	
& WHITAKER MORTGAGE CORPORATION,	)	
TAYLOR BEAN & WHITAKER MORTGAGE	)	
CORPORATION,	)	
OCWEN LOAN SERVICING, LLC.,	)	
CREDIT SUISSE SECURITIES (USA) LLC.,	)	
F/K/A CREDIT SUISSE FIRST BOSTON LLC.,	)	
UNKNOWN OWNERS, and NONRECORD CLAIMANTS,	)	
	)	
Defendants.	)	

### ORDER OF DEMOLITION

This matter coming before the Court on July 9, 2012, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

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YOUSEF HARRIS A/K/A YUSEF HARRIS

UNKNOWN OWNERS, and Nonrecord Claimants

The Court being fully advised of the premises of this proceeding and having heard the evidence finds that:

1. The Court has jurisdiction of the parties hereto and the subject matter, which is the premises located at the following address: 1428 W. 72<sup>nd</sup> Street, Chicago, Cook County, Illinois ("subject property"), legally described

as:

LOT 168 IN RESUBDIVISION OF PART OF DEWEY AND CASTETTER'S  
SUBDIVISION OF BLOCK 1 TO 4 IN SUBDIVISION OF FREDERICK M.  
JONES IN THE WEST 1/2 OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 14,  
EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,  
ILLINOIS.

Permanent Index Number: 20-29-167-015.

2. Located on the subject property is a one-story frame building. The last known use of the subject building was mixed use commercial and residential.
3. The subject building is dangerous, unsafe and beyond reasonable repair under the terms of the Illinois Municipal Code, 65 ILCS 5/11-31-1 (1996) (Unsafe Buildings), in that:
  - a. The building(s) located on the subject property ("the building") is vacant and open.
  - b. (A Dangerous and Hazardous Condition).
  - c. The building's electrical systems wiring are exposed.
  - d. The building's electrical systems are stripped or inoperable.
  - e. The building's electrical system is Dangerous and Hazardous.
  - f. The building's interior floors are missing flooring.
  - g. The building's window glazing is broken or missing.
  - h. The building's window glazing has cracked panes.
  - i. The building's heating system is missing ductwork.
  - j. The building's heating systems are stripped or inoperable.

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- k. The building's furnace is missing.
  - l. The building's joists are cracked.
  - m. The building's joists are missing.
  - n. The building's masonry has holes.
  - o. The building's masonry is missing sections.
  - p. The building's mortar has washed out and missing mortar joints.
  - q. The building's plaster is broken and missing along the walls and ceilings and is smoke, fire or water damaged.
  - r. The building's sashes are broken, missing or inoperable.
  - s. The building's stair system has damaged handrails and decking.
  - t. The building's stair system is smoke, fire or water damaged.
  - u. The building's studs have damaged headers.
  - v. The building's studs are smoke, fire or water damaged.
4. There has been no work in progress since the beginning of this case at the subject property.
5. The Court finds that it would take major reconstruction of a responsible owner to bring the subject building into full compliance with the Municipal Code, and that the subject building is beyond reasonable repair. The Court further finds that demolition of the subject building is the least restrictive alternative available to effectively abate the conditions now existing there.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Defendants UNKNOWN OWNERS and NONRECORD CLAIMANTS, having been notified by publication, and having failed to appear, answer, or otherwise plead as of the default date of June 29, 2012, are in default and all allegations in the complaint are deemed admitted against Defendants in default.
- B. An in rem judgment is entered in favor of Plaintiff City of Chicago and against Defendants on Counts I and IV of the City's complaint seeking demolition authority.
- C. Counts II, III, V, VI, VII, and VIII of the City's Complaint are voluntarily withdrawn.
- D. Pursuant to the judgment entered above, 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

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is entitled to a lien for the costs of demolition, court costs, and other costs enumerated by statute, and/or other statutory remedies.

- E. Defendant owners are ordered to keep the property secure until it is demolished.
- F. The City's performance under the 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.
- G. 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.
- H. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court finds that there is no just reason for delaying the enforcement or appeal of this order.
- I. The Court reserves jurisdiction of this cause to enforce the terms of this Order, for the purpose of ascertaining demolition costs for entry of money judgments against the defendant owners, and for the purpose of hearing foreclosure proceedings, as defined by the applicable statutes and ordinances.

**DUPLICATE ORIGINAL**

PLAINTIFF, CITY OF CHICAGO  
STEPHEN R. PATTON, Corporation Counsel

By: Eileen C. Murtaugh  
Assistant Corporation Counsel  
Building and License Enforcement Division  
30 N. LaSalle Street - Suite 700  
Chicago, IL 60602  
312-742-0339

Atty. No. 90909

ENTERED:

Judge James M. McGing

JUL 09 2012

JUDGE JAMES M. MCGING  
COURT CLERK'S OFFICE  
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