

# UNOFFICIAL COPY

Case No. 12 M1 401122

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Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 07/26/2012 09:50 AM Pg: 1 of 4

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

CITY OF CHICAGO, a municipal corporation, )

Plaintiff, )

vs. )

1092 81ST TRUST, PINNACLE TRUST )

SERVICES, AS TRUSTEE FOR 1092 81ST )

TRUST, Z FINANCIAL, LLC, UNKNOWN OWNERS, )

and NONRECORD CLAIMANTS, )

Defendants. )

Case No. 12 M1 401122

Re: 2901 E. 81<sup>st</sup> Street

COURT ROOM: 1109

### ORDER OF DEMOLITION

This matter coming before the Court on **July 25, 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:

1092 81ST TRUST

PINNACLE TRUST SERVICES, AS TRUSTEE FOR 1092 81<sup>ST</sup> TRUST

UNKNOWN OWNERS and NONRECORD CLAIMANTS,

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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: 2901 E. 81<sup>st</sup> Street, Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 1 IN FRANK W. DISROW'S RESUBDIVISION OF LOTS 47 AND 48 IN BLOCK 2 OF ALFRED COWLES ADDITION TO CHICAGO, BEING A SUBDIVISION OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

Permanent Index Number: 21-31-218-001.

2. Located on the subject property is a two-story frame building and garage. The last known use of the subject building was 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 located on the subject property is vacant and open.
  - b. The building's electrical systems have missing fixtures and exposed wiring.
  - c. The building's electrical systems are stripped and inoperable.
  - d. The building's flooring is missing and warped.
  - e. The building's glazing is broken or missing.
  - f. The building's heating systems are vandalized.
  - g. The building's furnace and ductwork are missing.
  - h. The building's joists are missing.
  - i. The building's masonry has holes and missing siding.
  - j. The building's masonry has possible asbestos siding.
  - k. The building's plaster is broken or missing.

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- l. The building's plumbing systems are missing fixtures, stripped, and inoperable.
  - m. The building's rafters are undersized.
  - n. The building's roof is missing shingles and water damaged.
  - o. The building's sashes are broken, missing, or inoperable.
  - p. The building's stairs have improper handrail height.
  - q. The building's studding is damaged and missing.
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. The Court finds that the City has met its obligations under Section 21-410 of the Property Tax Code and that property tax certificate holders are subject, inter alia, to Sections 21-95, 21-100, 21-105, and 22-35 of the Property Tax Code. The property tax certificate holder Z FINANCIAL, LLC is dismissed as a party defendant.
- B. Defendants, 1092 81ST TRUST, PINNACLE TRUST SERVICES, AS TRUSTEE FOR 1092 81<sup>ST</sup> TRUST, 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 July 23, 2012, are in default and all allegations in the complaint are deemed admitted against Defendants in default.
- C. An in rem judgment is entered in favor of Plaintiff City of Chicago and against Defendants (except those identified in paragraph A above) on Counts I and IV of the City's complaint seeking demolition authority.
- D. Counts II, III, V, VI, VII, and VIII of the City's Complaint are voluntarily withdrawn.
- E. 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 is entitled to a lien for the costs of demolition, court costs, and other costs enumerated by statute, and/or other statutory remedies.
- F. Defendant owners are ordered to keep the property secure until it is demolished.

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- G. 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.
- H. 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.
- I. 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.
- J. 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**

ENTERED:

Associate Judge William G. Pileggi

JUL 25 2012

Circuit Court - 1764

JUDGE WILLIAM G. PILEGGI

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