

Duplicate Original  
**HEAT**



Doc#: 1220933224 Fee: \$52.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 07/27/2012 02:20 PM Pg: 1 of 8

Recorder of Deeds

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

THE CITY OF CHICAGO, a municipal corporation,  
Plaintiff,  
v.  
Federal Home Loan Mortgage  
et al.,  
Defendant(s). Corp.

No: 11 MI 403251  
Re: 842 N. FRANCISCO  
Courtroom 1105, Richard J. Daley Center

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:

- Defendant(s) Federal Home Loan Mortgage Corp his/her/their agents, heirs, successor or assigns, be permanently enjoined and restrained from renting, using, leasing, or occupying the ENTIRE PREMISES @ 842 N FRANCISCO 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.
- The court reserves jurisdiction of this matter for the purposes of modification, enforcement, or termination of this permanent injunction.
- 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 CH-Call at \_\_\_\_\_ p.m., Courtroom 1105, Richard J. Daley Center, 50 W. Washington St., Chicago, without further notice.

HEARING DATE: 7, 17, 2012

Judge Daniel B. Malone [Signature]  
JUL 17 2012  
Judge McGing / Pileggi [Signature]  
Courtroom 1105  
Malone

By: [Signature]  
Assistant Corporation Counsel  
Mara S. Georges, Corporation Counsel #90909  
30 N. LaSalle, Room 700  
Chicago, IL 60602 (312) 744-8791  
FORM HEAT.4004 rev. 11/2008

Circuit Court-2012

2012

Duplicate Original

Pink Copy for Defendant(s) (photocopy if required)

Yellow Copy for City of Chicago Department of Law

White Original for Court Records

# UNOFFICIAL COPY

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

11M1 403251

CITY OF CHICAGO, a municipal corporation,	) Case No.	
Plaintiff	) Amount claimed per day	12,000.00
V.	) Address:	
FEDERAL HOME LOAN MORTGAGE CORPORATION	) 842 - 842 N FRANCISCO AVE CHICAGO IL 60622-	
BOGDAN MOROZ	)	
Unknown owners and non-record claimants		
Defendants		

### COMPLAINT FOR EQUITABLE AND OTHER RELIEF

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

#### Count I

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

16-01-324-031

LOT 9 IN STEPHEN'S RESUBDIVISION OF LOTS 37 TO 57 IN SUBDIVISION OF BLOCK 1 IN B.B. WILEY'S SUBDIVISION OF BLOCK 8 IN CLIFFORD ADDITION TO CHICAGO IN SECTION 1, TOWNSHIP 39 NORTH, RANGE 13 LYING EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

842 - 842 N FRANCISCO AVE CHICAGO IL 60622-

and that located thereon is a

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

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.

FEDERAL HOME LOAN MORTGAGE CORPORATION , OWNER

BOGDAN MOROZ , LAST TAXPAYER OF RECORD

Unknown owners and non-record claimants

# UNOFFICIAL COPY

3. That on 09/27/2011 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of City of Chicago as follows:

1 NC2011

Performed or allowed work to be performed without submitting plans prepared, signed and sealed by a licensed architect or registered structural engineer for approval and without obtaining a permit to perform the work. (13-32-010, 13-32-040, 13-40-020, 13-12-050)

submit plans & obtain permits for the following alterations, a- south elevation - poured concrete step system from grade to basement to give 2nd means of egress altered basement area. (b) buildings foundation wall cut under original window area door assembly installed 2 basement area altered to include a family unit by erecting partitions to form rooms. 3- 1st floor apartments dining room altered into bedroom by erecting partitions to form room, closet door assembly installed. 4- original porch system was exposed, it's now enclosed.

Location: SEQ #: 001

2 CN111025

Provide sufficient means of egress. (13-196-050, 13-196-650, 13-196-740 B, 13-200-230 F) south elevation - basement door under 32" inches, front entry to basement family unit.

Location: SEQ #: 002

3 CN111095

Locate minimum window area entirely above ground. (13-172-010 thru 13-172-150, 13-200-230 C, 13-200-370, 13-200-380)

north & south basement windows are glass block with a 6"x12" vent, insufficient light natural ventilation.

Location: SEQ #: 003

4 CN070024

Failed to repair or replace defective or missing members of porch system. (13-196-570, 13-196-641)

east elevation - front porch system with the following defects. (1) guardrails under 42" in height, anchor end area toe nailed with cut nails. (2) flight of stairs with uneven riser height, concrete step also with improper width. (3) weak ends 4"x4" posts at grade. (4) north wood column section splitting and out of plumb.

Location: SEQ #: 004

5 NC4012

Failed to enclose interior stairwell in building not exceeding three stories in height with partitions with at least one hour fire resistance. (15-8-140)

west - porch system has been enclosed but not fire protected. (1) exterior sheathing is either plywood or 1"x12" pine boards under vinyl siding. (2) interior wall framing is exposed.

Location: SEQ #: 005

6 CN061014

Failed to maintain the exterior walls of a building or structure free from holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the walls. (13-196-530(b), 13-196-641)

north & south elevations - spot tuck point eroded mortar joints from grade to parapets.

Location: SEQ #: 006

**UNOFFICIAL COPY**

7 CN104075

Failed to maintain windows in relation to the adjacent wall construction as to completely exclude rain and substantially exclude wind from entering the premises. (13-196-550(f))

north & south elevations - original sash windows replaced but wall joints were left unfinished. castings & frames with flaking paint. south 1st floor window with loose storm metal frame.

Location: SEQ #: 007

8 CN070024

Failed to repair or replace defective or missing members of porch system. (13-196-570, 13-196-641)

west enclosed porch system with the following defects or deficient conditions. (1) flight of stairs and decks severely out of level, footing failure suspected unknown footing depth. (2) beam to column fire cut without angle brackets. (3) deck, joists undersized 2"x 6"x10' missing joist hangers where required. (4) 2nd floor guardrail section below 42" in height. handrail from mid 1st to 2nd with a cracked picket, picket spacing too wide. (5) grade to basement concrete steps with-out a hand rail. (6) submit plans to replace or repair system.

Location: SEQ #: 008

9 CN070014

Failed to maintain exterior stairways in safe condition and in sound repair. (13-196-570, 13-196-641)

south - concrete steps from grade to basement without a handrail.

Location: SEQ #: 009

10 CN076014

Install and connect roof gutter and downspout to sanitary sewer. (13-168-600)

east front porch with broken plastic gutters & missing downspouts. west rear downspout missing section at grade correcting to sewer.

Location: SEQ #: 010

11 CN073014

Failed to maintain exterior door in sound condition and repair. (13-196-550(d) and (e), 13-196-641)

south basement odor rotting, peeling front veneer.

Location: SEQ #: 011

12 CN079014

Failed to maintain garage in sound condition and repair. (13-196-530, 13-196-641)

garage at rear, with the following defects (1) service door & frame with forced entry damage (unsecured door). (2) severely broken & concave concrete parking slab. (3) roof with deteriorated shingles & rotted sheathing, multiple holes and leaks. puddles of water inside at time of inspection.

Location: SEQ #: 012

13 CN197079

Repair or replace defective or out of service smoke detectors and operate continuously. (13-196-130, 13-196-140)

1st & 2nd floor apartments with disabled (non-working) smoke detectors.

Location: SEQ #: 013

**UNOFFICIAL COPY**

14

CN197087

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 required 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, 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.

1st floor apartment without a carbon monoxide detector. 2nd floor apartment with detector disabled (missing batteries.)

Location:

SEQ #: 014

15

CN197019

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.

enclosed porch & interior stairwell with-out smoke detectors at the ceiling areas.

Location:

SEQ #: 015

16

CN105055

Failed to install door viewing device at the entrance door of a dwelling unit. (13-164-030)

2nd floor apartment with-out a peephole viewer at front door.

Location:

SEQ #: 016

17

CN041063

Failed to cut or remove weeds, grass or other growth that present a fire hazard. (15-4-970)

east & west cut high weeds & wild vegetation.

Location:

SEQ #: 017

18

CN138056

Remove accumulation of refuse and debris and keep premises clean. (13-196-580, 13-196-630)

east & west remove house hold debris from yard areas. (b)garage interior with trash & junk.

Location:

SEQ #: 018

19

CN101015

Failed to maintain interior walls and ceilings free from holes or cracks. (13-19-540(c))

2nd floor apartment bathroom with the shower faucet wall section open.

Location:

SEQ #: 019

20

CN102015

Failed to maintain interior walls, ceilings and woodwork free from flaking, peeling, chipped or loose paint. (13-196-540(d))

1st floor apartment kitchen & bathroom ceiling areas with water stains and / or flaking paint, due to water leaks from 2nd floor.

Location:

SEQ #: 020

# UNOFFICIAL COPY

21

PL151037

Provide sink for family unit in bathroom or as near as practicable. (13-196-360)  
2nd floor apartment with-out a functioning lavatory.

Location:

SEQ #: 021

22

CN135016

Exterminate rodents in building and seal openings through which they gain access. (13-196-530  
D, 13-196-630 C, 7-28-660)

interior stairwell mouse car cass on the upper part of flight of stairs.

Location:

SEQ #: 022

23

CN106015

Failed to maintain interior stairway system in safe condition and sound repair. (13-196-570)  
interior stairwell upper flight of stairs with bounce treads.

Location:

SEQ #: 023

24

CN077014

Failed to maintain fence in good condition and repair. (7-28-060, 13-196-630, 13-196-641)  
east elevation - missing or bent iron fence pickets.

Location:

SEQ #: 024

\*\*\* End of Violations \*\*\*

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

4. That Michael Merchant is the Commissioner of the Department of Buildings of City of Chicago, and as such and pursuant to the Building Code of City of Chicago, caused inspection(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 13-12-020 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, realleges 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 aforesaid 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 receiver be appointed, to bring the subject property into compliance with the Municipal Code of Chicago.

7. That Michael Merchant, 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 a 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.
- b. For the appointment of 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 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

# 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