



Doc#: 1223541009 Fee: \$44.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 08/22/2012 10:03 AM Pg: 1 of 4

Case Number 12 M1 401626

Duplicate
Original

Space Reserv

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

Case Number: 12 M1 401626

MARIO SMITH, ET AL.,

Re: 8413 S. ESCANABA

Defendants.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on 8/15, 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:

- MARIO SMITH,
- ADRIANNE HILL-SMITH,
- THE BANK OF NEW YORK MELLON TRUST CO., N.A. f/k/a THE BANK OF NEW YORK TRUST CO., N.A., AS SUCCESSOR TO JP MORGAN CHASE BANK, N.A., AS TRUSTEE 2001-KS2-0004520, Z FINANCIAL, LLC,
- ILLINOIS DEPARTMENT OF REVENUE; and
- 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: 8413 S. Escanaba, Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 43 IN BLOCK 13 IN THE CIRCUIT COURT PARTITION OF THE SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 4, 1885, AS DOCUMENT NUMBER 607499 IN BOOK 19 OF PLATS, PAGE 70.

Permanent Index Number: 21-31-411-006-0000.

UNOFFICIAL COPY

Case Number 12 M1 401626

2. Located on the subject property is a two-story frame building. 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 is vacant, and has been periodically accessible.
 - b. The building's electrical system is stripped and inoperable with exposed wiring and missing fixtures.
 - c. The building's heating system is stripped and inoperable, missing duct work, and missing a furnace.
 - d. The building's heating systems have been vandalized.
 - e. The building's glazing is broken or missing with cracked panes.
 - f. The building's floors are missing or warped with smoke, fire, and/or water damage.
 - g. The building's floors have holes.
 - h. The building's joists are missing and/or cracked.
 - i. The building has joists that have collapsed.
 - j. The building's joists have smoke, fire, and/or water damage.
 - k. The building's joists are rotted and in a state of collapse.
 - l. The building's plaster is broken or missing throughout the interior.
 - m. The building's masonry has smoke, fire, and/or water damage.
 - n. The building has rotted wood and mold.
 - o. _____
 - p. _____
 - q. _____
 - r. _____

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.

UNOFFICIAL COPY

Case Number 12 MI 401626

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Defendants, unknown owners and non-record claimants, having been notified by publication, and having failed to appear, answer, or otherwise plead as of the default date of July 19, 2012, are in default and all allegations in the complaint are deemed admitted against Defendants in default.
- B. 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. The remaining Counts 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 is entitled to a lien for the costs of demolition, court costs, and other costs enumerated by statute, and/ or other statutory remedies.
- E. The authority granted in Paragraph D. above shall become effective 8/15/12.
- ~~F. Defendant(s) _____ is/are ordered to keep the property secure until it is demolished. Defendant _____ is ordered to pay a judgment of _____ in reimbursement of the City's litigation costs no. Defendant _____ is ordered to pay a judgment in the amount of _____ pursuant to Count II of the City's complaint. Payment must be by certified check, business check, or money order, made payable to the City of Chicago. Payment must be delivered to 30 N. LaSalle Street, Suite 700, Chicago, Illinois, 60602, Attn: Kristina Mokrzycki. The payment instrument must include the case number on its face, and be accompanied by a copy of this court order.~~
- G. 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.

UNOFFICIAL COPY

Case Number 12 M1 401626

- 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 and for the purpose of ascertaining the demolition costs for entry of a money judgment against the defendant owners, as defined by the applicable statutes and ordinances.

AUG 15 2012

ENTERED IN COURT - 1764

PLAINTIFF, CITY OF CHICAGO
 STEPHEN PATTON, Corporation Counsel
 By: Maggie Rizzo
 30 N. LaSalle Street, Room 700
 Chicago, Illinois 60602 / (312) 744-8791
 Atty No. 90909

Property of Cook County Clerk's Office