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Eugene "Gene" Moore
Cook County Recorder of Deeds
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IN THE CIRCUIT COURT OF COOK COUNTY MUNICIPAL DEPARTMENT - FIRST DISTRICT

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

OXFORD BANK AND TRUST, ET AL.,
Defendants.

Case Number: 12 M1 400143

Re: 5947 S. MAY ST.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on, 9/18/12, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen P. Patton, Corporation Counsel, against the following named Defendants:

OXFORD BANK AND TRUST, TRUSTEE OF TRUST #1075 DATED 6/9/03;
D.K.D.K. PROPERTIES, LLC; 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: 5947 S. May St., Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 35 IN BLOCK 2 IN JAMES U. BORDEN'S FIRST ADDITION IN THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID ADDITION BEING A SUBDIVISION OF THE WEST 15 ACRES OF THE NORTH 60 RODS OF THE SOUTHEAST 1/4 OF SECTION 17, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-17-401-024-0000.

2. Located on the subject property is a two-story, brick building. The last known use of the subject building was residential.

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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 open. *in the front and rear sides.*
- b. The building's electrical system is stripped and inoperable with missing fixtures.
- c. Commonwealth Edison terminated electric service to the building.
- d. The building's heating system is stripped and inoperable and missing a furnace.
- e. The building's plumbing system is stripped and inoperable with missing fixtures.
- f. *buckled* The building's floor systems are ~~altered~~ and deteriorated.
- g. The building's joist system is altered with over-spanned joists.
- ~~h. The building's studding system is altered.~~
- i. The building's rafter system is altered, *displays* ~~and there are signs of water damage & mold~~
- j. The building's roof system is altered, *displays* ~~and there are signs of water damage & mold~~ *sk*
- k. The building's sashes are broken, missing, or inoperable.
- l. The building's rear stair system has improper foundations, no joist hangers, no ledger bolts, and is altered.
- ~~m. The building's masonry is altered.~~
- n. *on the prop* There is a collapsed tree & an overgrowth of weeds & grass
- o. The building siding is loose, and the building's windows are broke
- p. The building has significant damage from water penetration.
- q. *the building is not weather tight* water saturation, & mold.
- ~~r. The building's exterior walls are altered.~~

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.

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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 SALTA GROUP INC. is dismissed as a party defendant.
- B. Defendants, unknown owners and non-record claimants and D.K.D.K. Properties, LLC, having been notified by publication, and having failed to appear, answer, or otherwise plead as of the default date of May 9, 2012, are in default and all allegations in the complaint are deemed admitted against Defendants in default.
- C. 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.
- 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. The authority granted in Paragraph C. above shall become effective immediately.
- 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.
- 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 instant 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.

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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 ^{As to the Pamela Hughes Gillette} defined by the applicable statutes and ordinances.

SEP 18 2012

ENTERED:

Circuit Court, 1953

Pamela Gillette

PLAINTIFF, CITY OF CHICAGO

STEPHEN PATTON, Corporation Counsel

By: Stuart Miles

Stuart Miles

Assistant Corporation Counsel

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