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Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 11/16/2012 11:37 AM Pg: 1 of 14

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HEAT

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

CITY OF CHICAGO, a municipal corporation,	)	CASE NO: 12 M1 400545
Plaintiff,)	
	)	Property Address: 5916 S. SANGAMON
v.	)	Chicago, IL
	)	Room: 1109, Richard J. Daley Center
ALICE SMITH, et al.)	
Defendant(s)	)	Lien Amount: \$14,721.36

CLAIM FOR RECEIVER'S LIEN

The claimant, City of Chicago, a municipal corporation, by the authority granted by Illinois Compiled Statutes, Chapter 65, Section 5/11-31-2, hereby files its claim for lien against the following described property

Legal: THE NORTH 1/2 OF LOT 45 AND ALL OF LOT 46 IN BLOCK 3 IN MIFFIN'S SUBDIVISION OF BLOCKS 3 AND 4 IN THOMPSON AND HOLMES SUBDIVISION OF THE EAST 45 ACRES OF THE NORTH 60 ACRES OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly Known as: 5916 S. SANGAMON, CHICAGO, IL

P.I.N.: 20-17-404-027

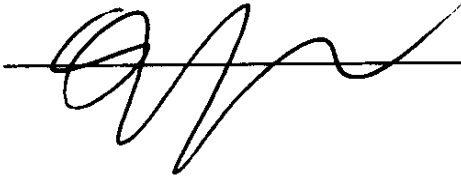
The aforesaid lien arises out of City of Chicago vs. ALICE SMITH, et al., Case No. 12 M1400545 filed in the Circuit Court of Cook County, in which a receiver was appointed for said property by Court Order dated 02/26/2012. The receiver incurred expenses approved by the Court, pursuant to an order entered 10/18/2012. Pursuant thereto, the receiver issues a certificate in the amount of \$ 14,721.36 and bearing interest at 9% annum for costs and fees, which was transferred and assigned to the City of Chicago.

Claimant, City of Chicago, by an Assignment dated 10/19/2012, claims a lien on the above cited real estate for the amount of \$ 14,721.36 plus statutory interest of 9%. The City hereby reserves the right to amend this lien from time to time to include additional costs and fees. Pursuant to 35 ILCS 200/22-25 the advances made by the City to this property must be paid by tax purchaser prior to obtaining a tax deed for this property.

City of Chicago, a Municipal Corporation
Stephen R. Patton, Corporation Counsel

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Steven Q. McKenzie, Assistant Corporation Counsel, being first duly sworn on oath, deposes and says that he is the authorized agent for the City of Chicago, that he has read the foregoing Claim for Lien, knows the content thereof, and that all statements therein contained are true.



SUBSCRIBED AND SWORN TO BEFORE ME

BY Steven Q. McKenzie

This 14th day of November 2012.

LaDetricia L. Wells

STEPHEN R. PATTON, CORPORATION COUNSEL #90909
30 North LaSalle, Suite 700 Chicago, IL 60602 (312) 744-8791



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**HEAT
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT – FIRST DISTRICT**

CITY OF CHICAGO, a municipal corporation,	)	Case No: 12-M1-400545
)	
Plaintiff,	)	Property Address:
v.	)	5916 South Sangamon
Alice Smith, et al	)	<u>CHICAGO, IL.</u>
	)	Courtroom: <u>1105</u>
Defendant (s)	)	Richard J. Daley Center

RECEIVER'S CERTIFICATE

The undersigned David Feller was reappointed heat receiver by the court to interview tenants and occupants and vacate the property by February 26, 2012 on February 21, 2012. For value received, the receiver in his official capacity and not individually promises to pay to bearer the sum of \$14,721.36 on or before ninety (90) days after the date this certificate, with interest accruing at the rate of nine percent (9%) per annum until this receiver's certificate is fully paid, both principal and interest payable in such banking house or trust company in the City of Chicago, Illinois, as the legal holder of this receiver's certificate may appoint in writing or in the absence of such appointment, at the office of the Building and Housing Division of the City of Chicago's Law Department.

This receiver's certificate is issued under and by virtue of an order of the Circuit Court of Cook County, Illinois, entered on October 18, 2012 in the above-entitled cause, and pursuant to Illinois Compiled Statutes, chapter 5/11-31-2. This receiver's certificate is freely transferable and shall constitute a first lien in accordance with Illinois Compiled Statutes, chapter 65, section 5/21-31-2 and the foregoing order, upon the premises legally described as follows:

SEE ATTACHED

Permanent Index Number: 20-17-404-027

This receiver's certificate, together with the interest thereon, in no manner constitute a personal obligation or liability of the receiver.

The holder of the receiver's certificate shall release the same receiver's certificate and the lien thereof by proper instrument, upon full and final payment of the underlying indebtedness evidenced by this receiver's certificate, either before or after maturity thereof. In the event the holder refuses to execute and deliver a release, the receiver may petition the court to order the holder to issue a release.

ASSIGNMENT

For the sum of one dollar (\$1.00) and for other good and valuable consideration, David Feller does hereby sell, assign and transfer to the City of Chicago, the foregoing receiver's certificate.

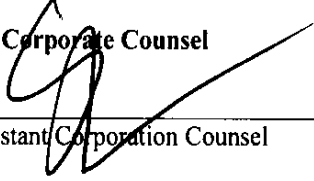
Dated: 10/19/12


David Feller, Heat Receiver

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The undersigned, an Assistant Corporation Counsel, is the authorized agent of the City of Chicago in this transaction.

Stephen R. Patton No. 90909, Corporate Counsel

By: 
Assistant Corporation Counsel

**David Feller, Receiver
C/o Globetrotters
300 S. Wacker Drive
Suite 400
Chicago, IL. 60606
(312) 697-3556**

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

CITY OF CHICAGO, a municipal corporation,	)	Case No: 12 - M1 - 400545
)	
Plaintiff,	)	Address: 5916 South Sangamon
)	
V.	)	Chicago, IL.
)	
Alice Smith, et al)	
)	
Defendant(s).	)	Courtroom: 1105 Richard J. Daley Center

ORDER FOR RECEIVER'S FINAL CERTIFICATE

This cause coming on to be heard on the receiver's petition for the court's approval of his final accounting and for authorization to issue a receiver's certificate, with due notice being given to all parties and, with the court being fully advised in the premises:

THE COURT FINDS:

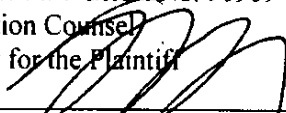
1. That on February 21, 2012, the receiver was appointed for the purpose of interviewing tenants and occupants and vacating the above premises.
2. The receiver performed services as detailed in the final accounting.
3. The receiver presented a petition for gross fees in the amount of \$10,006.47 for services provided to the court.
4. The receiver presented a petition for gross expenses including mark up in the amount of \$5,203.43 for out of pocket costs provided to the court.
5. Fees of ~~\$10,006.47~~ are reasonable compensation for the receiver's performance of his duties and for services provided to the court.
6. Out of pocket costs including mark ups of \$5,203.43 is reasonable for out of pocket costs provided to the court.

IT IS ORDERED:

- A. That the receiver's petition for costs and fees is granted;
- B. That the receiver's costs and fees of ~~\$15,209.90~~ are hereby approved by the court;
- C. That the receiver is hereby authorized to issue and to assign to the City of Chicago for valuable consideration a receiver's certificate in the amount of ~~\$15,209.90~~ 14721.31. The certificate includes the fees and costs of the receivership. Interest shall accrue on unpaid amounts from the date this order is entered at (9%) per annum. The certificate is to issue against the real estate and constitute a first lien thereon in accordance with provisions of Illinois Compiled Statutes, Chapter 65, Section 5/11-31-2.

Hearing Date: October 18, 2012

Entered:

Stephen R. Patton No. 90909
 Corporation Counsel
 Attorney for the Plaintiff
 By: 
 Assistant Corporation Counsel
 30 N. LaSalle Street, Suite 700
 Chicago, IL 60602
 (312) 744-8791

Judge Malone, Room 1105

Judge Daniel B. Malone
 OCT 18 2012
 Circuit Court-2012

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

CITY OF CHICAGO, a municipal corporation,

Plaintiff,

v.

ALICE SMITH,
MOORISH SCIENCE TEMPLE- THE DEVINE
NATIONAL MOVEMENT OF NORTH
AMERICA, INC., NO. 13 d/b/a MOORISH
AMERICAN NATIONAL REPUBLIC;
LYONEL M LOVE EL;
DEUTSCHE BANK TRUST COMPANY as
TRUSTEE for SAXON ASSET SECURITIES
TRUST 2007-3;
UNKNOWN OWNERS AND NON-RECORD
CLAIMANTS;

Defendant(s).

Case No.

12M1 400545

Amount Claimed: \$10,000.00 per day

Address:

5916 S. Sangamon Street, Chicago, Illinois

Courtroom: 1105

Richard J. Daley Center

VERIFIED COMPLAINT FOR EQUIVALE AND OTHER RELIEF

Plaintiff, the City of Chicago, a municipal corporation ("City"), by and through its attorney Stephen R. Patton, Corporation Counsel, by the undersigned Assistant(s) Corporation Counsel, complains of the Defendants as follows:

COUNT ONE (Building Code Violations)

1. Located within the corporate limits of Chicago is a parcel of real estate, commonly known as 5916 S. Sangamon St., Chicago, Illinois and legally described as follows:

PIN: 20-17-404-027-0000

LEGAL DESCRIPTION:

THE NORTH 1/2 OF LOT 45 AND ALL OF LOT 46 IN BLOCK 3 IN MIFFIN'S SUBDIVISION OF BLOCKS 3 AND 4 IN THOMPSON AND HOLMES SUBDIVISION OF THE EAST 45 ACRES OF THE NORTH 60 ACRES OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

And that located thereon is a 2 story building with approximately 1 legal dwelling units, and upon information and belief 0 illegal basement units, and 0 non-residential units ("Property").

DO NOT WRITE IN THESE SPACES
Clerk
12 FEB 20 10 00 AM '12

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2. At all times relevant hereto and upon information and belief the following named defendants owned maintained, operated, collected rents for, and/or had an interest in said Property on the date(s) herein set forth:
- a. ALICE SMITH – OWNER, LAST TAX PAYER OF RECORD
 - b. MOORISH SCIENCE TEMPLE- THE DEVINE NATIONAL MOVEMENT OF NORTH AMERICA, INC., NO. 13 d/b/a MOORISH AMERICAN NATIONAL REPUBLIC - OWNER
 - c. LYONEL M LOVE EL – OWNER/BENEFICIARY
 - d. DEUTSCHE BANK TRUST COMPANY as TRUSTEE for SAXON ASSET SECURITIES TRUST 2007-3 - MORTGAGE HOLDER
 - e. UNKNOWN OWNERS AND NON-RECORD CLAIMANTS;
3. On **February 16, 2012** and on each succeeding day thereafter until the date this complaint was filed, and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of the City of Chicago ("code") as follows:
- (1) **CN 132016**
- Failure to adequately heat dwelling unit adequately from September 15th to June 1st at a minimum temperature of 68 degrees at 8:30 a.m. and thereafter until 10:30 p.m. and 66 degrees at 10:30 p.m. and thereafter until 8:30 a.m. averaged throughout the family unit or rooming unit. (Municipal Code of Chicago, § 13-196-410)
- NO HEAT, TEMPERATURE 60 DEGREES, 58 DEGREES, THROUGH OUT THE HOUSE.
- (2) **CN 046013**
- Failure to provide adequate heating facilities and allowing usage of portable heating equipment and gas appliances for heat by occupants. (13-196-400)
- USING PROPANE HEATERS AS HEATING DEVICE, THROUGH OUT THE HOUSE.
- (3) **PL 154027**
- Failure to provide hot water at a minimum temperature of 120 degrees Fahrenheit (13-196-420, 13-196-430, 11-8-690, 11-8-500 A)
- NO HOT WATER, THROUGH OUT THE HOUSE.
- (4) **PL 155017**

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Failure to provide cold water to fixtures, including kitchen sink, bathroom sink, and/or bath tub or shower with cold water supply line, installed and connected. (13-196-420).

NO COLD WATER THROUGH OUT THE HOUSE. BROKEN WATER PIPE IN THE BASEMENT.

(5) CN 197019

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 stair, and within 15 feet of all sleeping rooms. Be sure the detector(s) is/are installed at least 4 inches from the wall, 4-12 inches from the ceiling and not above doors or windows.

NO SMOKE DETECTORS, THROUGH OUT THE HOUSE.

(6) CN 197087

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 needed 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 residences, 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 to the tenants, the tenant is responsible for testing, maintenance and batteries.

NO CARBON MONOXIDE DETECTORS THROUGH OUT THE HOUSE.

(7) CN 140016

Keep premises clean, sanitary, and safe. (13-196-620 A, 13-196-630).

DOG FECES THROUGHOUT HOUSE.

(8) CN 070024

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

PLANS AND PERMITS REQUIRED TO REPAIR FRONT PORCH, FOOTINGS UNKNOWN, JOIST 2X6X10, OVER SPANNED, JOIST NAILED TO LEDGERS, 6X6 COLUMNS OVER NOTCH, RAILS LOOSE AND

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DEFLECTING, TREADS WORN AND WARPED, STRINGERS NAILED TO HEADERS, LEDGERS NAILED TO BUILDING WALL.

(9) 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)

LOOSE AND MISSING SIDING, ALL ELEVATIONS.

(10) CN104015

Replace broken, missing or defective window panes, Plexiglas. (13-196-550 A)

BROKEN WINDOWS, ALL ELEVATIONS.

(11) CN063014

Failed to maintain chimney in safe and sound working condition. (13-196-590, 13-196-530(b) and (c), 13-196-641)

LOOSE BRICKS AND OPEN JOINTS, WEST EXTERIOR.

(12) CN141016

Stop noxious odors from permeating dwelling or premises. (7-28-060, 13-196-630)

ANIMAL AND FECES ODORS, ALL INTERIOR.

(13) CN138106

Remove and stop nuisance. (7-28-060).

DEBRIS AND TRASH ALL INTERIOR.

(14) CN101015

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

BROKEN PLASTER, THROUGHOUT.

(15) CN135016

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

MICE INFESTED, 2ND FLOOR.

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(16) EL0066

Remove unapproved flexible cord. (18-27-400.8).
EXCESSIVE CHORDS AT 2ND FLOOR.

(17) EL0044

Replace electrical conductors, conduits, apparatus, and equipment damaged by fire and water. (18-27-110.3,18-27-110.11).

ELECTRIC PANEL WATER LEAKING OVER IT AND RUSTING BOX.

(18) EL157047

Stop leaking water. (18-29-102.3).

BROKEN WATER PIPES, BASEMENT.

(19) CN040053

Failed to obtain frontage consent from adjoining property owner within 150 square feet of lot line for installation of tank for storage of flammable liquids. (13-44-080)

STORING PROPANE TANKS INDOOR.

(20) CN076044

Failed to maintain roof downspouts in good repair and working condition. (13-196-590, 13-196-630(b),13-196-641, 18-29-1101, 18-29-1105, 18-29-1106).

MISSING DOWNSPOUTS, ALL ELEVATIONS.

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

4. Section 13-12-040 of the Chicago Municipal Code provides that any violation of the Building Code shall be punished with a fine of not more than \$500 per violation, and not less than \$200.00 per violation.
5. Section 13-12-040 of the Chicago Municipal Code further provides that *each day* any such violation exists constitutes a *separate offense*.
6. Michael Merchant, is the Commissioner of the City of Chicago Department of Buildings. Through reports of inspectors of that department, he or the undersigned has knowledge of the facts stated in this complaint.
7. This lawsuit is brought pursuant to the police powers inherent in the state, delegated to the municipality pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/11-31-1, 11-31-2, and 5/11-13-15, and the Municipal Code of Chicago.

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WHEREFORE, the Plaintiff, City of Chicago, respectfully requests that this Honorable Court:

- a. Find Defendant(s) who possess or control the premises(s) guilty of the violations described herein, as to each day the aforementioned violations have existed at the premises; and
- b. Impose a fine against each of the Defendants who possess or control the premises, for each day said violations have existed at the premises, within the legislatively established range of \$200.00 to \$500.00 per day of existence of said violation(s), except as to violations of chapter 13-12-140 of the Municipal Code for which violations Plaintiff requests a fine against all Defendants; and
- c. Grant any other relief that this Court deems appropriate.

COUNT TWO (NUISANCE VIOLATION)

As a second and further cause of action, plaintiff:

8. Re-alleges the allegations of paragraphs one through eight as if pleaded in full, and further alleges the following
9. On February 16, 2012 and on each succeeding day thereafter until the date this complaint was filed, and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of the City of Chicago ("Code") as follows:

(1) CN 194029 – PUBLIC NUISANCE

No building, vehicle, structure, receptacle, yard, lot, premises, or part thereof, shall be made, used, kept, maintained, or operated in the city if such use, keeping, maintaining, or operating shall be the occasion of any nuisance or shall be dangerous to life or detrimental to health.

Every building or structure constructed or maintained in violation of the building provisions of this Code, or which is in an unsanitary condition, or in an unsafe or dangerous condition, or which in any manner endangers the health or safety of any person or persons, is hereby declared to be a public nuisance. Every building or part thereof which is in an unsanitary condition by reason of the basement or cellar being covered with stagnant water, or by reason of the presence of sewer gas, or by reason of any portion of a building being infected with disease or being unfit for human habitation, or which by reason of any other unsanitary condition, is a source of sickness, or which endangers the public health, is hereby declared to be a public nuisance.

(Chicago Municipal Code 7-28-060)

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SEE THE ALLEGATIONS ALLEGED IN PARAGRAPH 3 ABOVE, THERE IS NO HEAT, NO WATER, IT IS INFESTED WITH MICE, AND FECES THROUGH-OUT

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

10. Section 7-28-060 of the Chicago Municipal Code provides that any violation of this Section of the Health and Safety Code shall be punished with a fine of not more than \$500 per violation, and not less than \$200.00 per violation.
11. Section 7-28-060 of the Chicago Municipal Code further provides that *each day* any such violation exists constitutes a *separate offense*.
12. This lawsuit is brought pursuant to the police powers inherent in the state, delegated to the municipality pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/11-31-1, 11-31-2, and 5/11-15-15, and the Municipal Code of Chicago.

WHEREFORE, the Plaintiff, City of Chicago, respectfully requests that this Honorable Court:

- a. Find Defendant(s) who possess or control the premises(s) guilty of the violations described herein, as to each day the aforementioned violations have existed at the premises; and
- b. Impose a fine against each of the Defendants who possess or control the premises, for each day said violations have existed at the premises, within the legislatively established range of \$200.00 to \$500.00 per day of existence of said violation(s), except as to violations of chapter 13-12-140 of the Municipal Code for which violations Plaintiff requests a fine against all Defendants; and
- c. Grant any other relief that this Court deems appropriate.

COUNT THREE
(Equitable Relief-Receiver)

As a second and further cause of action, plaintiff:

13. Re-alleges the allegations of paragraphs one through seven as if pleaded in full, and further alleges the following:
14. The levying of a fine is not an adequate remedy for the abatement of a nuisance. Instead, a temporary and permanent injunction should issue to bring the subject premises into compliance with the Municipal Code of Chicago.
15. Michael Merchant, Commissioner of the City of Chicago Department of Buildings, has determined through reports of his inspectors of the Department of Buildings that

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the premises are dangerous and unsafe, and he or the undersigned has knowledge of the facts stated in this complaint.

WHEREFORE, the Plaintiff requests the Court:

- a. Enter a temporary and permanent injunction requiring Defendant(s) to correct the enumerated violations and to restrain future violations permanently;
- b. Appoint a receiver, if necessary, to correct the conditions alleged in the complaint with the full powers of receivership, including the right to issue and sell receiver's certificates pursuant to Section 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended;
- c. If necessary, order the Defendant(s) to demolish, repair or enclose the building or authorize the Plaintiff to demolish or enclose the building and to obtain a judgment against Defendant(s) and a lien against the premises for the cost of demolition or enclosure pursuant to Section 5/11-31-1 of Chapter 65 of the Illinois Compiled Statutes, as amended;
- d. If appropriate, to enter an order declaring the property abandoned under Section 5/11-31-1(d) of Chapter 65 of the Illinois Compiled Statutes and grant the City a judicial deed to the property if declared abandoned;
- e. Enter an order permitting foreclosure of a statutory lien obtained in this proceeding if such a statutory lien is obtained;
- f. Render such further relief as may be necessary and which the court shall deem proper and just;
- g. Award reasonable attorneys fees and court costs.

CITY OF CHICAGO, a municipal corporation
Stephen R. Patton, Corporation Counsel

By: _____
Meira Greenberg
Assistant Corporation Counsel

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CERTIFICATION BY VERIFICATION

Pursuant to section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that he/she is an assistant corporation counsel for the City of Chicago and that he/she is the duly authorized agent for the plaintiff for the purpose of making this certification, and that the statements set forth in this Complaint are true and correct, except as to matters stated to be on information and belief and as to such matters he/she certifies as aforesaid that he/she believes the same to be true.

Assistant Corporation Counsel

Stephen R Patton, Atty. #90909
Corporation Counsel
Attorney for Plaintiff
By: Meira Greenberg
30 North LaSalle Street, Suite 700
Chicago, Illinois 60602
(312) 742-3904

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