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

THE CITY OF CHICAGO, a municipal
corporation,

Plaintiff,

v.

FERNANDO VELEZ,
LAURA VELEZ,
RESIDENTIAL CREDIT SOLUTIONS INC.,
UNKNOWN OWNERS, and
NONRECORD CLAIMANTS,

Defendants.

Case Number: 12 M1 402203

Re: 4607 W HARRISON ST
CHICAGO IL 60644

Courtroom 1107

**ORDER AUTHORIZING DEMOLITION
BY THE CITY OF CHICAGO**

This cause coming on to be heard on January 24, 2013, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following:

- FERNANDO VELEZ,
- LAURA VELEZ (dismissed 9/13/12)
- RESIDENTIAL CREDIT SOLUTIONS INC.,
- UNKNOWN OWNERS, and
- NONRECORD CLAIMANTS.

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The Court having heard the evidence at trial and being fully advised in the premises finds that:

1. The Court has jurisdiction of the subject matter, which is the real estate located at 4607 W. HARRISON ST, CHICAGO, COOK COUNTY, ILLINOIS ("subject property"), legally described as:

LOTS 2 AND 3 IN MANDELL SUBDIVISION OF BLOCKS 1, 2, 3 AND 4 IN PURRINGTON AND SCRANTON'S SUBDIVISION OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 16-15-301-045-0000 AND 16-15-301-046-0000.

2. Located on the subject property is a TWO STORY FRAME BUILDING WITH FRAME GARAGE (the "subject building"). The last known use of the subject building was SINGLE FAMILY DWELLING.
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, in that the following violations of the Municipal Code of Chicago exist at the subject property and the defendants:
 - a. With respect to each OWNER, failed to secure a vacant building so that all openings are closed and secured using doors, glazed windows, commercial-quality steel security panels, or filled with the same material as the surrounding wall, as applicable, provided that openings greater than one square foot in area may not be boarded with plywood, except as specifically permitted by the Department of Buildings. (13-12-135(d)). FRONT BUILDING IS VACANT AND OPEN.
 - b. With respect to each OWNER, failed to secure a vacant building so that all openings are closed and secured using doors, glazed windows, commercial-quality steel security panels, or filled with the same material as the surrounding wall, as applicable, provided that openings greater than one square foot in area may not be boarded with plywood, except as specifically permitted by the Department of Buildings. (13-12-135(d)). GARAGE IS VACANT ~~AND OPEN~~.
 - c. With respect to each OWNER, failed to repair or replace defective and/or missing electrical fixtures and maintain electrical system in safe and sound condition. (18-27-210.70, 18-27-410.22, 18-27-410.23, 18-27-410.24, 18-27-240.27, 18-27-410.36, 18-27-410.37, 18-27-410.38, 18-27-410.39, 18-27-560.7, 13-196-590, 13-196-641). SYSTEM IS STRIPPED AND INOPERABLE, MISSING FIXTURES.
 - d. With respect to each OWNER, failed to maintain every floor within a building in safe and sound condition, good repair, and capable of supporting the loads that normal use may cause to be placed thereon. (13-12-135(c)(2), 13-52-010, 13-196-040, 13-196-540, 13-196-641). MISSING FLOORING.

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- e. With respect to each OWNER, failed to maintain all floors free of holes, grooves, and cracks. (13-12-135(c)(2), 13-196-540(a), 13-196-540(b), 13-196-540(f), 13-196-641). **WARPED FLOORING.**
- f. With respect to each OWNER, failed to maintain the exterior of a building so that all exterior windows and doors are in sound condition and good repair, so that: windows and doors fit tightly within their frames; window and door frames are constructed and maintained in such relation to the adjacent wall construction as to prevent rain from entering the building; windows and doors are equipped with properly functioning locking hardware; and any window which has broken, cracked, or missing glass or glazing is repaired or boarded in a manner prescribed by code. (13-12-135(b)(3), 13-196-550, 13-196-641, 13-12-126(b)(1)). **GLAZING AND SASH BROKEN, MISSING AND/OR INOPERABLE.**
- g. With respect to each OWNER, failed to maintain every supply facility, piece of equipment, and utility, including the heating system, in safe and sound condition. (13-196-590, 13-196-641). **SYSTEM IS STRIPPED AND INOPERABLE, VANDALIZED.**
- h. With respect to each OWNER, failed to maintain the exterior of a building so that all exterior walls are free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces and are protected against the entry of rodents or other animals. (13-12-135(b)(2), 13-196-530(b), 13-196-530(d), 13-196-641). **HOLES.**
- i. With respect to each OWNER, failed to maintain the exterior of a building so that all foundations, basements, cellars, and crawlspaces are in sound and watertight condition, adequate to support the building, and protected against the entry of rodents or other animals. (13-12-135(b)(1), 13-196-530, 13-196-641). **MISSING SIDING.**
- j. With respect to each OWNER, failed to maintain every wall and ceiling within a building in safe and sound condition and good repair. (13-12-135(c)(2), 13-196-540, 13-196-641). **PLASTER BROKEN AND/OR MISSING.**
- k. With respect to each OWNER, failed to maintain all plumbing fixtures without leaking pipes and completely drain or continuously heat all pipes for water to prevent them from freezing and maintain or repair plumbing system in accordance with the original design so that no hazard to life, health or property is created by such plumbing system. (13-12-135(c)(3), 13-196-590, 13-196-641, 18-29-102.2). **MISSING FIXTURES, SYSTEM IS STRIPPED AND INOPERABLE.**

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l. With respect to each OWNER, failed to maintain the exterior of a building so that every outside stair or step is in sound condition and good repair and every porch, stoop, deck, veranda, balcony and walk is in sound condition. (13-12-135(b)(6), 13-52-010, 13-196-040, 13-196-570, 13-196-641). DAMAGED HANDRAILS, IMPROPER TREAD AND RISER, ~~SMOKE, FIRE~~ AND/OR WATER DAMAGE, ~~UNDERSIZED JOISTS~~.

m. There is hazardous drug paraphernalia throughout the premises, ~~etcetera~~

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4. The subject building is beyond reasonable repair and it would take major reconstruction by a responsible owner to bring the subject building into full compliance with the Municipal Code.
5. Demolition of the subject building is the least restrictive alternative available to effectively abate the dangerous and unsafe conditions at the subject property as of JANUARY 24, 2013.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Defendants FERNANDO VELEZ, UNKNOWN OWNERS, and NONRECORD CLAIMANTS, having been notified by publication and having failed to answer, appear, or otherwise plead as of the default date of AUGUST 15, 2012, are in default and all allegations in the complaint are deemed admitted against said defendants.
- B. An *in rem* judgment on Counts III of the Complaint is entered in favor of Plaintiff, the City of Chicago, and against Defendant.
- C. Judgment on Count ~~II~~^{VI} is entered against RESIDENTIAL CREDIT SOLUTIONS, INC. in the amount of
- D. ~~Judgment on Count II is entered against CSF PROPERTIES, LLC, in favor of Plaintiff in the amount of~~
~~\$164,000.00 plus \$50.00 court costs for a total judgment of \$164,050.00 as calculated in City's~~
~~Memorandum in Support of Civil Penalties.~~ ^{plus \$50.00} ~~\$164,000.00~~ ^{\$164,050.00}
- E. Counts I, II, IV, and V of the Complaint are voluntarily dismissed, on the City's oral motion.
- F. 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 subject 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. Such authority shall be effective immediately.
- G. The City's performance under this order shall result in a statutory *in rem* lien that attaches to the subject property only. If the City seeks a personal judgment against any Defendant(s), it shall proceed by separate motion directed to such Defendant(s).
- H. Defendants with either possession or control of the subject property shall keep the subject building vacant and secure until it is demolished.
- I. Any and all Defendants with either possession or control of the subject property shall immediately remove any and all persons occupying the subject building and any and all personal property from the subject property so that the subject property is completely vacant and free of persons and personal property before demolition is commenced.
- J. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court finds there is no just reason for delaying the enforcement or appeal of this order.

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K. The Court reserves jurisdiction of this cause to enforce the terms of this Order and for the purpose of ascertaining demolition costs and other costs for entry of money judgment(s) against the defendant owners and for the purposes of hearing foreclosure proceedings as defined by the applicable statutes and ordinances.

ENTERED:

Pamela Gillespie

By: 

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Assoc. Judge Pamela Hughes Gillespie
JAN 24 2013
Circuit Court-1953

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