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Karen A. Yarbrough
Cook County Recorder of Deeds
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - FIRST DISTRICT

CITY OF CHICAGO, a municipal
corporation,
Plaintiff,
v.
EDDIE GWIN, et al.
Defendants.

No. 12 M1 401038
Re: 4815 W. POLK
Courtroom: 1111

ORDER OF DEMOLITION

This cause coming to be heard on 2-13-13 on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel of the City of Chicago, against the following named Defendants:

**EDDIE GWIN,
BANK OF NEW YORK MELLON, TRUSTEE FOR CWABS, INC., ASSET-BACKED CERTIFICATES,
SERIES 2007-BC3,
UNKNOWN OWNERS, and NONRECORD CLAIMANTS,**

The Court being fully advised of the premises of this proceeding and having heard the testimony of the City's inspector, finds that:

1. The Court has jurisdiction of the parties hereto and the subject matter, which is the premises located at the following address: **4815 W. Polk**, Chicago, Illinois, and legally described as follows:

LOT 25 IN BLOCK 3 IN FRANCES P. HOPSON'S SUBDIVISION OF LOTS 163, 164 AND 169 IN SCHOOL TRUSTEES' SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This parcel has a Permanent Index Number of 16-16-409-033.

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2. Located on the subject property is a frame garage and a one-story brick residential building.
3. The Court having heard testimony and evidence finds that the building located on the subject property is dangerous, hazardous, unsafe and beyond reasonable repair under the Unsafe Buildings Statute, 65 ILCS 5/11-31-1 (1996) in that:
- a. The building is vacant and open.
 - b. The garage is vacant ~~and open~~.
 - c. ~~The building's electrical service is terminated.~~
 - d. The building's electrical system is stripped or inoperable, and is missing fixtures.
 - e. The building's flooring is missing sections.
 - f. The building's heating system is stripped or inoperable.
 - g. ~~The building's joists are over notched.~~
 - h. The building's masonry is ~~loose or missing brick, and has washed out mortar joints.~~ *cracked from top to bottom cut back*
 - i. The building's plaster is broken or missing.
 - j. The building's plumbing system is stripped or inoperable.
 - k. The building's rafters are rotted.
 - l. The building's roof is ~~rotted and has holes.~~ *not weather tight*
 - m. The building's sashes are broken, missing or inoperable.
 - n. The building's stairs have damaged handrails and improper treads and risers.
 - o. *Water is running into basement.*
4. Demolition of the subject property, as a whole, is the least restrictive alternative available to effectively abate the conditions now existing there.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. An in rem 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.
- B. Counts II, III, V, VI, VII, and VIII of the City's Complaint are voluntarily withdrawn.
- C. 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.
- D. The authority granted in Paragraph C above shall be effective *immediately*.
- E. Defendant owners are ordered to keep the property secure until it is demolished.

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- F. The City's performance under the 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.
- G. 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.
- H. 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.
- I. The Court reserves jurisdiction of this cause to enforce the terms of this Order, for the purpose of ascertaining demolition costs for entry of money judgments against the ~~defendants~~ ^{Pamela Hughes Gillespie}, and for the purpose of hearing foreclosure proceedings, as defined by the applicable statutes and ordinances.

FEB 13 2013

Circuit Court - 1953

Pamela Gillespie

ENTERED Judge

PLAINTIFF, CITY OF CHICAGO
Stephen B. Patton, Corporation Counsel

By:

Assistant Corporation Counsel

Building and License Enforcement Division

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