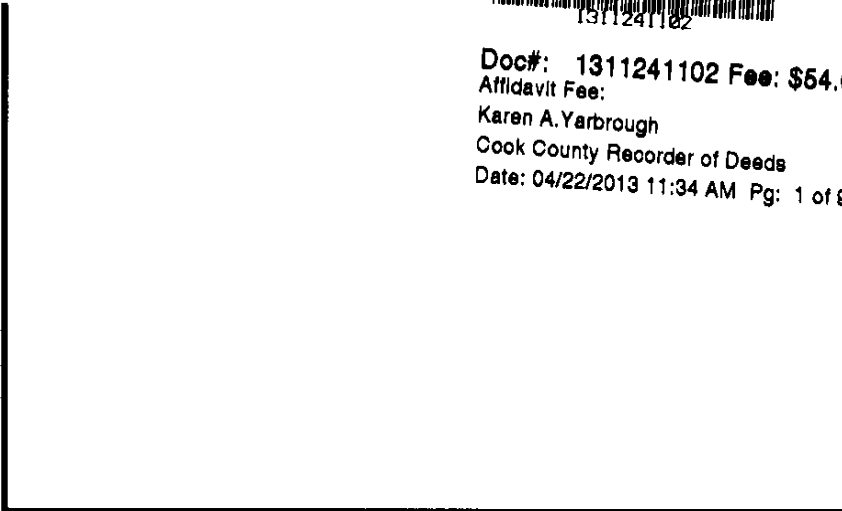




Doc#: 1311241102 Fee: \$54.00
Affidavit Fee:
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 04/22/2013 11:34 AM Pg: 1 of 9

Box space reserved for Recorder's
Office only



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

CITY OF CHICAGO, a municipal corporation,) CASE NO: 09 M1 403054
Plaintiff,)
)
v.) Property Address: 822 E. 89TH STREET
) Chicago, IL
) Room: 1105, Richard J. Daley Center
EARL ESCO, et al)
Defendant(s)) Lien Amount: \$ 9,452.16

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: LOT 16 IN BLOCK 4 IN DAUPHIN PARK, A SUBDIVISION OF THAT PART OF THE NORTH 3/4 OF THE WEST 1/2 OF SECTION 2, TOWNSHIP 37TH NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF ILLINOIS CENTRAL RAILROAD RIGHT OF WAY IN COOK COUNTY, ILLINOIS.

Commonly Known as: 822 E. 89TH STREET, CHICAGO, IL 60619

P.I.N.: 25-02-105-024-0000

The aforesaid lien arises out of City of Chicago vs. EARL ESCO, et al, Case No. 09M1403054 filed in the Circuit Court of Cook County, in which a receiver was appointed for said property by Court Order dated 10/16/2012. The receiver incurred expenses approved by the Court, pursuant to an order entered 02/28/2013. Pursuant thereto, the receiver issues a certificate in the amount of \$9,452.16 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 03/01/2013 claims a lien on the above cited real

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estate for the amount of \$9,452.16 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 200/22-35 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

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

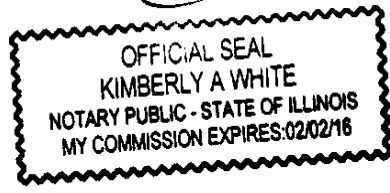
BY Steven Q. McKenzie

This 19th day of April 2013

Kimberly A. White

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

[Handwritten signature]



Cook County Clerk's Office

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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: 09-M1-403054
)	
Plaintiff,	)	Property Address:
	)	822 East 89 th Street
v.	)	<u>CHICAGO, IL. 60619</u>
Earl Esco, et al	)	Courtroom: <u>1105</u>
	)	Richard J. Daley Center
Defendant (s))	

RECEIVER'S CERTIFICATE

The undersigned David Feller was reappointed heat receiver by the court to interview tenants and occupants at the above premises on October 16, 2012. For value received, the receiver in his official capacity and not individually promises to pay to bearer the sum of \$9,452.16 on or before ninety (90) days after the date this certificate with interest accruing at the rate of twelve percent (12%) 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 February 28, 2013 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 55, section 5/21-31-2 and the foregoing order, upon the premises legally described as follows:

SEE ATTACHED

Permanent Index Number: 25-02-105-024

This receiver's certificate, together with the interest thereon, in no manner constitutes 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: 3/1/13



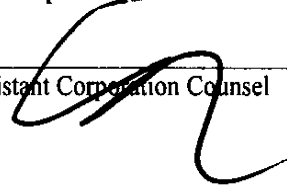
David Feller, Heat Receiver

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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 Globetrotter
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: 09 - M1 - 403054
)	
Plaintiff,	)	Address: 822 East 89 th Street
)	
V.	)	Chicago, IL. 60619
)	
Earl Esco, et al)	
	)	Courtroom: 1105
Defendant(s).	)	Richard J. Daley Center

ORDER FOR RECEIVER'S 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 October 16, 2012, the receiver was appointed for the purpose of interviewing tenants and occupants at 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 \$5,375.00 for services provided to the court.
4. The receiver presented a petition for gross expenses including mark up in the amount of \$4,077.16 for out of pocket costs provided to the court.
5. Fees of \$5,375.00 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 \$4,077.16 is reasonable for out of pocket costs provided to the court.

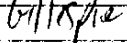
IT IS ORDERED:

- A. That the receiver's petition for costs and fees is granted;
- B. That the receiver's costs and fees of \$9,452.16 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 \$9,452.16. The certificate includes the fees and costs of the receivership. Interest shall accrue on unpaid amounts from the date this order is entered at **(12%) 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: February 28, 2013

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 , Room 1105

Wanda Lita Pankala Clarys, Clerk
 FEB 28 2013
 Circuit Court - 1953

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

09M1 403054

CITY OF CHICAGO, a municipal corporation,
Plaintiff
v.

EARL ESCO
JUNE FRIEDLOB HELLER
Unknown owners and non-record claimants
Defendants

) Case No.
) Amount claimed per day 3,500.00
) Address:
) 822 - 822 E 89TH ST CHICAGO IL 60619-
)
)
)

COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, City of Chicago, a municipal corporation, by Mara S. Georges, Corporate Counsel, by the undersigned Assistant(s) Corporation Counsel, complains of Defendants as follows:

Count I

1. Within the corporate limits of said city there is a parcel of real estate legally described as follows:

25-02-105-024

LOT 16 IN BLOCK 4 IN DAUPHIN PARK, A SUBDIVISION OF THAT PART OF THE NORTH 3/4 OF THE WEST 1/2 OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF ILLINOIS CENTRAL RAILROAD RIGHT OF WAY IN COOK COUNTY, ILLINOIS.

Commonly known as

822 - 822 E 89TH ST CHICAGO IL 60619-

and that located thereon is a

1 Story(s) Building

~~1~~ 2 Dwelling Units

0 Non-Residential Units

2. That at all times pertinent thereto on information and belief the following named defendants owned, maintained, operated, collected rents for, or had an interest in the said property on the date(s) herein set forth.

EARL ESCO , OWNER

JUNE FRIEDLOB HELLER , MORTGAGE HOLDER

Unknown owners and non-record claimants

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3. That on 06/11/2009 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of City of Chicago as follows:

1 CN061034

Failed to maintain all interior walls, ceilings and interior woodwork free of flaking, peeling, chipped or loose paint, plaster or structural material. (13-196-540(d), 13-196-641)

front and rear porches.

Location: exposed wood trim chipped paint.

SEQ #: 2

2 CN070014

Failed to maintain exterior stairways in safe condition and in sound repair. (13-196-570, 13-196-641)

missing hand rails at basement stair.

Location: basement

SEQ #: 3

3 CN070034

Failed to rebuild or replace dilapidated and dangerous porch. (13-196-570, 13-196-641)

Rotted and broken handrails, rotted treads and risers, rotted and warped decking. Porch beams rotted and broken at east column connection. Front porch is in eminent danger of collapse.

Location: front stair system

SEQ #: 1

4 CN079014

Failed to maintain garage in sound condition and repair. (13-196-530, 13-196-641)

broken service door at east entrance, rotted section of siding at south elevation, torn section of roofing.

Location: GARAGE

SEQ #: 4

5 CN133016

Repair or replace defective and dangerous carpeting. (13-196-620, 13-196-540)

rear stair at east elevation torn and loose outdoor carpeting on stairs grade to 1st floor.

Location: Grade to 1st floor

SEQ #: 5

6 CN138056

Remove accumulation of refuse and debris and keep premises clean. (13-196-580, 13-196-630)

front porch excessive amount of trash and discarded items.

Location: front and rear yard

SEQ #: 6

7 CN190019

Arrange for inspection of premises. (13-12-100)

no entry to interior

Location: Entire Building

SEQ #: 7

*** End of Violations ***

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4. That Richard Monocchio is the Commissioner of the Department of Buildings of City of Chicago, and as such and pursuant to the Building Code of City of Chicago, caused inspection(s) to be conducted by inspectors of the Department of Buildings of City of Chicago, who have knowledge of the facts stated in this complaint.

5. That this proceeding is brought pursuant to the provisions of the Municipal Code of Chicago, and Chapter 65, Section 5/11-31-1, 5/11-31-2, and 5/11-13-15 of the Illinois Compiled Statutes, as amended.

Wherefore, plaintiff prays for a fine against the defendants, as provided under 13-12-020 of the Municipal Code of Chicago, in the amount indicated on the heading of the Complaint for each day said violations have existed and/or exist, said fine computed in accordance with Section 13-12-040 of the Municipal Code of Chicago.

Count II

Plaintiff, City of Chicago, a municipal corporation, realleges the allegations of paragraphs one through five of Count I as paragraphs one through five of Count II and further alleges:

6. That the levying of a fine is not an adequate remedy to secure the abatement of the aforesaid municipal code violations and the public nuisance which they constitute, and that it is necessary that a temporary and permanent injunction issue and, if necessary, that a receiver be appointed, to bring the subject property into compliance with the Municipal Code of Chicago.

7. That Richard Monocchio, the Commissioner of the Department of Buildings, City of Chicago, has determined said building does not comply with the minimum standards of health and safety set forth in the Building Code.

WHEREFORE, PLAINTIFF PRAYS:

- a. For a temporary and permanent injunction requiring the defendants to correct the violations alleged in the complaint and to restrain future violations permanently, pursuant to 65 ILCS 5/11-31-1 (a), 5/11-31-2 and 5/11-13-15 and 13-12-070 of the Municipal Code.
- b. For the appointment of receiver, if necessary, to correct the conditions alleged in the Complaint with the full powers of receivership including the right to issue and sell receivers certificates in accordance with Section 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended.
- c. For an order authorizing the plaintiff to demolish, repair, enclose or clean up, said premises, if necessary, and a judgment against defendants and a lien on the subject property for these costs in accordance with Section 5/11-31-1 (a) of Chapter 65 of the Illinois Compiled Statutes, as amended.
- d. If appropriate and under proper petition, for an order declaring the property abandoned under Section 5/11-31-1 (d) of Chapter 65 of the Illinois Compiled Statutes as amended and for an order granting City of Chicago a judicial deed to the property if declared abandoned.
- e. If a statutory lien is obtained in this proceeding under Section 5/11-31-1 or 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended, for an order permitting foreclosure of said lien in this proceeding.
- f. For reasonable attorney fees and litigation and court costs.

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g. For such other and further relief as may be necessary in the premises and which the court shall deem necessary.

CITY OF CHICAGO, a municipal corporation

By: _____

ASSISTANT CORPORATION COUNSEL

VERIFICATION

The undersigned, being first duly sworn on oath, deposes and says that he/she is the duly authorized agent of the plaintiff for the purpose of making this affidavit; that he/she has read the above and forgoing complaint, and has knowledge of the contents thereof, and that matters set out therein are true in substance and in fact, and as to matters alleged on information and belief that he/she believes them to be true.

Subscribed and sworn to before me this _____ Day
of _____ 20_____.

By: _____

Deputy Circuit Court Clerk or Notary Public

For further information Contact: Department of Buildings
Public Information Desk (312) 741 3400

Mara S. Georges
Corporation Counsel
Attorney for Plaintiff

By: _____

Assistant Corporation Counsel
30 N LaSalle St. 7th floor
Chicago, Illinois 60602
Atty. No 90909
(312) 744-8791