

# UNOFFICIAL COPY

Case Number 12 M1 403119



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

THE CITY OF CHICAGO, a municipal corporation,  
Plaintiff,

Case Number: 12 M1 403119

v.

Re: 6646 S. Indiana

AERE FUND II LLC ET AL,

Courtroom 1109

Defendants.

### ORDER OF DEMOLITION

This cause coming on to be heard on ~~June 26, 2013~~ <sup>June 25, 2013</sup>, on the Plaintiff, City of Chicago, a municipal corporation's ("City"), complaint seeking demolition authorization, by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

AERE FUND II LLC; and

~~XXXXXXXXXX, 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: 6646 S. Indiana, Chicago, Cook County, Illinois ("subject property"), legally described as:

**LOT 6 IN BLOCK 1 PERRY AND HARTWELLS SUBDIVISION OF THE SOUTH 13-1/2 ACRES OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

**Permanent Index Number: 20-22-107-043-0000.**

2. Located on the subject property is a two-story frame building. The last known use of the subject building was residential.
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) (Unsafe Buildings), in that:

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- a. The building's electrical, heating and plumbing systems have been vandalized and are therefore inoperable.
  - b. ~~The building's masonry has fractures and washed-out mortar joints.~~
  - c. Sections of siding are missing from the exterior walls of the building.
  - d. The building's roof is fire damaged and has damaged membranes, as well as cracked supporting joists and rafters.
  - e. The building's windows have broken, missing or inoperable sashes.
  - f. The building's interior and exterior stair systems have damaged decking and handrails, as well as improper foundations and handrail heights.
  - g. Plaster is broken or missing from the interior walls of the building *due to water damage.*
  - h. Sections of flooring are missing or warped throughout the interior of the building.
  - i. ~~The building's roof and~~
4. The Court finds that it would take major reconstruction by a responsible owner to bring the building into full compliance with the Municipal Code of Chicago. Further, the Court finds that the building located thereon poses a dangerous and hazardous threat to the public health, safety and welfare, and is beyond reasonable repair. Accordingly, the Court finds that demolition of the building is the least restrictive means available as of 6/25/13 to abate the dangers and hazards posed by the building.

*J. There is severe water damage throughout the interior.*

WHEREFORE, IT IS HEREBY ORDERED THAT:


- A. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants on Counts I and IV of the City's complaint. Accordingly, the City is authorized to demolish the building located on the subject property pursuant to Counts I and IV of the City's complaint.
- B. Defendant(s), **Z. Financial LLC** the holder(s) of property tax certificates, was/were properly notified of this action pursuant to §21-410 of the Property Tax Code, 35 ILCS 200/21-410). Defendant(s) is/are not subject to the judgment of this demolition order.
- C. Counts II, III, V, VI, and VIII are voluntarily withdrawn without prejudice
- D. 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.
- E. Defendants with either possession or control of the subject property and their successors and assigns shall be permanently enjoined from renting, using, leasing, or occupying the Subject Property until demolition of the subject property commences

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- F. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, and Section 13-12-130 of the Municipal Code of Chicago, the City is authorized to immediately demolish the building situated on the subject property on an emergency basis and is entitled to a lien for the costs of demolition, court costs and other costs enumerated by statute. Thus, 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.
- G. Pursuant to Illinois Supreme Court Rule 304(a), as to the order of demolition, this is a final and appealable order and judgment, the Court finding no just reason to delay the enforcement or appeal of this final order and judgment.
- H. 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 owners, as defined by the applicable statutes and ordinances.

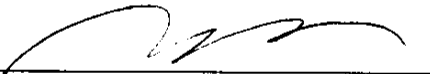
ENTERED:


  
 Judge Edward S. Harmening

 JUN 25 2013  
 Circuit Court - 1994

 PLAINTIFF, CITY OF CHICAGO  
 STEPHEN PATTON, Corporation Counsel

By:


  
 Keith Martin  
 Assistant Corporation Counsel  
 Building and License Enforcement Division  
 30 N. LaSalle Street, Room 700  
 Chicago, Illinois 60602 / (312) 744-7634  
 Atty No. 90909