



# UNOFFICIAL COPY

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

THE CITY OF CHICAGO, a municipal corporation,  
Plaintiff,

v. *Banner*

*et al.*, Defendant(s).

No: 08 MI 402655

Re: 2628 N. Burling

Courtroom 11 02, Richard J. Daley Center

*agreed*  
*to proceed*

### ORDER APPOINTING A LIMITED GENERAL RECEIVER (circle one) AND AUTHORIZING ACTION BY THE RECEIVER

This cause coming before the court to be heard on Plaintiff City of Chicago ("City")'s Petition for Appointment of a Receiver, the Court having jurisdiction over the parties and subject matter and being duly advised;

#### THE COURT FINDS THAT:

1. There exists at the subject premises ("Premises") numerous unhealthy and unsafe building conditions, including conditions that pose an imminent threat of irreparable harm and injury to the health, safety and welfare of the public and occupants of Premises;
2. Defendants, who are owners of or have an interest in Premises, upon notice, have failed to abate or are unable to abate the dangerous and hazardous conditions that exist there;
3. Equitable remedies other than the appointment of a receiver are inadequate in this case because the dangerous and hazardous conditions at the subject property will remain, and the public and building occupants remain at risk unless a receiver is appointed;

#### WHEREFORE, IT IS HEREBY ORDERED THAT:

1. City's Petition for Appointment of a Receiver is granted. CR Neathy Advisors ("Receiver") is appointed as Limited Receiver / General Receiver of the subject property pursuant to City's Petition and 65 ILCS 5/11-31-2.
2. Receiver is authorized to enter into possession of the Premises and immediately perform the following duties:
  - Prepare a feasibility study regarding the case management, and repair of Premises, ~~costs not to exceed \$~~ \_\_\_\_\_ .00
  - Vacate Premises, which includes, but is not limited to, refunding any existing security deposits owed to tenants if they are being permanently relocated, hiring movers and arranging for transportation to new residences
  - Board and secure Premises or board and secure Premises after it is vacated
  - Collect rent, if Premises is occupied and will not be vacated
  - Make repairs, hard costs not to exceed \$ \_\_\_\_\_ .00 (plus reasonable receiver's fees and costs)
  - Abate any dangerous and hazardous conditions at Premises, including:
    - \_\_\_\_\_
    - \_\_\_\_\_
3. Receiver is authorized to retain counsel.
4. Receiver is authorized to employ agents to assist in the performance of its receivership duties.
5. Defendant(s), and his/her/its/their agents, heirs, legatees, successors, and assigns are enjoined and restrained from interfering or obstructing Receiver in the performance of its duties.
6. Upon appointment of Receiver, the owner(s) and/or owner's agent(s) shall: provide Receiver with access to all areas of the Premises immediately; deliver to Receiver master keys for all units within 24 hours; and provide to Receiver all items and materials necessary for Receiver to perform its duties, including rent rolls and access to financial accounts, within seven days.
7. Applicant's bond is excused pursuant to 65 ILCS 5/11-31-2.3; Receiver's surety bond is waived pursuant to 65 ILCS 5/11-31-2.3.
8. Receiver is authorized to issue receiver's certificates for the costs and expenses of the receivership.

IT IS FURTHER ORDERED THAT this cause be continued to 6-10-13 at 9:30 a.m. / p.m., Courtroom 11 02 Richard J. Daley Center, 50 W. Washington St., Chicago, without further notice. Associate Judge Joseph M. Sconza

HEARING DATE: 2/11/13

FEB 11 2013

By: *[Signature]*  
Attorney for Plaintiff  
Corporation Counsel #90909  
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Chicago, IL 60602 (312) 744-8791  
*Rafael Borrero*

Circuit Court - 1914

Judge \_\_\_\_\_ Courtroom 11 03

*2/2 Sconza*

Pink Copy for Defendant(s) (photocopy if required)

Yellow Copy for City of Chicago Department of Law

White Original for Court Records