

HEAT



Doc#: 1321741084 Fee: \$46.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 08/05/2013 03:25 PM Pg: 1 of 5

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v. James Holicky
et al.,
Defendant(s).

No: 13 MI 400165

Re: 11804 S. Lafayette

Courtroom 1105, Richard J. Daley Center

ORDER OF PERMANENT INJUNCTION

This cause coming to be heard on the set call, the Court having jurisdiction over the defendant(s) and the subject matter, and being fully advised in the premises and having heard evidence and testimony:

IT IS HEREBY ORDERED THAT:

1. Defendant(s) James Holicky
his/her/their agents, heirs, successor or assigns, be permanently enjoined and restrained from renting, using, leasing, or occupying the Entire premises
until full compliance with the City of Chicago codes as stated in this cause and further order of court. Defendant(s) shall keep the subject property boarded and secured while it is subject to this injunction.
2. The court reserves jurisdiction of this matter for the purposes of modification, enforcement, or termination of this permanent injunction.
3. This order is final, appealable, and enforceable, the court finding no just cause or reason to delay its enforcement or appeal.
4. Must keep the property vacant and secured until further order of court.
5. This matter is hereby off call.

IT IS FURTHER ORDERED THAT this cause be continued to _____ at _____ p.m., Courtroom 1105, Richard J. Daley Center, 50 W. Washington St., Chicago, without further notice.

HEARING DATE: 7, 23, 13 Assoc. Judge Pamela Hughes Gillespie

By:
Assistant Corporation Counsel
Mara S. Georges, Corporation Counsel #90909
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 744-8791
FORM HEAT.4004 rev. 11/2008

JUL 23 2013

Pamela Gillespie
Judge McGing / Pileggi
Gillespie
Courtroom 1105

Duplicate original

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

Yellow Copy for City of Chicago Department of Law

White Original for Court Records

UNOFFICIAL COPY**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - FIRST DISTRICT****13M1 400165**

CITY OF CHICAGO, a municipal corporation,) Case No. _____
Plaintiff) Amount claimed per day 2,000.00
V.) Address:
JAMES HOLIDAY) 11802 - 11802 S LAFAYETTE AVE CHICAGO IL
EAMIEL BECK) 60628-
Unknown owners and non-record claimants	
Defendants	

Property of Cook County Clerk's Office

COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, City of Chicago, a municipal corporation, by Stephen Patton, 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:

25-21-428-017-0000

LOT 3 IN BLOCK 6 IN FALLS AND GANO'S ADDITION TO PULLMAN, A SUBDIVISION OF THAT PART LYING EAST OF THE WEST 49 ACRES OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

11802 - 11802 S LAFAYETTE AVE CHICAGO IL 60628-

and that located thereon is a

1 Story(s) Building

0 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.

JAMES HOLIDAY , OWNER

EAMIEL BECK , LAST TAXPAYER OF RECORD

Unknown owners and non-record claimants

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3. That on 12/04/2012 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 CN046013

Stop using cooking or water heating device as heating device. (13-196-400)

Tenant is using electric heaters for heating. 66 no heating system installed.

Location: OTHER : :Electric heaters

SEQ #: 001

2 CN104075

Failed to maintain windows in relation to the adjacent wall construction as to completely exclude rain and substantially exclude wind from entering the premises. (13-196-550(f))

Thruout house there are missing windows with plywood covered opennings, other windows drafty. Front entry door has large gaps for air entry.

Location: OTHER : :Windows

SEQ #: 002

3 CN132016

Heat dwelling unit adequately from September 15th to June 1st. (13-196-410)

No heating system installed, tenant using electric heaters for heating. 66

Location: OTHER : :Heat

SEQ #: 003

4 CN132046

Provide and maintain every facility, piece of equipment, or utility in safe and sound working condition. (13-196-400, 13-196-440)

Furnace for heating system has not been installed, tenant is using electric heaters for heating. 66

Location: OTHER : :Furnace

SEQ #: 004

*** End of Violations ***

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4. That Michael Merchant 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 Michael Merchant, 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.
- 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

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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) 744 3400

Stephen Patton
Corporation Counsel
Attorney for Plaintiff

By: _____

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

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