

# UNOFFICIAL COPY

Case Number 13M1400113



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Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 08/23/2013 03:00 PM Pg: 1 of 4

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

THE CITY OF CHICAGO, a municipal  
corporation,  
Plaintiff,

v.

UNKNOWN HEIRS AND LEGATEES OF  
WILLIE C. HARRIS, *ET AL.*,  
Defendants.

Case Number: 13 M1 400113

Re: 4235 S. Champlain Ave.

Courtroom 1109

### ORDER OF DEMOLITION

This cause coming on to be heard on August 20, 2013, 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:

UNKNOWN HEIRS AND LEGATEES OF WILLIE C. HARRIS;  
ILLINOIS DEPARTMENT OF HEALTHCARE & FAMILY SERVICES;  
WHEELER-DEALER, LTD. D/B/A WHEELER FINANCIAL, INC.;  
U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (PROTECTIVE ORDER  
ENTERED 3/5/13); and  
UNKNOWN OWNERS, and NONRECORD CLAIMANTS.

The Court being fully advised of the premises of this proceeding and having heard the evidence finds that:


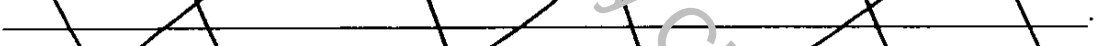
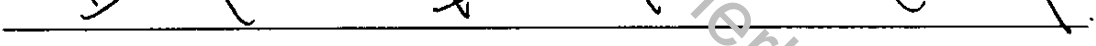
1. The Court has jurisdiction of the parties hereto and the subject matter, which is the premises located at the following address: 4235 S. Champlain Ave., Chicago, Cook County, Illinois ("subject property"), legally described as:

**LOT 3 IN THE SUBDIVISION OF LOT 22 (EXCEPT THAT NORTH 25 FEET THEREOF) IN MARGARET JOHNSTON'S SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

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2. Located on the subject property is a **two-story brick 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:
  - a. The building's electrical system has been vandalized and is therefore inoperable.
  - b. The building's masonry has holes, loose or missing brick, step or stress fractures, and washed-out mortar joints.
  - c. Sections of siding are missing from the exterior walls of the building, and it is suspected that the siding that remains contain asbestos.
  - d. The building's rafters are cracked.
  - e. The building's roof is missing shingles, has damaged membranes, and is water-damaged.
  - f. The building's rear exterior stair system is collapsed, has damaged decking and handrails, and improper foundations, tread and riser.
  - g. The building's windows have broken or missing glazing, as well as broken, missing or inoperable sashes.
  - h. 
  - i. 
  - j. 
  
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 August 20, 2013 to abate the dangers and hazards posed by the building.

**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. The remaining counts are voluntary withdrawn without prejudice.

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- C. Defendant(s), **Wheeler-Dealer, Ltd D/B/A Wheeler Financial, Inc.**, 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.
- 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
- 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 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  
 1/13/2014

C:

PLAINTIFF, CITY OF CHICAGO  
 STEPHEN PATTON, Corporation Counsel

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

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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. Unknown Heirs & Legatees  
of Willie C. Harris,  
et al.,  
Defendant(s).

No: 13 MI 400113  
Re: 4235 S. Champlain Ave  
Courtroom 11 09, Richard J. Daley Center

### ORDER OF PERMANENT INJUNCTION

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

IT IS HEREBY ORDERED THAT:

- Defendant(s) Willie C. Harris and his / her / their / its agents, heirs, legatees, successors, and assigns shall be permanently enjoined and restrained from renting, using, leasing, or occupying the: entire subject property at 4235 S. Champlain Ave. until the same have established full compliance with the Municipal Code of the City of Chicago as stated in this cause and further order of court. Defendant(s) and his / her / their / its agents, heirs, legatees, successors, and assigns shall maintain the subject property in a sanitary, boarded, and secure condition while it remains subject to this injunction.
  - The court reserves jurisdiction of this matter for the purposes of modification, enforcement, or termination of this injunction.
- [ ] The above-named Defendant(s) and his / her / their / its agents, heirs, legatees, successors, and assigns shall put and keep the subject property in compliance with the vacant building requirements in the Municipal Code of Chicago (sections 13-12-125 through 13-12-150), including the requirements that the property be insured and registered with the City (information at [www.cityofchicago.org/buildings](http://www.cityofchicago.org/buildings)) and keep the exterior of the premises clean and free of debris and weeds.

X Defendants are enjoined from transferring the subject property.

Pursuant to Ill. S.Ct. Rule 304(a), this order is final and appealable, there being no just reason for delaying enforcement or appeal.

HEARING DATE: 8 / 20 / 13

By: Nina Habels  
Attorney for Plaintiff  
Corporation Counsel #90909  
30 N. LaSalle, Room 700  
Chicago, IL 60602 (312) 744-8791  
FORM BLE.9002 rev. 12/2011

Judge Edward S. Harmening

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Ed Harmening  
Judge Courtroom 11

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