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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.
Yanitzo Porrata
et al.,
Defendant(s).

No: 13 MI 400196

Re: 1623-25 N Lamon

Courtroom 11 05, Richard J. Daley Center

ORDER

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

IT IS HEREBY ORDERED THAT:

- ① City is granted leave to amend the complaint on its face to change the PIN to 13-33-423-001-0000.
- ② Attorney for receiver is granted leave to file additional appearance instantler.
- ③ The receiver is granted leave to amend their motion for approval of the accounting instantler to reflect that the court authorized them to provide Martha Amprose with \$1,390 relocation assistance, per a May 9, 2013 court order.
- ④ Receiver's accounting is approved per separate order.
- ⑤ Case is dismissed and OFF-CALL.



Doc#: 1323841052 Fee: \$46.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 08/28/2013 01:00 PM Pg: 1 of 5

IT IS FURTHER ORDERED THAT this cause be continued to _____ / _____ / _____ at _____ a.m. / p.m.,
Courtroom 11 _____, Richard J. Daley Center, 50 W. Washington St., Chicago, without further notice.

HEARING DATE: 8/13/13

By: [Signature]
Attorney for Plaintiff
Corporation Counsel #90909
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 744-8791

Assoc. Judge Pamela Hughes Gillespie

AUG 13 2013

Circuit Court 1953

Judge

Courtroom 11 05

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

Yellow Copy for City of Chicago Department of Law

White Original for Court Records

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**HEAT
IN THE CIRCUIT COURT OF COOK COUNTY
MUNICIPAL DEPARTMENT – FIRST DISTRICT**

CITY OF CHICAGO,
a municipal corporation

Plaintiff

v.

YANITZA PORRATA, ALVIN PORRATA, WELLS
FARGO BANK, N.A AS TRUSTEE FOR WAMU
MORTGAGE PASS THROUGH CERTIFICATE SERIES
2006-PR3

Defendants

Case No. **13M1 400196**

Amount claimed: \$5,000.00 per day

Address: **1623-25 N. LAMON
CHICAGO IL 60639**

Courtroom 1105
Richard J. Daley Center

COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, City of Chicago ("City"), a municipal corporation, by Mara S. Georges, Corporation 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:

~~13-33-423-001-0000~~



LOT 1 (EXCEPT THE EAST 10.00 FEET THEREOF) IN BLOCK 6 IN ROBERTSON'S SUBDIVISION OF THAT PART OF THE SOUTHEAST QUARTER LYING SOUTH OF GRAND AVENUE AND EAST OF THE WEST 26.60 CHAINS THEREOF OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Commonly known as

1623-25 N. LAMON AVE.

and that located thereon is a

- 2 Story(s) Building
- 4 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.

YANITZA PORRATA..... OWNER

ALVIN PORRATA.....OWNER

WELLS FARGO BANK, N.A AS TRUSTEE FOR WAMU MORTGAGE PASS THROUGH
CERTIFICATE SERIES 2006-PR3 MORTGAGEE

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3. That on 1/18/2013 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of the City of Chicago as follows:

1 CN 132016

Failure to adequately heat dwelling unit adequately from September 15th to June 1st at a minimum temperature of 68 degrees at 8:30 a.m. and thereafter until 10:30 p.m. and 66 degrees at 10:30 p.m. and thereafter until 8:30 a.m. averaged throughout the family unit or rooming unit.

(Municipal Code of Chicago, § 13-196-410)

1623-2nd Floor apartment – front room 64, bedroom 62, 1625-2nd floor apartment – front room 62, bedroom 62. Heat off at time of inspection, no heat provided. Gas shut off entire building.

2. CN046013

Stop using unapproved device, cooking or water heating device as heating device. (13-196-400)
6125-2nd floor apartment – using cooking stove as heating device.

3 CN100203

Failure to provide hot water at a minimum temperature of 120 degrees Fahrenheit (13-196-420, 13-196-430, 11-8-590, 11-8-500 A)

Entire building – hot water furnished at only 58F. Gas shut off entire building-no hot water provided.

4 CN 132046

Failure to provide and maintain every facility, piece of equipment or utility in safe and sound working condition. (13-196-400, 13-196-410)

Basement apartment – using unvented gas space heater.

5 CN197087

Install carbon monoxide detector within 40 feet of every sleeping room in residential structure. (13-64-190, 13-64-210) A carbon monoxide detector is needed whenever there is a heating

appliance on the premises that burns fossil fuel such as gas, oil, or coal, or air that is circulated through a heat exchanger. Install according to manufacturer instructions. A hard wired model requires an electrical wiring permit. In a single family residence be sure the detector is on or below the lowest floor with a place to sleep. In a multiple dwelling residence heated by a boiler, install a detector in the same room as the boiler. Otherwise, each apartment follows single family guidelines. The owner is responsible for installation and written instructions to the tenants, the tenant is responsible for testing, maintenance and batteries.

1625-2nd floor apartment – missing carbon monoxide detector.

6 CN196029

Post name, address, and telephone of owner, owner's agent for managing, controlling or collecting rents, and any other person managing or controlling building conspicuously where accessible or visible to public way. (13-12-030)

7 CN198019

File building registration statement with Building Dept. (13-10-030, 13-10-040)

8 NC2071

Remove work performed without permit and restore building or site to original construction. (13-32-130, 13-32-290)

Remove all partitions, and fixtures (including plumbing and electric) installed in the basement without a permit.

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9. NC2011

Performed or allowed work to be performed without submitting plans prepared, signed and sealed by a licensed architect or registered structural engineer for approval and without obtaining a permit to perform the work. (13-32-010, 13-32-040, 13-40-020, 13-12-050)

Submit plans, and obtain permit for all related work to authorize alterations to basement or restore building to original state.

10 CN190019

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

Some apartments – no response, unverified detectors, conditions, and occupancy. Unable to inspect rear porch.

*** End of Violations ***

4. That Michael Merchant is the Commissioner of the Department of Buildings of City of Chicago, and as such and pursuant to the Building Codes of the City of Chicago, caused inspections(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 13-20-020 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, re-alleges 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 afore stated 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.
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 the 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 a 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.

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- 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 the 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

STEPHEN R. PATTON
Corporation Counsel of the City of Chicago
Attorney for Plaintiff
By: DANIEL ASNIS
Assistant Corporation Counsel
Building and License Enforcement Division
30 North La Salle Street, Suite 700, Chicago, Illinois 60602
Atty. No 90909
(312) 744-9106

VERIFICATION

The undersigned, being 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.


ASSISTANT CORPORATION COUNSEL