

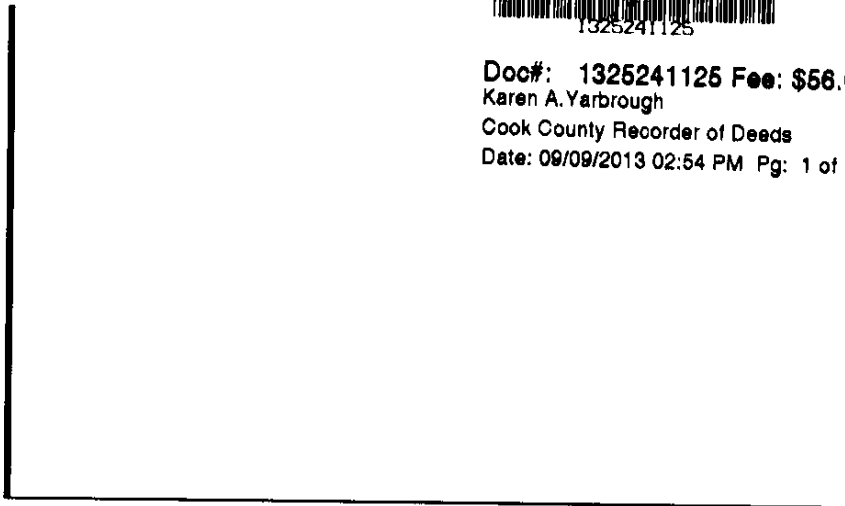
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Doc#: 1325241125 Fee: \$56.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 08/09/2013 02:54 PM Pg: 1 of 10

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

CITY OF CHICAGO, a municipal corporation,)
Plaintiff,)

CASE NO: 12 M1 403225

v.)

Property Address: 2156-58 N. KILPATRICK &
4705-07 W. PALMER
CHICAGO, IL

CHICAGO TITLE LAND TRUST CO.)
TR# 300870-01, et al.)
Defendant(s))

Room: 1105, Richard J. Daley Center

Lien Amount: \$ 7,415.12

CLAIM FOR RECEIVER'S LIEN

The claimant, City of Chicago, a municipal corporation, by the authority granted by Illinois Compiled Statutes, Chapter 65, Section 5/11-31-2, hereby files its claim for lien against the following described property.

Legal: LOT 1 AND 2 IN BLOCK 2 IN JOHN F THOMPSON'S ARMITAGE AVENUE SUBDIVISION IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Commonly Known as: 2159-58 N KILPATRICK / 4705-07 W PALMER, CHICAGO, IL 60639

P.I.N.: 13-34-115-029-0000

The aforesaid lien arises out of City of Chicago vs. CHICAGO TITLE LAND TRUST CO, TR# 300870-01, et al. Case No. 12M1403225 filed in the Circuit Court of Cook County, in which a receiver was appointed for said property by Court Order dated 12/04/2012. The receiver incurred expenses approved by the Court, pursuant to an order entered 05/09/2013. Pursuant thereto, the receiver issues a certificate in the amount of \$7,415.12 and bearing interest at 9% annum for costs and fees, which was transferred and assigned to the City of Chicago.

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Claimant, City of Chicago, by an Assignment dated 08/28/2013 claims a lien on the above cited real estate for the amount of \$7,415.12 plus statutory interest of 9%. The City hereby reserves the right to amend this lien from time to time to include additional costs and fees. Pursuant to 35 ILCS 200/22-35 the advances made by the City to this property must be paid by tax purchaser prior to obtaining a tax deed for this property.

City of Chicago, a Municipal Corporation
Stephen R. Patton, Corporation Counsel

Steven Q. McKenzie, Assistant Corporation Counsel, being first duly sworn on oath, deposes and says that he is the authorized agent for the City of Chicago, that he has read the foregoing Claim for Lien, knows the content thereof, and that all statements therein contained are true.

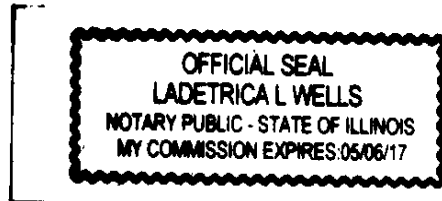
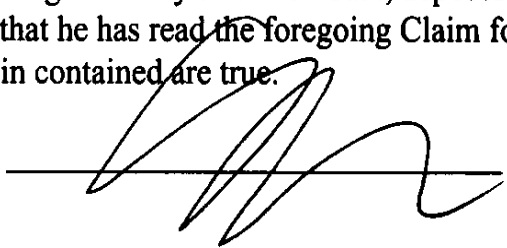
SUBSCRIBED AND SWORN TO BEFORE ME

BY Steven Q. McKenzie

This 5th day of Sept 2013

LaDetricia L. Wells

STEPHEN R. PATTON, CORPORATION COUNSEL #90909
30 North LaSalle, Suite 700 Chicago, IL 60602 (312) 744-8791



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

CITY OF CHICAGO, a municipal corporation,	)	Case No: 12-M1-403225
)	
Plaintiff,	)	Property Address:
v.	)	2156-58 N. Kilpatrick/4705-07 W. Palmer
TR # 300870-01 Chicago Title Land Trust Co., et al	)	<u>CHICAGO, IL. 60639</u>
)	
Defendant (s)	)	Courtroom: <u>1105</u>
	)	Richard J. Daley Center

RECEIVER'S CERTIFICATE

The undersigned David Feller was appointed heat receiver by the court to prepare a feasibility study on the above premises and make repairs up to \$2,000.00 on December 4, 2012. For value received, the receiver in his official capacity and not individually promises to pay to bearer the sum of \$7,415.12 on or before ninety (90) days after the date this certificate, with interest accruing at the rate of twelve percent (12%) per annum until this receiver's certificate is fully paid, both principal and interest payable in such banking house or trust company in the City of Chicago, Illinois, as the legal holder of this receiver's certificate may appoint in writing or in the absence of such appointment, at the office of the Building and Housing Division of the City of Chicago's Law Department.

This receiver's certificate is issued under and by virtue of an order of the Circuit Court of Cook County, Illinois, entered on May 9, 2013 in the above-titled cause, and pursuant to Illinois Compiled Statutes, chapter 5/11-31-2. This receiver's certificate is freely transferable and shall constitute a first lien in accordance with Illinois Compiled Statutes, chapter 55, section 5/21-31-2 and the foregoing order, upon the premises legally described as follows:

SEE ATTACHED

Permanent Index Number: 13-34-115-029-0000

This receiver's certificate, together with the interest thereon, in no manner constitutes a personal obligation or liability of the receiver.

The holder of the receiver's certificate shall release the same receiver's certificate and the lien thereof by proper instrument, upon full and final payment of the underlying indebtedness evidenced by this receiver's certificate, either before or after maturity thereof. In the event the holder refuses to execute and deliver a release, the receiver may petition the court to order the holder to issue a release.

ASSIGNMENT

For the sum of one dollar (\$1.00) and for other good and valuable consideration, David Feller does hereby sell, assign and transfer to the City of Chicago, the foregoing receiver's certificate.

Dated: 8/30/13



David Feller / Heat Receiver

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The undersigned, an Assistant Corporation Counsel, is the authorized agent of the City of Chicago in this transaction.

Stephen R. Patton No. 90909, Corporate Counsel

By: 
Assistant Corporation Counsel

**David Feller, Receiver
C/o Globetrotters
300 S. Wacker Drive
Suite 400
Chicago, IL 60606
(312) 697-3556**

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

CITY OF CHICAGO, a municipal corporation,	)	Case No: 12 - M1 - 403225
)	
Plaintiff,	)	Address: 2156-58 North Kilpatrick/ 4705-07 West Palmer
	)	Chicago, IL. 60639
V.)	
)	
TR # 300870-01 Chicago Title Land Trust Co., et al )	)	Courtroom: 1105
Defendant(s).	)	Richard J. Daley Center

ORDER FOR RECEIVER'S CERTIFICATE

This cause coming on to be heard on the receiver's petition for the court's approval of his final accounting and for authorization to issue a receiver's certificate, with due notice being given to all parties and, with the court being fully advised in the premises;

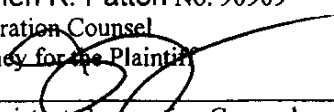
THE COURT FINDS:

1. That on December 4, 2012, the receiver was appointed for the purpose of preparing a feasibility study on this property and making repairs up to \$2,000.00.
2. The receiver performed services as detailed in the final accounting.
3. The receiver presented a petition for gross fees in the amount of \$6,582.50 for services provided to the court.
4. The receiver presented a petition for gross expenses including mark up in the amount of \$2,490.12 for out of pocket costs provided to the court.
5. Fees of ~~\$6,582.50~~ are reasonable compensation for the receiver's performance of his duties and for services provided to the court. *4925.12*
6. Out of pocket costs including mark ups of \$2,490.12 is reasonable for out of pocket costs provided to the court.

IT IS ORDERED:

- A. That the receiver's petition for costs and fees is granted;
- B. That the receiver's costs and fees of ~~\$9,072.62~~ *7415.12* are hereby approved by the court;
- C. That the receiver is hereby authorized to issue and to assign to the City of Chicago for valuable consideration a receiver's certificate in the amount of ~~\$9,072.62~~ *7415.12*. The certificate includes the fees and costs of the receivership. Interest shall accrue on unpaid amounts from the date this order is entered at (10%) per annum. The certificate is to issue against the real estate and constitute a first lien thereon in accordance with provisions of Illinois Compiled Statutes, Chapter 65, Section 5/11-31-2.

Hearing Date: May 9, 2013 Entered:

Stephen R. Patton No. 90909
 Corporation Counsel
 Attorney for the Plaintiff
 By: 
 Assistant Corporation Counsel
 30 N. LaSalle Street, Suite 700
 Chicago, IL 60602
 (312) 744-8791

7415.12

Judge Gilispie

Room 1953

MAY 09 2013

Circuit Court

Office

UNOFFICIAL COPY**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - FIRST DISTRICT****12 M 1 403225**

CITY OF CHICAGO, a municipal corporation,	) Case No.	
Plaintiff	) Amount claimed per day	3,000.00
V.	) Address:	
TR# 300870-01 CHICAGO TITLE LAND TRUST	) 2156 - 2158 N KILPATRICK AVE CHICAGO IL	
CO	) 60639-	
MALVIN CRUZ	) 4705 - 4707 W PALMER ST CHICAGO IL	
CHICAGO TITLE AND TRUST COMPANY	) 60639-	
Unknown owners and non-record claimants		
Defendants		

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:

13-34-115-029

13-34-115-029-0000

LOTS 1 AND 2 IN BLOCK 2 IN JOHN F THOMPSON'S ARMITAGE AVENUE SUBDIVISION IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Commonly known as

2156 - 2158 N KILPATRICK AVE CHICAGO IL 60639-

4705 - 4707 W PALMER ST CHICAGO IL 60639-

and that located thereon is a

0 Story(s) Building

8 Dwelling Units

0 Non-Residential Units

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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.

TR# 300870-01 CHICAGO TITLE LAND TRUST CO , TRUSTEE
 MALVIN CRUZ , TRUST BENEFICIARY
 CHICAGO TITLE AND TRUST COMPANY , TRUST DEED HOLDER
 Unknown owners and non-record claimants

3. That on 11/07/2012 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)

2156 1st flr.Apartment tenant using stove and electrical heaters for heat. 2158 1st flr.Apartment tenant using stove and electrical heaters for heat.

Location: OTHER : : 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))

2156 and 2158 1st flr.Apartments window air-seepage [window frames rotted].

Location: OTHER : : SEQ #: 002

3 CN132016

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

2156 1st flr.Apartment,no heat 60dg.. 2158 1st flr.Apartment,no heat 58dg..

Location: OTHER : : 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)

2156 1st flr.Apartment,wall space heater broken,gas co will not turn space heater on,space heater has splice wiring connected to wall outlet. 4707 2nd flr.Apartment,wall space heater motor is rattling. 2158 1st flr.Apartment,furance broken and rusted,thermostat missing.

Location: OTHER : : SEQ #: 004

5 CN197079

Repair or replace defective or out of service smoke detectors and operate continuously. (13-196-130, 13-196-140)

2158 1st flr.Apartment,smoke detector not working.

Location: OTHER : : SEQ #: 005

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6

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, the tenant for testing, maintenance, and batteries.

2158 1st flr. Apartment. no carbon monoxide.

Location: OTHER : :

SEQ #: 006

*** 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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