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Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 09/19/2013 11:35 AM Pg: 1 of 6

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,
v.
David Felton, et al.
Defendants.

Case Number: 13M1402139
Re: 8042 S. Escanaba Ave.
Chicago, IL 60617
Courtroom 1105

Agreed EMERGENCY ORDER AUTHORIZING DEMOLITION
BY THE CITY OF CHICAGO

September 13, 2013

This cause coming to be heard on ~~September 13, 2013~~ on the complaint of THE CITY OF CHICAGO ("the City"), by and through its attorney, Stephen R. Patton, Corporation Counsel, against the following:

Defendant DAVID FELTON has the following interest in the subject property: RECORD OWNER.

Defendant SHIRLEY FELTON has the following interest in the subject property: RECORD OWNER.

Defendant BANK OF AMERICA, N.A. has the following interest in the subject property: RECORD OWNER.

Defendant BAYVIEW LOAN SERVICING LLC has the following interest in the subject property: MORTGAGE HOLDER.

Defendants also include UNKNOWN OWNERS and NONRECORD CLAIMANTS ("Defendants").

The Court having heard evidence and testimony and being fully advised in the premises finds that:

1. The Court has jurisdiction of the subject matter, which is the real estate located at 8042 S. ESCANABA, CHICAGO, COOK COUNTY, ILLINOIS ("subject property"), legally described as:

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2. THE SOUTH 1/2 OF LOT 17 AND LOT 18 IN BLOCK 14 IN WALTER S. HAINES SUBDIVISION OF BLOCKS 2 AND 24 IN CIRCUIT COURT PARTITION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. Located on the subject property is a TWO STORY BRICK BUILDING ("subject building"). The last known use of the subject building was MULTIPLE DWELLING UNIT.
3. The subject building is dangerous, unsafe, and beyond reasonable repair under the terms of the Illinois Municipal Code, 65 ILCS 5/11-31-1, in that the following violations of the Municipal Code of Chicago exist at the subject property and the defendants:
 - a. With respect to each OWNER only, failed to repair or replace defective and/or missing electrical fixtures and maintain electrical system in safe and sound condition. (18-27-210.70, 18-27-410.22, 18-27-410.23, 18-27-410.24, 18-27-240.27, 18-27-410.36, 18-27-410.37, 18-27-410.38, 18-27-410.39, 18-27-560.7, 13-196-590, 13-196-641). Electrical - Missing Fixtures; Stripped & Inoperable.
 - b. With respect to each OWNER only, failed to maintain all floors free of holes, grooves, and cracks. (13-12-135(c)(2), 13-196-40(a), 13-196-540(b), 13-196-540(f), 13-196-641). Floor - Warped Flooring.
 - c. With respect to each OWNER and MORTGAGEE, failed to maintain the exterior of a building so that all exterior windows and doors are in sound condition and good repair, so that: windows and doors fit tightly within their frames; window and door frames are constructed and maintained in such relation to the adjacent wall construction as to prevent rain from entering the building; windows and doors are equipped with properly functioning locking hardware; and any window which has broken, cracked, or missing glass or glazing is repaired or boarded in a manner prescribed by code. (13-12-135(b)(3), 13-196-550, 13-196-641, 13-12-126(b)(1)). Glazing/Sash - Broken or Missing.
 - d. With respect to each OWNER only, failed to maintain every supply facility, piece of equipment, and utility, including the heating system, in safe and sound condition. (13-196-590, 13-196-641). Heating - Missing Furnace; Stripped & Inoperable; Vandalized.
 - e. With respect to each OWNER only, failed to maintain every wall and ceiling within a building in safe and sound condition and good repair. (13-12-135(c)(2), 13-196-540, 13-196-641). Plaster - Broken or Missing.
 - f. With respect to each OWNER, failed to maintain all plumbing fixtures without leaking pipes and completely drain or continuously heat all pipes for water to prevent them from freezing and maintain or repair plumbing system in accordance with the original design so that no hazard to life,

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health or property is created by such plumbing system. (13-12-135(c)(3), 13-196-590, 13-196-641, 18-29-102.2). With respect to each MORTGAGEE, failed to winterize a building by cleaning all toilets and completely draining all plumbing systems. (13-12-126(b)(7)). Plumbing - Missing Fixtures; Stripped & Inoperable.

- g. With respect to each OWNER and MORTGAGEE, failed to maintain the exterior of a building so that all portions of the roof are adequately supported and maintained in weather tight condition and all gutters, downspouts, scuppers, and appropriate flashing are in good repair and adequate to remove water. (13-12-135(b)(4), 13-196-530(c), 13-196-641, 13-12-126(b)(8)). Roof - Water Damaged.
- h. With respect to each OWNER only, failed to maintain every foundation, roof, floor, wall, stair, ceiling, and other structural support within a building in safe and sound condition, good repair, and capable of supporting the loads that normal use may cause to be placed thereon. (13-12-135(c)(2), 13-520-10, 13-196-040, 13-196-540, 13-196-641) THE ENTIRE ROOF IS SEVERELY FIRE DAMAGED AND IN DANGER OF COLLAPSE.
- i. With respect to each OWNER only, failed to maintain every wall and ceiling within a building in safe and sound condition and good repair. (13-12-135(c)(2), 13-196-540, 13-196-641) THE EXTERIOR LOAD BEARING WALL AT THE NORTHWEST ELEVATION IS SEVERELY FIRE DAMAGED AND IN DANGER OF COLLAPSE.
- j. With respect to each OWNER only, failed to maintain every foundation, roof, floor, wall, stair, ceiling, and other structural support within a building in safe and sound condition, good repair, and capable of supporting the loads that normal use may cause to be placed thereon. (13-12-135(c)(2), 13-520-10, 13-196-040, 13-196-540, 13-196-641) THE FLOOR JOISTS AT THE REAR OF THE BUILDING IS SEVERELY FIRE DAMAGED AND IN DANGER OF COLLAPSE.
- k. With respect to each OWNER only, failed to maintain every foundation, roof, floor, wall, stair, ceiling, and other structural support within a building in safe and sound condition, good repair, and capable of supporting the loads that normal use may cause to be placed thereon. (13-12-135(c)(2), 13-520-10, 13-196-040, 13-196-540, 13-196-641) SECTIONS OF THE ROOF ARE MISSING WITH THE ENTIRE STRUCTURE OPEN TO THE ELEMENTS AND IS IN DANGER OF COLLAPSE WITH OCCUPIED STRUCTURES IN CLOSE PROXIMITY AT THE NORTH AND SOUTH ELEVATIONS.

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4. The subject building is beyond reasonable repair and it would take major reconstruction by a responsible owner to bring the subject building into full compliance with the Municipal Code.
5. Demolition of the subject building is the least restrictive alternative available to effectively abate the dangerous and unsafe conditions at the subject property as of August 30, 2013.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. ~~Defendants UNKNOWN OWNERS and NONRECORD CLAIMANTS, having been notified by publication and having failed to answer, appear, or otherwise plead as of the default date of _____, are in default and all allegations in the complaint are deemed admitted against said defendants.~~
- B. A judgment on Count III of the Complaint is entered in favor of Plaintiff, the City of Chicago, and against Defendants.
- C. Counts I, II, IV, V, and VI of the Complaint are voluntarily dismissed, on the City's oral motion.
- D. Pursuant to the judgment entered above, 65 ILCS 5/11-31-1, and the City's police powers under Article VII of the Illinois Constitution, the City is granted authorization to demolish the subject building on the subject property, and is entitled to a lien for the costs of demolition, court costs, and other costs enumerated by statute, and/or other statutory remedies. Such authority shall be effective 9/27/13
- E. The City's performance under this order shall result in a statutory *in rem* lien that attaches to the subject property only. If the City seeks a personal judgment against any Defendant(s), it shall proceed by separate motion directed to such Defendant(s).
- F. Defendants with either possession or control of the subject property shall keep the subject building vacant and secure until it is demolished.
- G. Any and all Defendants with either possession or control of the subject property shall immediately remove any and all persons occupying the subject building and any and all personal property from the subject property so that the subject property is completely vacant and free of persons and personal property before demolition is commenced.
- H. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court finds there is no just reason for delaying the enforcement or appeal of this order.

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- I. The Court reserves jurisdiction of this cause to enforce the terms of this Order and for the purpose of ascertaining demolition costs and other costs for entry of money judgment(s) against the defendant owners and for the purposes of hearing foreclosure proceedings as defined by the applicable statutes and ordinances.
- J. Death suggested cause abated against David Felton, on 8-30-13
- K. Bank of America and Shirley Felton were dismissed as named Defendants on 8-30-13.
- L. Bayview Loan Servicing agrees to demolish within 14 days of today's date.
- M. This matter is hereby continued to 11/15/13 for the city to publish against unknown owners and non-record claimants
- P. Bayview Loan Servicing shall keep Boarded and Secured until the property is demolished ^{the property}
- Q. City's ~~motion~~ emergency motion to demolish is hereby granted.

ENTERED:

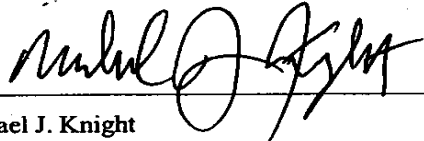
Assoc. Judge Pamela Hughes Gillespie

SEP 13 2013

Circuit Court 1953

Pamela Gillespie

By:



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SERVICE LIST

City of Chicago v. DAVID FELTON, et al.
re: 8042 S. ESCANABA AVE. CHICAGO, IL. 60617

DAVID FELTON 1626 W. 87TH ST. CHICAGO, IL. 60620	RECORD OWNER
DAVID FELTON 114 E. 116TH ST. CHICAGO, IL. 60628	RECORD OWNER
SHIRLEY FELTON 6825 S. INDIANA AVE. CHICAGO, IL. 60637	RECORD OWNER
SHIRLEY FELTON 1626 W. 87TH ST. CHICAGO, IL. 60620	RECORD OWNER
BANK OF AMERICA, N.A. C/O PATRICIA M. HOLDEN 135 S. LASALLE ST., STE. 362 CHICAGO, IL. 60603	RECORD OWNER
BAYVIEW LOAN SERVICING LLC C/O CT CORPORATION SYSTEM 208 S. LASALLE ST., STE. 814 CHICAGO, IL. 60604	MORTGAGE HOLDER

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