



Doc#: 1330141170 Fee: \$54.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 10/28/2013 03:49 PM Pg: 1 of 9

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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: 11 M1 403482
Plaintiff,	)	
	)	Property Address: 2423 W. MADISON
v.	)	Chicago, IL
	)	Room: 1105, Richard J. Daley Center
IBNK LEASING CORP., et al.	)	
Defendant(s)	)	Lien Amount: \$ 3,000.00

**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 10 IN WILCOX SUBDIVISION OF THE EAST 5 ACRES OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THEE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT A TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0926010042, TOGETHER WITH ITS UNDIVIDED INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

**Commonly Known as:** 2423 W. MADISON, CHICAGO, IL 60612

**P.I.N.:** 16-13-203-054-1001, 1002, 1003, and 1004 (underlying PIN 16-013-203-012)

The aforesaid lien arises out of City of Chicago vs. IBNK LEASING CORP., et al, Case Number 11 M1 403482 filed in the Circuit Court of Cook County, in which a receiver was appointed for said property by Court Order dated 12/27/2011. The receiver incurred expenses approved by the Court, pursuant to an order entered 06/05/2012. Pursuant thereto, the receiver issues a certificate in the amount of \$ 3,000.00 and bearing interest at 9% annum for costs and fees, which was transferred and assigned to the City of Chicago.

Claimant, City of Chicago, by an Assignment dated 06/08/2012, claims a lien on the above cited real estate for the amount of \$3,000.00 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 200/22-25 the advances made by the City to this property must be paid by tax purchaser prior to obtaining a tax deed for this property.

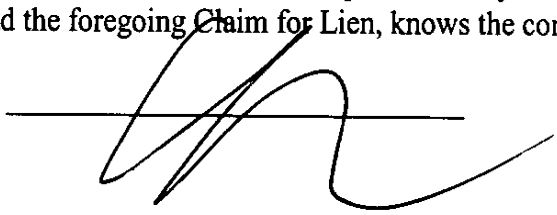
# UNOFFICIAL COPY

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

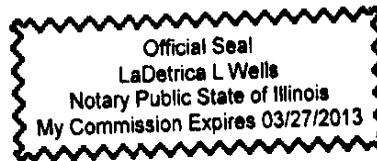
BY Steven Q. McKenzie



This 19 day of July 2012.

LaDetricia L. Wells

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



PROPERTY OF COOK COUNTY CLERK'S OFFICE

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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: 11-M1-403482
	)	
Plaintiff,	)	Property Address:
	)	2423 West Madison
v.	)	<u>CHICAGO, IL.</u>
IBNK Leasing Corp., et al	)	Courtroom: <u>1105</u>
	)	Richard J. Daley Center
Defendant (s)	)	

**RECEIVER'S FINAL CERTIFICATE**

The undersigned David Feller was appointed heat receiver by the court to restore and maintain hot water and heat to the above premises on December 27, 2011. For value received, the receiver in his official capacity and not individually promises to pay to bearer the sum of \$3,000.00 on or before ninety (90) days after the date this certificate, with interest accruing at the rate of nine percent (9%) 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 June 5, 2012 in the above-entitled 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 65, section 5/21-31-2 and the foregoing order, upon the premises legally described as follows:

**SEE ATTACHED**

Permanent Index Number: 16-13-203-054-1001, -1002, -1003, and -1004, (underlying PIN 16-013-203-012)

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

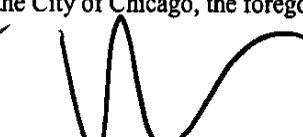
The holder of the receiver's certificate shall release the same receiver's certificate and the lien thereon by proper instrument, upon full and final payment of the underlying indebtedness evidenced by this receiver's certificate, either before or after maturity thereof. In the event the holder refuses 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: \_\_\_\_\_

6/8/12



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.

**Mara S. Georges, Corporate Counsel**

By: \_\_\_\_\_  
Assistant Corporation Counsel

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

**COOK COUNTY  
RECORDER OF DEEDS  
SCANNED BY \_\_\_\_\_**

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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.	<b>11 M 1 403482</b>
	)		
	)		
Plaintiff,	)	Amount Claimed: \$ 2,000.00 per day	
	)		
v.	)	Address:	
IBNK LEASING CORP., UNKNOWN	)	2423 W. Madison Street, Chicago, Illinois 60612	
OWNERS AND NON-RECORD CLAIMANTS,	)	Courtroom: 1105	
	)	Richard J. Daley Center	
Defendant(s).	)		

**VERIFIED COMPLAINT FOR EQUITABLE AND OTHER RELIEF**

Plaintiff, the City of Chicago, a municipal corporation, ("City"), by and through its attorney Stephen R. Patton, Corporation Counsel, by the undersigned Assistant(s) Corporation Counsel, complains of the Defendants as follows:

**COUNT ONE**

1. Located within the corporate limits of Chicago is a parcel of real estate commonly known as 2423 W. MADISON ST., CHICAGO, ILLINOIS 60612 and legally described as follows:

PIN: 16-13-203-054-1001, -1002,-1003, and -1004  
(UNDERLYING PIN 16-013-203-012)

LOT 10 IN WILCOX SUBDIVISION OF THE EAST 5 ACRES OF THE EAST ¼ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT A TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0926010042, TOGETHER WITH ITS UNDIVIDED INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

and that located thereon is a 4 story building with approximately 3 legal dwelling units, and upon information and belief 0 illegal basement units, and 1 non-residential units ("Property").

2. At all times relevant hereto and upon information and belief the following named defendants owned maintained, operated, collected rents for, and/or had an interest in said Property on the date(s) herein set forth:
  - a. IBNK LEASING CORP.- OWNER
  - b. UNKNOWN OWNERS AND/OR NON-RECORD CLAIMANTS.

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3. Upon information and belief, on December 22, 2011 and on each succeeding day thereafter until the date this complaint was filed, and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of the City of Chicago ("code") as follows:

**(1) PL 154027**

Failure to provide hot water at a minimum temperature of 120 degrees Fahrenheit (13-196-420, 13-196-430, 11-8-690, 11-8-500 A)

2<sup>ND</sup> FLOOR, SENIORS, NO HOT WATER, BOILER NOT WORKING PROPERLY

**(2) 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)

2<sup>ND</sup> FLOOR, SENIORS, BOILER NOT WORKING PROPERLY

**(3) CN 132016**

Failure to adequately heat dwelling unit adequately from September 15<sup>th</sup> to June 1<sup>st</sup> 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)

2<sup>ND</sup> FLOOR, SENIORS, INADEQUATE HEAT, THERE IS AN ACTIVE ACCOUNT FOR GAS AT THIS PROPERTY, BUT TENANTS UNABLE TO GET ADEQUATE HEAT DUE TO EQUIPMENT MALFUNCTIONS.

**(4) CN 046013**

Failure to provide adequate heating facilities and allowing usage of portable heating equipment and gas appliances for heat by occupants. (13-196-400)

2<sup>ND</sup> FLOOR, SENIORS, INADEQUATE HEAT, THERE IS AN ACTIVE ACCOUNT FOR GAS AT THIS PROPERTY, BUT TENANTS UNABLE TO GET ADEQUATE HEAT DUE TO EQUIPMENT MALFUNCTIONS/ BOILER NOT WORKING PROPERLY

**\*\*\*End of Violations\*\*\***

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4. Section 13-12-040 of the Chicago Municipal Code provides that any violation of the Building Code shall be punished with a fine of not more than \$500 per violation, and not less than \$200.00 per violation.
5. Section 13-12-040 of the Chicago Municipal Code further provides that *each day* any such violation exists constitutes a *separate offense*.
6. Michael Merchant, is the Commissioner of the City of Chicago Department of Buildings. Through reports of inspectors of that department, he or the undersigned has knowledge of the facts stated in this complaint.
7. This lawsuit is brought pursuant to the police powers inherent in the state, delegated to the municipality pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/11-31-1, 11-31-2, and 5/11-13-15, and the Municipal Code of Chicago.

**WHEREFORE**, the Plaintiff, City of Chicago, respectfully requests that this Honorable Court:

- a. Find Defendant(s) who possess or control the premises(s) guilty of the violations described herein, as to each day the aforementioned violations have existed at the premises; and
- b. Impose a fine against each of the Defendants who possess or control the premises, for each day said violations have existed at the premises, within the legislatively established range of \$200.00 to \$500.00 per day of existence of said violation(s), except as to violations of chapter 13-12-140 of the Municipal Code for which violations Plaintiff requests a fine against all Defendants; and
- c. Grant any other relief that this Court deems appropriate.

## COUNT TWO

As a second and further cause of action, plaintiff:

8. Re-alleges the allegations of paragraphs one through seven as if pleaded in full, and further alleges the following:
9. The levying of a fine is not an adequate remedy for the abatement of a nuisance. Instead, a temporary and permanent injunction should issue to bring the subject premises into compliance with the Municipal Code of Chicago.
10. Michael Merchant, Commissioner of the City of Chicago Department of Buildings, has determined through reports of his inspectors of the Department of Buildings that the premises are dangerous and unsafe, and he or the undersigned has knowledge of the facts stated in this complaint.

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**WHEREFORE**, the Plaintiff requests the Court:

- a. Enter a temporary and permanent injunction requiring Defendant(s) to correct the enumerated violations and to restrain future violations permanently;
- b. Appoint 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 receiver's certificates pursuant to Section 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended;
- c. If necessary, order the Defendant(s) to demolish, repair or enclose the building or authorize the Plaintiff to demolish or enclose the building and to obtain a judgment against Defendant(s) and a lien against the premises for the cost of demolition or enclosure pursuant to Section 5/11-31-1 of Chapter 65 of the Illinois Compiled Statutes, as amended;
- d. If appropriate, to enter an order declaring the property abandoned under Section 5/11-31-1(d) of Chapter 65 of the Illinois Compiled Statutes and grant the City a judicial deed to the property if declared abandoned;
- e. Enter an order permitting foreclosure of a statutory of a lien obtained in this proceeding if such a statutory lien is obtained;
- f. Render such further relief as may be necessary and which the court shall deem proper and just;
- g. Award reasonable attorneys fees and court costs.

CITY OF CHICAGO, a municipal corporation  
**Stephen R. Patton**, Corporation Counsel

By: \_\_\_\_\_


  
 Meira Greenberg  
 Assistant Corporation Counsel

### CERTIFICATION BY VERIFICATION

Pursuant to section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that he/she is an assistant corporation counsel for the City of Chicago and that he/she is the duly authorized agent for the plaintiff for the purpose of making this certification, and that the statements set forth in this Complaint are true and correct, except as to matters stated to be on information and belief and as to such matters he/she certifies as aforesaid that he/she believes the same to be true.



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Assistant Corporation Counsel

Stephen R Patton, Atty. #90909  
Corporation Counsel  
Attorney for Plaintiff  
By: Meira Greenberg  
30 North LaSalle Street, Suite 700  
Chicago, Illinois 60602  
(312) 744-8791

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RECORDER OF DEEDS  
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