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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 401374
Plaintiff,)	
	)	Property Address: 507 WEST 46 TH PLACE
v.	)	CHICAGO, IL
)	
	)	Room: 1105, Richard J. Daley Center
)	
AMALGAMATED BANK OF CHICAGO, et al.)	
Defendant(s)	)	Lien Amount: \$10,711.50

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 45 IN EUREKA SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly Known as: 507 WEST 46TH PLACE, CHICAGO, IL 60609
P.I.N.: 20-04-331-019-0000

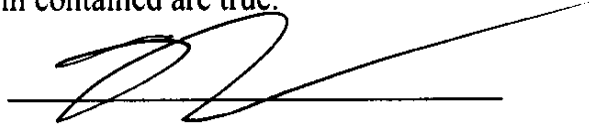
The aforesaid lien arises out of City of Chicago vs. AMALGAMATED BANK OF CHICAGO, et al., Case No. 12M1401374 filed in the Circuit Court of Cook County, in which a receiver was appointed for said property by Court Order dated 05/16/2013. The receiver incurred expenses approved by the Court, pursuant to an order entered 10/17/2013. Pursuant thereto, the receiver issues a certificate in the amount of \$10,711.50 and bearing interest at 12% 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 12/7/2013 claims a lien on the above cited real estate for the amount of \$10,711.50 plus statutory interest of 12%. 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

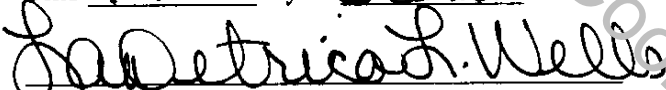
Steven Q. McKenzie, Assistant Corporation Counsel, being first duly sworn on oath, deposes and says that he is the authorized agent for the City of Chicago, that he has read the foregoing Claim for Lien, knows the content thereof, and that all statements therein contained are true.



SUBSCRIBED AND SWORN TO BEFORE ME

BY Steven Q. McKenzie

This 19 day of December 2013



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-M1-401374
)	
Plaintiff,	)	Property Address:
	)	507 West 46 th Place
v.	)	<u>CHICAGO, IL.</u>
Amalgamated Bank of Chicago, et al)	
	)	Courtroom: <u>1111</u>
Defendant (s)	)	Richard J. Daley Center

RECEIVER'S FIRST CERTIFICATE

The undersigned Globetrotters Engineering Corporation was appointed heat receiver by the court on May 16, 2013 and ordered to vacate the above property with relocation assistance and to board once vacant. For value received, the receiver in his official capacity and not individually promises to pay to bearer the sum of \$10,711.50 on or before ninety (90) days after the date this certificate, with interest accruing at the rate of ten percent (10%) 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 October 17, 2013 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: 20-04-331-019-0000

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.

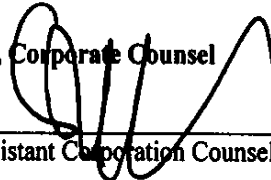
Dated: 12/7/13


 David Feller, Agent for Globetrotters Engineering Corporation

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

CITY OF CHICAGO, a municipal corporation,	)	Case No: 12 - M1 – 401374
)	
Plaintiff,	)	Address: 507 West 46th Place
)	
V.	)	Chicago, IL.
)	
Amalgamated Bank of Chicago, et al)	
	)	Courtroom: 1111
Defendant(s).	)	Richard J. Daley Center

ORDER FOR RECEIVER'S FIRST CERTIFICATE

This cause coming on to be heard on the receiver's petition for the court's approval of his first 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 May 16, 2013, the receiver was appointed for the purpose of vacating the above property.
2. The receiver performed services as detailed in the first accounting for the period of **May 16, 2013 through and including August 9, 2013**.
3. The receiver presented a petition for gross fees in the amount of \$6,896.50 for services provided to the court.
4. The receiver presented a petition for gross expenses in the amount of \$3,815.00 for out of pocket costs provided to the court.
5. Fees of \$6,896.50 are reasonable compensation for the receiver's performance of his duties and for services provided to the court.
6. Out of pocket costs of \$3,815.00 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 \$10,711.50 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 \$10,711.50. The certificate includes the fees and costs of the receivership, less rents received. 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: October 17, 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

Judge _____, Room 1111

OCT 17 2013

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

CITY OF CHICAGO,)
 a municipal corporation,)
 Plaintiff,)
 v.)
 DEUTSCHE BANK NATIONAL)
 TRUST COMPANY AS TRUSTEE)
 FOR NOVASTAR, SERIES 2006-5;)
 UNKNOWN HEIRS AND LEGATEES)
 OF JOANN M FLOOD A/K/A)
 JOANNE M FLOOD, and UNKNOWN)
 OWNERS AND NON-RECORD)
 CLAIMANTS,)
 Defendants.)

No. 12MF401374

Re: 507 W. 46th Place
Chicago, IL

PIN: 20-04-331-019-0000

11 PM 2:05
 CIVIL COURT

SECOND AMENDED COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff City of Chicago ("City"), by its attorney, Corporation Counsel Stephen Patton, complains of Defendants as follows:

GENERAL ALLEGATIONS

Nature of the Case

1. The City brings this action pursuant to its police power as a home rule unit under Article VII of the Illinois Constitution, which includes "the power to regulate for the protection of the public health, safety, morals and welfare." Ill. Cons. art. VII, par. 6(a). As a further grant of authority, the City brings this action pursuant to the Unsafe Property Statute, 65 ILCS 5/11-31-1(a) et seq. (2004), as amended, the Injunction Statute for Building and Zoning Violations, 65 ILCS 5/11-13-15 (2005) and Chicago Municipal Code ("Code"). By bringing this action, the City seeks to abate the dangerous and unsafe conditions at the property in question and obtain equitable relief, civil penalties, attorney's fees and costs.

The Parties and the Property at Issue

2. The City is a municipal corporation organized and existing under the laws of the State of Illinois.
3. There is a property commonly known as 507 W. 46th Place, Chicago, Illinois ("Subject Property"), with a property index number 20-04-331-019-0000 and a legal description as follows:

LOT 45 IN EUREKA SUBDIVISION OF THE SOUTHWEST ¼
OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 14, EAST OF

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THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,
ILLINOIS.

4. Located on the Subject Property is a two story, multi-family residence, with frame type construction ("Residence").
5. At all times relevant to this complaint, the Defendants owned, managed, controlled, collected rents from, contributed to the ongoing violations at, and/or had a legal or equitable interest in the Subject Property. More specifically:
 - A. **Deutsche Bank National Trust Company as Trustee for Novastar, Series 2006-5**, as Mortgagee, has an equitable interest in the Subject Property;
 - B. **Unknown Heirs and Legatees of Joann M. Flood a/k/a Joanne M. Flood** have an interest in the Subject Property.
 - C. All remaining defendants are the unknown owners and non-record claimants of the Subject Property.

COUNT I:

CRIMINAL ACTIVITY- CIVIL PENALTIES

6. The City re-alleges paragraphs 1-5 of the General Allegations, above, and reincorporates those allegations herein as paragraph 6 of Count I and further alleges:
7. The City brings this action pursuant to the **Drug and Gang Houses, Houses of Prostitution and Other Disorderly Houses Ordinance**, Section 8-4-090 of the Code.
8. Section 8-4-090 of the Code provides that any premises used for prostitution, illegal gambling, illegal possession or delivery of or trafficking in controlled substances, or any other activity that constitutes a felony, misdemeanor, business offense or petty offense under federal, state or municipal law is declared to be a public nuisance, provided that the property is used for more than one such offense within any six month period, or the offense is punishable by imprisonment for one year or more.
9. Section 8-4-090 further provides for any person who owns, manages, or controls such premises and who encourages or permits illegal activity to occur or continue shall be subject to a fine. This fine shall not be less than \$3,000 and not more than \$6,000 for any offense defined as a class X felony by the Criminal Code of 1961, 720 ILCS 5 ("Criminal Code"); not less than \$1,500 and not more than \$3,000 for any offense defined as a Class 1 felony by the Criminal Code; not less than \$700 and not more than \$1,400 for any offense defined as a Class 2 felony by the Criminal Code; not less than \$500 and not more than \$1,000 for any offense defined as a Class 3 felony by the Criminal Code; not less than \$300 and not more than \$1,000 for any offense defined as a Class 4 felony by the Criminal Code; and not less than \$200 and not more than \$1,000 for all offenses not otherwise specified. Each day that a violation of this section continues is a separate and distinct offense.

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10. During the time that Defendants owned and/or controlled the Subject Property, they encouraged or permitted criminal activity on or about the Subject Property.
11. According to reports created and maintained by the Chicago Police Department, the following activity constituting a felony, misdemeanor, business offense or petty offense under federal, state or municipal law, occurred at the Subject Property. Specifically:
 - A. On or about September 28, 2011, JOSH J. SIMENTAL committed the criminal offense of possession of a controlled substance, in violation of 720 ILCS 570/402(c), a Class 4 felony. During the execution of a search warrant, Chicago Police recovered approximately 1 gram of cocaine from the first floor of the Subject Property.
 - B. On or about September 28, 2011, JOSH J. SIMENTAL committed the criminal offense of possession of a controlled substance, in violation of 720 ILCS 570/402(c), a Class 4 felony. During the execution of a search warrant, Chicago Police recovered approximately 0.1 gram of heroin from the first floor of the Subject Property.
 - C. On or about September 28, 2011, ERICK ZAKULA committed the criminal offense of possession of more than 2.5 grams but less than 10 grams of cannabis, in violation of 720 ILCS 550/4(b), a Class B misdemeanor. During the execution of a search warrant, Chicago Police recovered approximately 5 grams of cannabis from the living room of the Subject Property.
 - D. On or about September 13, 2010, BENJAMIN RANGEL, JR. committed the criminal offense of assault, in violation of 720 ILCS 5/12-1(a), a Class C misdemeanor. Pursuant to a follow-up investigation of the incident, Chicago Police arrested RANGEL on September 16, 2010 at the Subject Property.

WHEREFORE, the City respectfully requests that this Honorable Court:

- A. Find that Defendants violated § 8-4-090 of the Code in that the Defendant encouraged or permitted illegal activity at the Subject Property;
- B. Fine Defendants the maximum amount for each instance of criminal activity at the property, pursuant to §8-4-090 (c) of the Municipal Code of Chicago; and
- C. Grant any other relief that this Court deems appropriate.

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COUNT II: CRIMINAL ACTIVITY- ABATEMENT MEASURES

12. The City re-alleges paragraphs 1-11 of this Complaint, above and reincorporates those allegations herein as paragraph 12 of Count II and further alleges:
13. The Subject Property is a public nuisance, as defined by §8-4-090 of the Municipal Code of Chicago; and,
14. That the levying of a fine is an inadequate remedy to secure the abatement of the aforesaid municipal code violations and the public nuisance, which they constitute.

WHEREFORE, the City respectfully requests that this Court:

- A. Find that the Subject Property is a public nuisance, as defined by Section 8-4-090 of the Municipal Code of Chicago;
- B. Order Defendants to take action to abate the criminal activity now occurring at the Subject Property, including, but not limited, to the following:
 - a. Vacate and secure the premises;
 - b. Evict all residents or guests who have been involved in illegal activity at the subject property and bar them permanently from the subject property;
 - c. Install and maintain additional security measures, including but not limited to, erecting fencing with gate and heavy-duty locks, to ensure that non-residents are not able to use the property for illicit purposes;
 - d. Install lighting above every entrance to the property and on each corner of the building to deter drug and/or gang activity from occurring on the Subject Property;
 - e. Install security cameras to monitor the exterior of the Subject Property;
 - f. Hire licensed and bonded uniformed security guards to patrol the Subject Property;
 - g. Post signs forbidding loitering in and around the Subject Property and enforce this rule by calling police, signing complaints, and attending court; and,
 - h. Any other relief that this Court deems necessary to abate the criminal activity occurring on the Subject Property.

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COUNT III: BUILDING CODE VIOLATIONS-CIVIL RELIEF

15. The City re-alleges paragraphs 1-5 of the General Allegations, above, and reincorporates those allegations herein as paragraph 15 of Count III and further alleges.
16. All buildings in the City of Chicago must meet the minimum requirements for electrical, plumbing, heating and ventilation and general building requirements. Municipal Code of Chicago, § 13-196-010 (2008) (“Every existing building shall comply with the code requirements in force and applicable to such building...”).
17. An owner of, or any person in management or control of, any building or premises that is found to be in violation of the provision of this code shall be liable for any violation therein, existing or occurring. Municipal Code of Chicago, §13-12-020 (2008).
18. Any violation of, or resistance to or interference with the enforcement of, any of the provisions of this Code enumerated in §13-12-010, to which no other penalty provision is applicable shall be punished by a fine of not less than \$200.00 and not more than \$500.00, and each day such violation shall continue shall constitute a separate and distinct offence for which a fine as herein provided shall be imposed. Municipal Code of Chicago, §13-12-040 (2008).
19. The Defendants as the owners and or managers failed to comply with the Municipal Code of the City of Chicago regarding:
- A. Specifically, on January 27, 2012, and on each succeeding day thereafter, the Defendants as the owners and or managers failed to:
1. 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, *specifically owner's identification sign is not posted*, pursuant to §3-12-030 of the Code;
 2. CN070024
Failed to repair or replace defective or missing members of porch system, *specifically front porch- most members are only nailed/toe nailed together at connections; rear enclosed porch- exposed center 6x6 beam is rotted, flight of stairs from first floor to second floor and second floor landing replaced without a permit, most structural members are concealed with drywall, most exposed members are only nailed/toe nailed together at connections; SUBMIT PLANS AND OBTAIN PERMITS for repairs to enclosed porch*, in violation of §§13-196-570, 13-196-641 of the Code;
 3. CN070014
Failed to maintain exterior stairways in safe condition and in sound repair, *specifically rear exterior stairs with deck-ledger is only nailed at the*

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exterior wall connections; most members are only nailed/toe nailed together at connections; OBTAIN PERMIT for repairs, in violation of §§13-196-570, 13-196-641 of the Code;

CN015062

4. Failed to remove obstruction from exitway that hampers travel and evacuation, *specifically rear enclosed porch accumulation of personal items; junk and trash*, in violation of §§13-160-070, 13-196-080 of the Code;

NC2021

5. Performed or allowed work to be performed erecting, enlarging, altering, repairing, removing or demolishing a building or part of a building without a permit, *specifically gas fired water heater, installed on the second floor landing of rear enclosed porch*, in violation of §§13-12-050, 13-32-010, 13-32-130 of the Code;

CN197019

6. Install and maintain approved smoke detectors, *specifically smoke detector missing at front in rear stairway at second floor*, pursuant to §§13-196-100 through 13-196-64 of the Code. Install a smoke detector in every dwelling unit. Install one on any living level with a habitable room or unenclosed heating plant, on the uppermost ceiling of enclosed porch stairwell, and within 15 feet of every sleeping room. Be sure the detector is at least 4 inches from the wall, 4 to 12 inches from the ceiling, and not above door or window.

CN197087

7. Install carbon monoxide detector within 40 feet of every sleeping room in residential structure, *specifically carbon monoxide detector missing from second floor apartment furnace room*, pursuant to §§13-64-190, 13-64-210 of the Code. 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.

CN011012

8. Failed to provide self-closing, framed, 1-1/2 hour Class B fire door or other approved opening protective assembly for heating plant and/or boiler room, *specifically entry door at second floor apartment furnace room is not fire rated*, in violation of §§15-8-230 of the Code;

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CN010012

9. Failed to enclose heating plant room with noncombustible walls, partitions, floors and ceilings with at least one hour fire resistance, *specifically large opening in the ceiling at the second floor apartment furnace room*, in violation of §§15-8-190, 15-8-220 of the Code;

CN076014

10. **Install and connect** roof gutter and downspout to sanitary sewer, *specifically gutter/downspout missing at west elevation exterior*, pursuant to §13-168-600 of the Code;

CN190019

11. **Arrange** for inspection of premises, *specifically unverified detectors and conditions of basement and first floor apartments*, pursuant to §13-12-100 of the Code;

- B. Specifically, on April 5, 2013, and on each succeeding day thereafter, the Defendants as the owners and or managers failed to:

CN074014

12. Failed to maintain exterior service walks, passage and areaways in clean, sanitary and safe condition, *specifically service walk has broken concrete-TRIP HAZARD*, in violation of §§13-196-630, 13-196-641 of the Code;

NC2071

13. Remove work performed without permit and restore building or site to original construction, *specifically wood picket fence over 5' height-remove or obtain permit*, pursuant to §§13-32-110, 13-32-290 of the Code;

CN104015

14. Replace broken, missing or defective window panes, *specifically 1st floor, basement north and basement south have broken window panes*, pursuant to §13-196-550(a) of the Code;

EL003

15. Replace defective meter socket, *specifically replace defective power service improperly installed and install public meter and public panel*, pursuant to §§18-27-230.62, 18-27-230.66 of the Code;

EL0091

16. Obtain permit for electrical wiring and equipment installed without permit, *specifically provide permit to correct violations*, pursuant to §13-12-360 of the Code;

- C. Specifically, on July 10, 2013, and on each succeeding day thereafter, the Defendants as the owners and or managers failed to:

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CN197019

17. Install and maintain approved smoke detectors, *specifically no working smoke detectors throughout*, pursuant to §§13-196-100 thru 13-196-160 of the Code. Install a smoke detector in every dwelling unit. Install one on any living level with a habitable room or unenclosed heating plant, on the uppermost ceiling of enclosed porch stairwell, and within 15 feet of every sleeping room. Be sure the detector is at least 4 inches from the wall, 4 to 12 inches from the ceiling, and not above door or window.

CN197087

18. Install carbon monoxide detector within 40 feet of every sleeping room in residential structure, *specifically no visible carbon monoxide detectors*, pursuant to §§13-64-190, 13-64-210 of the Code. 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.

CN070014

19. Failed to maintain exterior stairways in safe condition and in sound repair, *specifically interior stairway missing guard rail at top of stairway*, in violation of §§13-196-570, 13-196-641 of the Code;

CN070024

20. Failed to repair or replace defective or missing members of porch system, *specifically enclosed rear porch has the following violations: 1) beam to column connections nailed only, 2) stringer connections to support posts nailed only, 3) treads cracked throughout, 4) hand rails deflect under load, 5) guard rails under sized at 36" only, 6) provide plans and permits to repair; specifically front and rear porches have the following violations: 1) 6x6 columns no visible footings, 2) stringer connections nailed only, 3) rear porch guard rails missing center support posts, 4) front porch hand rails deflect under load, 5) plans and permits required for repairs*, in violation of §§13-196-570, 13-196-641 of the Code;

NC2011

21. 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, *specifically provide approved plans and permits for original rear porch enclosure and adding newer deck to already enclosed porch*, in violation of §§13-32-010, 13-32-040, 13-40-020, 13-12-050 of the Code;

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- CN101015
22. Failed to maintain interior walls and ceilings free from holes or cracks, *specifically several different sections of walls missing plaster throughout building*, in violation of §13-19-540(c) of the Code;
- CN104015
23. Replace broken, missing or defective window panes, *specifically first and second floor windows- broken panes*, pursuant to §13-196-550(a) of the Code;
- CN073044
24. Failed to maintain exterior door hardware in good condition and repair, *specifically front entry door- broken lock hardware*, in violation of §§13-196-550(d), 13-196-641 of the Code;
- CN105035
25. Repair or replace door hardware, *specifically two front entry doors to apartments missing or broken locks*, pursuant to §13-196-550 of the Code;
- CN105015
26. Repair or replace defective door, *specifically interior bedroom doors broken (off hinges)*, pursuant to §13-196-550 of the Code;
- CN138106
27. Remove and stop nuisance, *specifically junk and debris throughout entire building*, pursuant to §7-28-060 of the Code;
- EL0095
28. Use branch circuit conductor to supply only 1 apartment or dwelling unit, *specifically provide separate panel and metering to serve building common area loads*, pursuant to §§18-27-570.10, 18-27-560.23 of the Code;
- EL0005
29. Replace defective distribution equipment, *specifically bond neutrals at source disconnects, ground all service disconnects, and provide cover for panel and properly secure*, pursuant to §§18-27-384.13, 18-27-384.15, 18-27-384.16, 18-27-384.17 of the Code;
- EL0022
30. Remove exposed wiring at light fixture, *specifically first floor bedroom missing light- open box with open wiring*, pursuant to §§18-27-410.24, 18-27-410.28 of the Code;
- EL0023
31. Install cover on outlet or junction box, *specifically basement*, pursuant to §18-27-370.25 of the Code;

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EL0084

32. Provide all required GFCI protection, *specifically baths and kitchen*, pursuant to §18-27-370.8 of the Code;

EL0085

33. Provide all required smoke and carbon monoxide detectors pursuant to §18-27-370.10 of the Code;

EL0016

34. Install additional receptacle outlets, *specifically comply with article 570 for minimum number of receptacles*, pursuant to §§18-27-560.6, 18-27-570.10(e) of the Code;

EL0030

35. Remove defective armored cable, *specifically exposed runs on rear stairs second floor*, pursuant to §§18-27-110.2, 18-27-110.3, 18-27-333.2, 18-27-333.3 of the Code;

EL0024

36. Illuminate *hall, corridor, stair, accessible attic, closet, basement storeroom, utility room, and/or garage, specifically basement and all exterior doors*, pursuant to §§18-27-700.6, 18-27-560.7, 18-27-700.8, 18-27-700.9, 18-27-700.10 of the Code;

WHEREFORE, the City respectfully requests that this Honorable Court issue a fine against Defendant as provided under §13-12-020 of the Code and in accordance with §13-12-040, of \$500.00 per violation per day, beginning January 27, 2012, for the violations in paragraph 10-A (1-11), a fine of \$500.00 per violation per day, beginning April 5, 2013, for the violations in paragraph 10-B (12-16), and a fine of \$500.00 per violation per day, beginning July 10, 2013, for the violations in paragraph 10-B (17-36), until the day this Court enters a finding.

COUNT IV:

BUILDING CODE VIOLATIONS: EQUITABLE RELIEF

20. The City re-alleges paragraphs 1-5 of the General Allegations and paragraphs 15-20 of Count III above, and reincorporates those allegations herein as paragraph 21 of Count IV and further alleges:
21. That the levying of a fine is an inadequate remedy to secure the abatement of the aforestated 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.
22. The subject property fails to meet the minimum requirements of the Municipal Code of Chicago as described in the preceding paragraphs.
23. The Injunction Statute for Building and Zoning Violations provides, in pertinent part,

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that:

In case any building or structure, including fixtures, is constructed . . . or maintained, or any building or structure, including fixtures, or land, is used in violation of an ordinance or ordinances . . . the proper local authorities of the municipality . . . in addition to other remedies, may institute any appropriate action or proceeding . . . (4) to restrain, correct or abate the violation.

See 65 ILCS 5/11-31-2(a) (2004); see also Municipal Code of Chicago § 13-12-070 (2000) (City may obtain an injunction requiring compliance with the provisions of the Building Code).

24. The Illinois Municipal Code provides, in pertinent part, that:

If the appropriate official of any municipality determines, upon due investigation, that any building or structure therein fails to conform to the minimum standards of health and safety as set forth in the applicable ordinances of such municipality, and the owner or owners of such building or structure fails, after due notice, to cause such property so to conform, the municipality may make application to the circuit court for an injunction requiring compliance with such ordinances or for such other order as the court may deem necessary or appropriate to secure such compliance.

See 65 ILCS 5/11-31-2 (2004).

25. Preliminary and permanent injunctive relief is necessary to end the conduct of those defendants who own, control or otherwise manage the subject property in violation of the requirements of the Municipal Code of Chicago.
26. Moreover, the failure of the defendants who own, control or otherwise manage the subject property to maintain the subject property according to the minimum requirements of the Municipal Code of Chicago constitutes an ongoing injury to the public health, safety and welfare, for which there is no adequate remedy at law. *See Municipal Code of Chicago §13-12-010 (2000) ("In interpreting and applying said provisions of this code, such provisions shall in every instance be held to be the minimum requirements adopted for the protection and promotion of the public health, safety and welfare.")*. The prosecution and fining alone of these defendants will not promptly abate the nuisance.
27. Where a statute or ordinance authorizes injunctive relief, a municipality need only show that the statute or ordinance was violated to obtain injunctive relief. *See Village of Riverdale v. Allied Waste Trans., Inc.*, 334 Ill. App. 3d 224, 228-29 (1st Dist. 2002); *City of Chicago v. Krisjon Constr. Co.*, 246 Ill. App. 3d 950, 959 (1st Dist. 1993); *City of Chicago v. Piotrowski*, 215 Ill. App. 3d 829, 834-35 (1st Dist. 1991).

WHEREFORE, the City respectfully requests that this Honorable Court to:

- A. Order Defendants as follows:

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- 1) Immediately repair all of the above-listed violations;
 - 2) Allow a complete interior and exterior inspection by the City of Chicago building inspectors to verify that all required repairs have been completed and are in compliance with all applicable laws and standards;
 - 3) Obtain all of the necessary permits required to perform the work; and,
 - 4) Hire licensed and bonded electricians and plumbers to do the necessary work, where applicable;
- B. Appoint a receiver to correct the conditions alleged in the Complaint with full powers of receivership, including the right to issue and sell receivers certificates in accordance with 65 ILCS 5/11-31-2, as amended;
- C. For an order authorizing the plaintiff to demolish, repair, enclose or clean up the Subject Property, if necessary, and a judgment against defendants and lien on the subject property for those costs in accordance with 65 ILCS 5/11-31-1(a), as amended;
- D. If appropriate and under proper petition, for an order declaring the property abandoned under 65 ILCS 5/11-31-1(d), 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 65 ILCS 5/11-31-1 or 65 ILCS 5/11-31-2, as amended and for an order permitting foreclosure of said lien in this proceeding;
- F. Award to the City court costs, attorney's fees and other costs related to the enforcement of 65 ILCS 5/11-31-1(a) against the defendants, and,
- D. Any other relief that this Court deems appropriate.

Respectfully submitted,

Stephen Patton
Corporation Counsel

By: 

Meira Greenberg
Assistant Corporation Counsel

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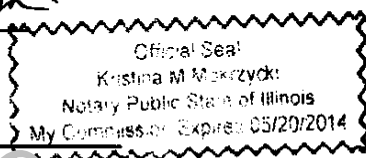
VERIFICATION

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.

Willy Byajsky

Subscribed and sworn to before me this 20 Day
of July, 2013.

By: Kristina M. Makrzycki



Deputy Circuit Court Clerk or Notary Public

For further information Contact: Department of Buildings
Public Information Desk (312) 744 3400

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By: M. Green

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