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Karen A. Yarbrough
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Duplicate original

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

MICHAEL HEATH, *ET AL.*,

Defendants

Case Number: 13M1 402128

Re: 3321 W. Crystal

Courtroom 1111

AGREED ORDER OF DEMOLITION effective 4/29/14

This cause coming to be heard on 2/4/14 on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

- Michael Heath
- Christina Heath
- The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Certificate Holders CWMBS, Inc., CHL Mortgage Pass-Through Trust 2006-HYB1 Mortgage Pass-Through Certificates, Series 2006-HYB1
- Mortgage Electronic Registration Systems, Inc., as Nominee for American Brokers Conduit are mortgagees of the subject property.
- Unknown owners and non-record claimants

The Court being fully advised of the premises of this proceeding and having heard the evidence finds that:

1. The Court has jurisdiction of the parties hereto and the subject matter, which is the premises located at the following address: 3321 W. Crystal, Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 40 IN S.E. GROSS SIXTH HUMBOLDT PARK ADDITION IN CHICAGO, A SUBDIVISION IN SECTION 2, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 16-02-227-014.

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2. Located on the subject property is a frame garage and two-story brick building. The last known use of the subject building was residential.
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 (1996) (Unsafe Buildings), in that:

FRONT BUILDING

- A. The building(s) located on the subject property ("the building") is vacant.
- B. The building's electrical systems are stripped or inoperable with exposed wiring and missing fixtures.
- C. The building's plumbing systems are stripped or inoperable.
- D. The building's heating systems are stripped or inoperable with missing duct work and a missing furnace.
- E. The building's heating systems have been vandalized.
- F. The building's flooring is missing with smoke, fire, and/or water damage.
- G. The building's glazing is broken or missing.
- H. The building's joists are over notched with smoke, fire, and/or water damage.
- I. The building's masonry has holes with missing sections and missing siding.
- J. The building's masonry has step or stress fractures and washed out mortar joints.
- K. The building's masonry has smoke, fire, and/or water damage.
- L. The building's masonry has parts of coping tile that is missing.
- M. The building's plaster is broken or missing with smoke, fire, and/or water damage.

GARAGE

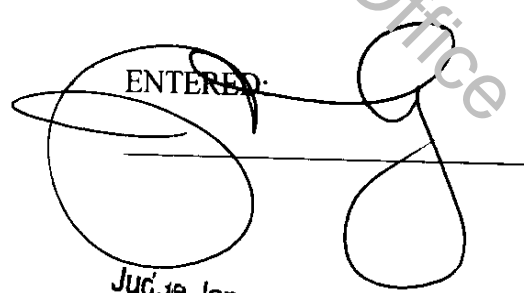
- N. The building's garage is vacant and open.
4. There has been no work in progress since the beginning of this case at the subject property.
 5. The Court finds that it would take major reconstruction of a responsible owner to bring the subject building into full compliance with the Municipal Code. The Court further finds that demolition of the subject building is the least restrictive alternative available to effectively abate the conditions now existing there.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants on **Counts I and IV** of the City's complaint seeking demolition authority.
- B. The remaining counts of the City's complaint are voluntarily withdrawn.

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- C. 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 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.
- D. The authority granted in Paragraph C. above shall become effective 4/29/14.
- E. The City's performance under this order will result in a statutory in rem lien that attaches only to the subject parcel of real estate. If the City seeks a personal judgment against any individual party to this action, it will proceed by separate motion directed to that party.
- F. Defendants with either possession or control of the subject property shall immediately remove any and all persons occupying the subject property and all personal property from said premises instanter so that said premises will be completely vacant and free of personal property before demolition is commenced. The City's Department of Human Services is authorized to assist in the relocation of any tenants.
- G. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court finds that there is no just reason for delaying the enforcement or appeal of this order.
- H. The Court reserves jurisdiction of this cause to enforce the terms of this order and for the purpose of ascertaining the demolition costs for entry of a money judgment against the defendant owners, as defined by the applicable statutes and ordinances.

ENTERED: _____

 Judge James M. McGloughlin

PLAINTIFF, CITY OF CHICAGO
 STEPHEN PATTON, Corporation Counsel

By: Nina Yabes
 Nina Yabes
 Assistant Corporation Counsel
 Building and License Enforcement Division
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 Circuit Court 1926

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