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Doc#: 1407826027 Fee: \$44.00
Karen A. Yarbrough
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Date: 03/19/2014 11:44 AM Pg: 1 of 4

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

PARTNERS IN CHARITY, INC., *et al.*

Defendants.

Case Number: 12 M1 401494

Re: 243 W 108TH PL
CHICAGO IL 60628

Courtroom 1107

ORDER AUTHORIZING DEMOLITION BY THE CITY OF CHICAGO

This cause coming to be heard on MARCH 13, 2014 on the complaint of THE CITY OF CHICAGO (“the City”), by and through its attorney, Stephen R. Patton, Corporation Counsel, against the following:

PARTNERS IN CHARITY, INC.,
GOLDEN FEATHER REALTY SERVICES INC,
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 243 W 108TH PL, CHICAGO, COOK COUNTY, ILLINOIS (“subject property”), legally described as:

LOT 15 (EXCEPT THE EAST 2 1/2 FEET THEREOF) IN BLOCK 4 IN BARTLETT'S ROSELAND SUBDIVISION OF LOT 42 AND THE NORTH 1/2 OF LOT 47 (EXCEPT THE WEST 67 FEET OF SAID LOTS) IN SCHOOL TRUSTEE'S SUBDIVISION OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 25-16-412-006-0000.

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2. Located on the subject property is a SINGLE-STORY FRAME BUILDING ("subject 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, 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, failed to secure a vacant building so that all openings are closed and secured using doors, glazed windows, commercial-quality steel security panels, or filled with the same material as the surrounding wall, as applicable, provided that openings greater than one square foot in area may not be boarded with plywood, except as specifically permitted by the Department of Buildings. (13-12-135(d)). With respect to each MORTGAGEE, failed to secure a vacant building's doors and windows so that all such openings are closed and secured, using doors, windows without broken or cracked panes, commercial-quality metal security panels, filled with the same material as the surrounding wall, or board with plywood installed in accordance with rules issued by the Commissioner of Buildings. (13-12-126(b)(1)). BUILDING IS VACANT AND OPEN. FRONT DOOR MISSING. ELEMENTARY SCHOOL IS 1/2 BLOCK AWAY.
 - b. 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), 13-196-530, 13-196-641, 13-12-126(b)(1)). GLAZING AND SASHES BROKEN, MISSING, OR INOPERABLE, CRACKED PANES.
 - c. 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). MISSING FURNACE.
 - d. With respect to each OWNER, failed to maintain the exterior of a building so that all foundations, basements, cellars, and crawlspaces are in sound and watertight condition, adequate to support the building, and protected against the entry of rodents or other animals. (13-12-135(b)(1), 13-196-530, 13-196-641). With respect to each MORTGAGEE, failed to maintain and secure the exterior of the building and keep the exterior of the property free of vermin and rodents. (13-12-126(b)(8), 13-12-126(b)(11)). MISSING SIDING.
 - e. 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)). MISSING SHINGLES.
 - f. With respect to each OWNER, failed to maintain the exterior of a building so that every outside stair or step is in sound condition and good repair and every porch, stoop, deck, veranda, balcony and walk is in sound condition. (13-12-135(b)(6), 13-52-010, 13-196-040, 13-196-570, 13-196-641). With respect to each MORTGAGEE, failed to reasonably maintain the exterior of a building and the structural integrity of stairs and steps that lead to the main entrance(s) of the building. (13-12-126(b)(6), 13-12-126(b)(8), 13-52-010, 13-196-040). DAMAGED DECKING AND HANDRAILS.

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- g. With respect to each OWNER, failed to maintain the lot and surrounding public way so that all grass and weeds on the premises, including abutting sidewalks, gutters, and alleys, are below ten inches in height, and all dead or broken trees, tree limbs, or shrubbery are cut and removed from the premises. (13-12-135(a)(1), 7-28-120, 15-4-970). With respect to each MORTGAGEE, failed to maintain all grass and weeds below ten inches in height and cut all dead or broken trees, tree limbs, or shrubbery. (13-12-126(b)(2), 7-28-120). REAR YARD.

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 MARCH 13, 2014.

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 SEPTEMBER 24, 2012 are in default and all allegations in the complaint are deemed admitted against said defendants.
- B. An *in rem* 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 IMMEDIATELY.
- 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. 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.

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- G. All Defendants and his / her / their / its agents, heirs, legatees, successors, and assigns shall be permanently enjoined and restrained from renting, using, leasing, occupying, selling or otherwise transferring, in whole or in part, the ownership or controlling interest in the entire premises until the same has / have established full compliance with the Municipal Code of the City of Chicago as stated in this cause and further order of court. Defendant(s) and his / her / their / its agents, heirs, legatees, successors, and assigns shall maintain the subject property in a sanitary, boarded, and secure condition while it remains subject to this injunction or until the property is demolished.
- 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.
- 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. This matter is off case

Judge Laurretta Higgins Wolfson

ENTERED:

MAR 13 2014

Circuit Court 1938

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