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Karen A. Yarbrough
Cook County Recorder of Deeds
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IN THE CIRCUIT COURT OF COOK COUNTY
MUNICIPAL DEPARTMENT - FIRST DISTRICT

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

UNKNOWN HEIRS AND LEGATEES OF
BENJAMIN L. KRAMER, *et al.*,

Defendants.

Case Number: 13 M1 400637

Re: 2535 N. Ridgeway
CHICAGO IL 60647

Courtroom 1111

ORDER OF NUISANCE
ABATEMENT FORFEITURE

This cause coming on to be heard on 3-18-14, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

UNKNOWN HEIRS AND LEGATEES OF BENJAMIN L. KRAMER,
JP MORGAN CHASE BANK, N.A., AS SUCCESSOR TO WASHINGTON MUTUAL BANK, F.A.,
UNKNOWN OWNERS and NONRECORD CLAIMANTS.

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

1. The Court has jurisdiction over the parties as follows:
 - UNKNOWN HEIRS AND LEGATEES OF BENJAMIN L. KRAMER, service by publication (default date May 9, 2013),
 - JP MORGAN CHASE BANK, N.A., AS SUCCESSOR TO WASHINGTON MUTUAL BANK, F.A, (corporate service on March 1, 2013),
 - UNKNOWN OWNERS AND NON-RECORD CLAIMANTS, service by publication (default date May 9, 2013),
2. UNKNOWN HEIRS AND LEGATEES OF BENJAMIN L. KRAMER is the record owner of the subject property.

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3. The Court has jurisdiction of the subject matter, which is the real estate located at 2535 N. RIDGEWAY, CHICAGO, COOK COUNTY, ILLINOIS ("subject property"), legally described as:

LOT 15 AND THE NORTH 21 FEET OF LOT 16 IN C.P. DOSE'S SUBDIVISION OF BLOCK 13 (EXCEPT THE NORTH 44 FEET THEREOF) IN KIMBALL'S SUBDIVISION OF THE EAST ½ OF THE SOUTHWEST ¼ AND THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT 25 ACRES IN NORTHEAST CORNER) IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 13-26-320-015.

4. Located on the subject property is a BRICK GARAGE and ONE-STORY BRICK building (the "subject building.") The last known use of the subject building was SINGLE-FAMILY RESIDENTIAL.
5. Further, 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"
- 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 with missing fixtures.
 - d. The building's heating systems are stripped or inoperable with a missing furnace.
 - e. The building's floors are missing or warped with portions that have been removed.
 - f. The building's glazing is broken or missing.
 - g. The building's joist support has been altered.
 - h. The building's masonry has portions that have partially collapsed.
 - i. The building's masonry has step or stress fractures and washed out mortar joints.
 - j. The building's masonry appears to have shifted by the south side brick wall.
 - k. The building's plaster is broken or missing.
 - l. The building's roof is water damaged with missing shingles.
 - m. The building's roof is leaking on the first floor ceiling.
 - n. The building's garage is vacant.
6. There has been no evidence of work in progress since the beginning of this case at the subject property, and UNKNOWN HEIRS AND LEGATEES OF BENJAMIN L. KRAMER has not shown it has readily available and sufficient assets to make repairs necessary to bring the building into compliance with applicable laws.
7. By a preponderance of the evidence, the subject building is a public nuisance as defined by 13-12-145 of the Municipal Code of Chicago (the Building Nuisance Abatement Ordinance) in that:

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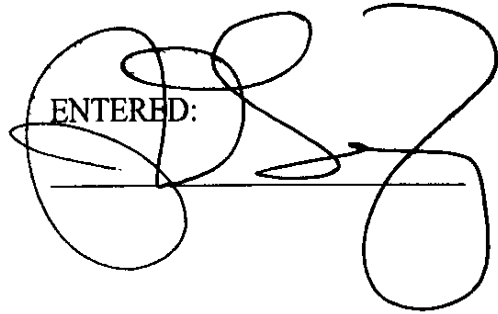
- a. The subject building contained imminently dangerous and hazardous violations of the building provisions of the Municipal Code of Chicago at the time this case was filed;
 - b. The owner has failed to show it has readily available and sufficient assets to make repairs necessary to bring the building into compliance with applicable laws.
8. As the subject building constitutes a public nuisance as defined in subparagraphs 2 and 3 of section 13-12-145 of the Municipal Code of Chicago, there is a rebuttable presumption that the issuance of an order of forfeiture or assignment of all of the defendants' rights, title and interest in the real estate is appropriate. No evidence has been presented to rebut this presumption.
 9. In light of the magnitude of the harm caused or which can reasonably be expected to be caused by the nuisance and the extent to which the Defendants have failed to take effective measures to abate the nuisance, the assignment to a third party designated by the city of all of the defendants' rights, title and interest in the real estate as authorized by the Municipal Code is reasonable and proper.
 10. The City has designated Defendant ORCHARD STREET PROPERTIES LLC for assignment.

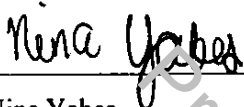
WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. The Order of Demolition entered by this court on June 4, 2013 is hereby vacated.
- B. Defendants UNKNOWN HEIRS AND LEGATEES OF BENJAMIN L. KRAMER, JP MORGAN CHASE BANK, N.A., AS SUCCESSOR TO WASHINGTON MUTUAL BANK, F.A., and UNKNOWN OWNERS NONRECORD CLAIMANTS, having been duly served and/or notified by publication and having failed to answer or otherwise plead (publication default date of May 9, 2013), are held in default, and all the allegations of the complaint are deemed admitted against them.
- C. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants on Count VI of the City's complaint seeking forfeiture of the subject property to a responsible third party designated by the City.
- D. Counts I, II, III, IV, V, and VII of the City's complaint are voluntarily dismissed without prejudice.
- E. Pursuant to the authority granted this Court in Section 13-12-145 of the Municipal Code of Chicago, this Court hereby forfeits and assigns all right, title and interest of UNKNOWN HEIRS AND LEGATEES OF BENJAMIN L. KRAMER, and UNKNOWN OWNERS and NONRECORD CLAIMANTS to ORCHARD STREET PROPERTIES LLC, a third party designated by the City, effective 3-18-14.
- F. This order of nuisance abatement forfeiture is conditional upon full payment of all water bills by ORCHARD STREET PROPERTIES LLC.

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- G. 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.
- H. The Court reserves jurisdiction of this cause to enforce the terms of this order.

ENTERED: 



By: Nina Yabes
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 30 N. LaSalle Street, Room 700
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Judge James M. ...

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Circuit Court 1025

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