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Karen A. Yarbrough
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IN THE CIRCUIT COURT OF COOK COUNTY
MUNICIPAL DEPARTMENT – FIRST DISTRICT

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

JOHN H. BANKS ET AL.,

Defendants.

Case Number: 14 M1 400034

Re: 6217 S. WINCHESTER AVE.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on MAY 8, 2014, on the Plaintiff, City of Chicago, a municipal corporation's ("City"), complaint seeking demolition authorization, by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

~~JOHN H. BANKS, and~~

UNKNOWN HEIRS AND LEGATEES OF JOHN H. BANKS; and

HSBC BANK USA, NA, A/T/F ACE SECURITIES CORP. HOME EQUITY LOAN TRUST, SERIES 2004-OP1, ASSET BACKED PASS-THROUGH CERT; and

UNKNOWN OWNERS, and NONRECORD 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: 6217 S. WINCHESTER AVE., Chicago, Cook County, Illinois ("subject property"), legally described as:

~~LOT 296 (EXCEPT THE NORTH 12 FEET THEREOF) AND LOT 297 (EXCEPT THE SOUTH 6 FEET THEREOF) IN E.A. CUMMINGS AND COMPANY'S 63RD STREET SUBDIVISION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.~~

Permanent Index Number: 20-18-425-044-0000.

2. Located on the subject property is a ONE STORY, SINGLE-FAMILY BRICK BUILDING. The last known use of the subject building was residential.

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3. The Court having heard testimony and evidence finds that the building located on the subject property is dangerous, hazardous, unsafe and beyond reasonable repair under the Unsafe Buildings Statute, 65 ILCS 5/11-31-1 (1996) (Unsafe Buildings), in that:
- a. The building's masonry has washed out mortar joints and step or stress fractures.
 - b. The building's roof has missing shingles *and holes; it is also severely deteriorated*
 - c. The building's sashes are broken, missing, or inoperable.
 - d. The building's glazing is broken or missing and has cracked panes.
 - e. The building's stair system has damaged decking and handrails, and improper foundations and handrail height.
 - f. The building's joists are over notched *and in rot*
 - g. The building's electrical, heating, and plumbing systems have been vandalized and are therefore inoperable.
 - h. The building's plaster is broken or missing.
 - i. The building's flooring ^{is} ~~has~~ missing and ^{is} warped flooring.
 - j. The building has been found vacant and open.
 - k. The building is located approximately 230 feet south of Lindblom Tech. High School, a Chicago Public School.
 - l. The entire second floor is open to the weather elements.
 - m. The basement is completely flooded.
 - n. The rear porch has a cracked foundation.
4. The Court finds that it would take major reconstruction by a responsible owner to bring the building into full compliance with the Municipal Code of Chicago. Further, the Court finds that the building located thereon poses a dangerous and hazardous threat to the public health, safety and welfare, and is beyond reasonable repair. Accordingly, the Court finds that demolition of the building is the least restrictive means available as of 5/8/14 to abate the dangers and hazards posed by the building.

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. Accordingly, the City is authorized to demolish the building located on the subject property pursuant to Counts I and IV of the City's complaint.
- B. Counts II, III, V, VI, and VIII are voluntarily withdrawn without prejudice.

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- C. 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.
- D. Defendants with either possession or control of the subject property and their successors and assigns shall be permanently enjoined from renting, using, leasing, or occupying the Subject Property until demolition of the subject property commences.
- E. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, and Section 13-12-130 of the Municipal Code of Chicago, the City is authorized to immediately demolish the building situated on the subject property and is entitled to a lien for the costs of demolition, court costs and other costs enumerated by statute. Thus, 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. Pursuant to Illinois Supreme Court Rule 354(a), as to the order of demolition, this is a final and appealable order and judgment, the Court finding no just reason to delay the enforcement or appeal of this final order and judgment.
- G. 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

PLAINTIFF, CITY OF CHICAGO
STEPHEN PATTON, Corporation Counsel

By: 

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