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Doc#: 1416241114 Fee: \$54.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 06/11/2014 10:47 AM Pg: 1 of 9

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

THE CITY OF CHICAGO,
a Municipal Corporation,
Plaintiff,

v.

CLAREMONT COURT CONDO ASSOCIATION, ET AL
Defendant(s).

)
) Case No: 09 M1 403010
) Address: 2331-33 W ARTHUR,
) 6458-60 N CLAREMONT
) Chicago, Illinois
)

) Courtroom 1109, Daley Center
)

COURT ORDER

THIS CAUSE COMING to be heard on the set call, the Court being fully advised in the premises:

1. The City of Chicago's motion to remove the basement dwelling units is granted. The Court hereby finds that the three basement units were and are illegal and there is no reasonable or potential path to bring them into compliance with the City of Chicago's Building and Zoning Code. Therefore, those units must be removed. The court hereby finds that this property is a legal 12 unit building and hereby orders that all parties, including the condominium association shall take immediate action as follows: 1) remove the basement dwelling units, and 2) amend its declaration to reflect that this property is an eleven unit building by removing all references to the illegal three basement units.

AGREED INJUNCTION AND JUDGMENT

In order to comply with this court's order, Defendant Claremont Court Condominium Association and the City of Chicago have reached agreement as to the resolution of this case, stipulate to the following facts and agree to entry of the following order(s):

Stipulations

1. The premises contains, and at all times relevant to this case contained, the violations of the Chicago Municipal Code set forth in Plaintiff's Complaint and notice of violations. Defendant has a right to contest these facts, but knowingly and voluntarily stipulates to said facts and waives the right to trial, including the right to a jury trial, if any, as to each, any and all of the stipulated facts.

Orders

2. Defendant Claremont Court Condominium Association must:

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August 11

Bring the subject premises into full compliance with the Municipal Code of the City of Chicago by July 1, 2014;

Deconvert the basement dwelling units into common area storage by rendering inoperative the plumbing to the former kitchens and bathrooms, removing cabinets, and electrical

Amend its declaration to state that there are only 12 legal units and to modify the declaration consist with its twelve unit status; and

Obtain all permits for the compliance with the violations and submit a copy of the signed off permits to the Corporation Counsel's office by July 1, 2014.

Record this order with the Cook County Recorder of Deeds office

Provide a copy of this order to the Cook County Assessor and Cook County Treasurer to remove the PIN numbers associated with those units from the tax rolls.

The property will not be fully complied unless Defendant has obtained all necessary permits for work done at the property and secured complete signoffs for all work.

3. Defendant shall schedule and permit interior inspections of the subject premises to verify compliance with the terms of this Agreed Order.

The provisions of this agreement shall be binding on the parties, partners and managing partners, successors, heirs and assigns of the Defendant. DEFENDANT CLAREMONT COURT CONDOMINIUM ASSOCIATION IS FULLY RESPONSIBLE FOR FULFILLING ALL REQUIREMENTS UNDER THIS AGREED ORDER, REGARDLESS OF OWNERSHIP OF THE PREMISES.

Penalties

4. Should Defendant fail to comply with any of the provisions of this Agreed Order, the City will petition the Court to enforce the Agreed Order. Defendant may be subject to any or all of the following penalties for failure to comply. This list is not exclusive, and the Court may order other appropriate action upon petition by the City, **including the appointment of a receiver to make repairs and reinstatement of the case.**

(a) **Default fines.**

Defendant will comply with the compliance schedule set forth above, and will be subject to fines of \$500 per day for each violation of the Municipal Code that exists past the due date. The fines will be calculated from the first day Defendant violates the compliance schedule, and will continue to run until Defendant complies the violations.

(b) **Contempt of Court.**

(i) **Civil Contempt.** If upon petition by the City, the Court finds that Defendant has failed to comply with the Agreed Order, Defendant shall be subject to fines and/or incarceration for indirect civil contempt until Defendant purges the contempt by complying with the Agreed Order.

(ii) **Criminal Contempt.** If upon petition by the City for indirect criminal contempt, Defendant is found beyond a reasonable doubt to have willfully refused to comply with the Court's order, Defendant will be subject to a fine and/or incarceration, which fine or period of incarceration will not be affected by Defendant's subsequent compliance with the Agreed Order.

Proceedings on Request for Relief

5. If the City files a motion or petition pursuant to paragraph 4, Defendant waives the right to a trial or hearing as to all issues of law and fact, except whether or not Defendant has violated the provisions of this Agreed Order, whether or not said violation(s) constitute civil or criminal contempt, and whether or not the requested relief is

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appropriate and/or feasible.


6. The court reserves jurisdiction of this matter for the purposes of modification, enforcement or termination of this order to comply, including the adjudication of proceedings for contempt or default fines, which could result in the imposition of a fine and/or incarceration, and reinstatement of the Plaintiff's Complaint.

7. The Defendant may motion, at any time before the compliance date, to lift, stay or modify the injunction. The motion should be filed on the Monday Motion call in room 1109.

8. This matter is hereby dismissed by agreement of the parties, without prejudice, subject to the agreement detailed above. This order is final, appealable, and enforceable, the court finding no just cause or reason to delay its enforcement or appeal.

THE PARTIES HAVE READ AND HEREBY AGREE TO THE ABOVE TERMS AND CONDITIONS:

Stephen R Patton, Corporation Counsel #90909

By: 

Greg Janes
Assistant Corporation Counsel
30 N. LaSalle, Room 700
Chicago, IL 60602
(312) 744-8791



Attorney for Defendant
Claremont Court Condominium Association

HEARING DATE: ~~April 14, 2014~~ ^{May 19, 2014}

ENTERED
JUDGE MARK J. BALLARD-1742

MAY 19 2014

SO ORDERED: DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

Judge Mark Ballard

9. Defendant Freddie Mac is dismissed for Unit 15, Fannie Mae is dismissed for Unit 25 and Bank of America is dismissed for Unit 6N.

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EXHIBIT A

UNIT 6460 N. CLAREMONT -2 S IN THE 2333 W. ARTHUR STREET/
6458-60 NORTH CLAREMONT AVENUE CONDOMINIUM, AS DELINEATED ON
THE PLAT OF SURVEY OF THE FOLLOWING DESCRIBED PARCEL OF REAL
ESTATE: LOT 77 (EXCEPT THE SOUTH 16 FEET THEREOF) IN ARTHUR
AVENUE SUBDIVISION OF 26 ACRES IN THE SOUTHWEST 1/4 OF
SECTION 31, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD
PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED
JANUARY 04, 1922 AS DOCUMENT 7366967, WHICH PLAT OF SURVEY
IS ATTACHED AS AN EXHIBIT TO THE DECLARATION OF CONDOMINIUM
RECORDED AS DOCUMENT NUMBER 0704610101, TOGETHER WITH ITS
UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, IN
COOK COUNTY, ILLINOIS.

11-31-312-047-0000
11-31-312-047-0002
11-31-312-047-1005
11-31-312-047-1009
11-31-312-047-1013
20-17-108-044-0000
11-31-312-047-1004
11-31-312-047-1008
11-31-312-047-1012
11-31-312-047-1003
11-31-312-047-1004
11-31-312-047-1010
11-31-312-047-1014
11-31-312-047-1007
11-31-312-047-1011
11-31-312-047-1015

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THIS INSTRUMENT WAS PREPARED BY,
AND SHOULD BE RETURNED TO:
The City of Chicago Department of Law
Building and License Enforcement Division
30 N LaSalle, Suite 700
Chicago, IL 60602

**ORDER DECLARING DECONVERSION
PURSUANT TO THE ILLINOIS CONDOMINIUM ACT,
SECTION 765 ILCS 605/14.5,
OF THE CLAREMONT CONDOMINIUM
at 2331-33 W. ARTHUR AVE/6458-60 N CLAREMONT AVE**

Property of Cook County Clerk's Office

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

CITY OF CHICAGO,
a municipal corporation

Plaintiff

v.
Claremont Court Condominium Association, et al.,

Defendants

) Case No. 09 M1 403010
)
) Amount claimed:
) **Count I: \$8,000.00 per day**
)
) Address: **2331-33 W Arthur Ave/
6458-60 N Claremont Ave
CHICAGO IL**
)
) Courtroom 1109
) Richard J. Daley Center

**ORDER DECLARING DECONVERSION PURSUANT TO THE ILLINOIS
CONDOMINIUM ACT, SECTION 765 ILCS 605/14.5, OF THE**

This cause coming to be heard on the set call, the Court having jurisdiction over the defendant(s) and the subject matter, being fully advised in the premises and having heard evidence and testimony:

1. This Court hereby makes the following findings of fact as of _____:
 - a. The subject property has serious violations of the City of Chicago Municipal Code, specifically; the porch system, and electrical violations
 - b. In addition, fourteen of the fifteen units, or 93%, were in foreclosure or are units against which a judgment of foreclosure was entered within 18 months from the filing of the Complaint
 - c.
2. Based on the above-stated findings of fact, this Court finds that the property 2331-33 W. Arthur/6458-60 N Claremont Ave is a distressed condominium property pursuant to 765 ILCS 605/14.5(a)(1).
3. This Court further finds that the property at 2331-33 W. Arthur/6458-60 N Claremont Ave is not viable as a condominium pursuant to 765 ILCS 605/14.5(c)(2).
4. The current unit owners are the fee title owners of the individual condominium units in The Graystone Condominium Association ("Association"), the Association and condominium units being established by virtue of a DECLARATION OF CONDOMINIUM OWNERSHIP, recorded on October 16, 2001, in the Office of the Recorder of Deeds, of Cook County, Illinois, as Document 0010959793, and legally described as follows ("Property"):

a. UNDERLYING PIN: 11-31-312-017

b. UNIT PINS: 11-31-312-047-1001, 11-31-312-047-1002, 11-31-312-047-1003,
11-31-312-047-1004, 11-31-312-047-1005, 11-31-312-047-1006,

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11-31-312-047-1007, 11-31-312-047-1008, 11-31-312-047-1009
 11-31-312-047-1010, 11-31-312-047-1011, 11-31-312-047-1012,
 11-31-312-047-1013, 11-31-312-047-1014, 11-31-312-047-1015

c. LEGAL DESCRIPTION:

LOT 77 (EXCEPT THE SOUTH 16 FEET THEREOF) IN ARTHUR AVENUE SUBDIVISION OF 26 ACRES IN THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 04, 1922 AS DOCUMENT 7366967, WHICH PLAT OF SURVEY IS ATTACHED AS AN EXHIBIT TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0704610101.

5. Each of the current owners is the owner in fee simple of the unit(s) set forth below, and each unit is assigned the percentage interest in the common elements as follows:

UNIT	PIN	OWNER	% INTEREST IN COMMON ELEMENTS
G-N	11-31-312-047-1001	Adrian Tanase	8%
G-S	11-31-312-047-1002	WB Pad Holdings III LLC	6%
G-W	11-31-312-047-1003	6458 N Claremont Ave LLC	5.7%
1N	11-31-312-047-1004	Monammed Ranginwala and Mubashra Ranginwala	8%
1S	11-31-312-047-1005	Federal Home Loan Mortgage Corp	6.3%
1W	11-31-312-047-1006	Soraya Khan	6%
1E	11-31-312-047-1007	Mohammed Ranginwala	6.2%
2N	11-31-312-047-1008	Mohammed Khalid and Kaukab Nasreen	8.4%
2S	11-31-312-047-1009	Federal National Mortgage Assoc.	6.3%
2W	11-31-312-047-1010	Mehdi Khan and Khalid Khan	6.2%
2E	11-31-312-047-1011	Zohel Zabih	6%
3N	11-31-312-047-1012	Catalin Ciociu	8.4%
3S	11-31-312-047-1013	Wells Fargo Bank	6.3%
3W	11-31-312-047-1014	Mohammed Ranginwala	6.2%
3E	11-31-312-047-1015	Zhen Jian Gao	6%
			100%

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6. Pursuant to 765 ILCS 605/14.5(c)(2), this Court hereby makes the following Declaration:
 - a. That the property at 2331-33 W. Arthur/6458-60 N Claremont Ave is no longer a condominium, effective immediately;
 - b. That 2331-33 W. Arthur/6458-60 N Claremont Ave is deemed to be owned in common by each of the unit owners, as indicated above;
 - c. That the undivided interest in the properties which shall appertain to each unit owner shall be the percentage of undivided interest previously owned by the owner in the common elements, as listed in the declaration of condominium and indicated above;
 - d. That any liens affecting any unit shall be deemed to be attached to the undivided interest of the unit owner in the property.

7. The power and authority of the Receiver, Community Investment Corporation (CII), is hereby expanded to include the following pursuant to 765 ILCS 604/14.5(e):
 - a. To have full power and authority to operate, manage and conserve the property;
 - b. To delegate managerial functions to a person in the business of managing real estate of the kind involved who is financially responsible and prudently selected;
 - c. To secure, clean, board and enclose, and keep secure, clean, boarded and enclosed, the property or any portion of the property;
 - d. To secure tenants and execute leases for the property, the duration and terms of which are reasonable and customary for the type of use involved, and the leases shall have the same priority as if made by the owner of the property;
 - e. To collect the rents, issues, and profits, including assessments which have been or may be levied;
 - f. To insure the property against loss by fire or other casualty;
 - g. To employ counsel, custodians, janitors, and other help;
 - h. To pay taxes which may have been or may be levied against the property;
 - i. To maintain or disconnect, as appropriate, any essential utility to the property;
 - j. To make repairs and improvements necessary to comply with building, housing, and other similar codes;
 - k. To hold receipts as reserves as reasonably required for the foregoing purposes; and
 - l. To appeal tax assessments for affected condominium units in front of the Cook County Assessor, the Cook County Board of Review, and the Illinois Property Tax Appeal Board.
 - m. To exercise the other powers as are granted to the receiver by the appointing court.

8. The Receiver, CII has further authority to record a copy of this Declaration in the office of the Cook County Recorder of Deeds, against both the individual units and owners and the general property.

9. The Receiver, CII, has further authority to forward this Declaration to Cook County Assessor's Office.

IT IS FURTHER ORDERED THAT this cause is continued to _____ at _____
in courtroom **1109**, Daley Center, without further notice.

HEARING DATE: _____

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Judge

1109

By: _____

Greg Janes, Senior Corporation Counsel
Stephen R. Patton, Corporation Counsel #90909
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 744-9555

COOK COUNTY
RECORDER OF DEEDS
SCANNED BY _____

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