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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.

GARFIELD DYER, *ET AL.*,

Defendants.

Case Number: 14 M1 400547

Re: 7819 S. Drexel Ave.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming to be heard on 7/30/14, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

- GARFIELD DYER,
- STEWARDSHIP FUND NO. 7, LP, AS ASSIGNEE OF HOMECOMINGS FINANCIAL, LLC,
- DEUTSCHE BANK TRUST CO. AMERICAS, AS TRUSTEE FOR BALI 2007QS1,
- WHEELER FINANCIAL, INC. A/K/A WHEELER-DEALER, LTD.,
- LIEN LOGIC,
- JP MORGAN CHASE BANK, N.A., SERVICER MIN # 100626-0471771048-9,
- MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR HOMECOMINGS FINANCIAL, LLC,
- HOMECOMINGS FINANCIAL, LLC, 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: 7819 S. Drexel Ave., Chicago, Cook County, Illinois ("subject property"), legally described as:

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LOT 39 IN BLOCK 89 IN CORNELL, BEING A SUBDIVISION OF THE WEST 1/2 OF SECTION 26 AND THE SOUTHEAST 1/4 OF SECTION 26 (WITH THE EXCEPTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SOUTHEAST 1/4) THE NORTH 1/2 OF THE NORTHWEST 1/4, THE SOUTH 1/2 OF THE NORTHWEST 1/4, LYING WEST OF THE ICRR AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, ALL IN TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-26-319-007-0000.

2. Located on the subject property is a one-story brick building. The last known use of the subject building was single-family 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:
 - a. The building(s) located on the subject property ("the building") is vacant and open.
 - b. The building's electrical systems are stripped and inoperable.
 - c. The building's electrical systems are missing fixtures and have exposed wiring.
 - d. The building's heating systems are missing a furnace and ductwork.
 - e. The building's plumbing systems are stripped and inoperable and are missing fixtures.
 - f. The building's glazing is broken or missing and has cracked panes.
 - g. The building's masonry has holes and loose or missing brick.
 - h. The building's masonry is missing sections or siding.
 - i. The building's plaster is broken or missing.
 - j. The building's sashes are broken, missing, or inoperable.
 - k. The building's sashes have smoke, fire, and/or water damage.
 - l. The building's stair system has damaged decking and handrails.
4. 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.

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WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. The Court finds that the City has met its obligations under Section 21-410 of the Property Tax Code and that property tax certificate holders are subject, inter alia, to Sections 21-95, 21-100, 21-105, and 22-35 of the Property Tax Code. The property tax certificate holders, **WHEELER FINANCIAL, INC. and LIEN LOGIC**, are dismissed as party defendants.
- B. 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.
- C. The remaining counts of the City's complaint are voluntarily withdrawn.
- 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 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.
- E. The authority granted in Paragraph D. above shall become effective immediately.
- F. 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.
- G. 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 instantler 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.
- H. 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.

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- I. 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

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