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Karen A. Yarbrough
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Date: 09/26/2014 09:54 AM Pg: 1 of 4

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

CITY OF CHICAGO, a municipal corporation,

Plaintiff,

v.

LEON IVY, et al.,

Defendants.

No. 11M1401758

Re: 8129 S. Coles Ave.

Courtroom: 1109

Agreed
ORDER OF DEMOLITION

This cause coming to be heard on 8/25/14 on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel of the City of Chicago, against the following named Defendants:

- Leon Ivy
- Ameriquest Mortgage, Co.
- Neighborhood Equity Partners, LLC.
- UNKNOWN OWNERS, and NONRECORD CLAIMANTS,

The Court being fully advised of the premises of this proceeding and ~~having heard the testimony of the City's inspector,~~ *the parties have* finds that:

Stipulated TC

- The Court has jurisdiction of the parties hereto and the subject matter, which is the premises located at the following address: **8129 S. Coles Ave., Chicago, Illinois**, and legally described as follows:

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LOT 11 IN BLOCK 2 IN WALLER'S SUBDIVISION OF LOTS 1 TO 24 BOTH INCLUSIVE IN BLOCK 1 AND LOTS 1 TO 24 AND 31 TO 48 BOTH INCLUSIVE IN BLOCK 2 IN MEEKER'S ADDITION TO HYDE PARK, A SUBDIVISION OF THE SOUTHEAST 1/4 (EXCEPT THE WEST 25 FEET THEREOF) OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 38 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This parcel has a Permanent Index Number of **21-31-223-011**.

2. Located on the subject property is a two-story framed residential framed building and garage.

3. *Parties have stipulated to*
~~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) in that:

- a) The building located on the subject property ("the building") is vacant and ~~open~~ *secure*
(A Dangerous and Hazardous Condition).
- b) The building's garage is vacant and full of debris.
- c) The building's ComEd service is terminated.
- d) The building's electrical system has exposed wiring and missing fixtures and is stripped and inoperable.
- e) The building's floor is warped.
- f) The building's glazing is broken or missing and has cracked panes.
- g) The building's heating system is missing ductwork and a furnace and is stripped and inoperable.
- h) The building's joists are missing.
- i) The building's masonry has missing siding, smoke, fire, or water damage, step or stress fractures and washed out mortar joints and is partially collapsed.

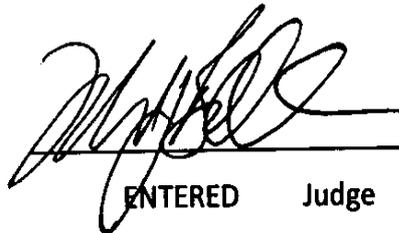
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- j) The building's plumbing is missing fixtures and is stripped and inoperable.
- k) The building's roof has missing shingles and a damaged membrane.
- l) The building's sashes have smoke, fire, or water damage.
4. Demolition of the subject property, as a whole, is the least restrictive alternative available to effectively abate the conditions now existing there.
- 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 21-35 of the Property Tax Code. The property tax certificate holder _____ is dismissed as party defendant.~~
- B. Defendants **UNKNOWN OWNERS and NONRECORD CLAIMANTS, Leon Ivy, Ameriquest Mortgage Co., and Neighborhood Equity Partners, LLC.**, having been notified by publication, and having failed to appear, answer, or otherwise plead as of the default dates of **January 2, 2012**, are in default and all allegations in the complaint are deemed admitted against Defendants in default.
- C. An in rem 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.
- D. Pursuant to Count ~~II~~ of the City's Complaint, Defendant ~~_____~~ shall pay a fine of ~~_____~~ with execution to issue.
- E. Counts III, V, VI, VII, VIII, and all the remaining counts of the City's Complaint are voluntarily withdrawn.
- F. 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.
- G. The authority granted in Paragraph ^{Fm} ~~8~~ above shall be effective 9/27/14.
- H. Defendant owners are ordered to keep the property secure until it is demolished.

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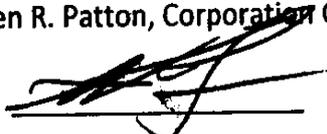
- I. The City's performance under the Order will result in a statutory in rem lien that attaches only to the subject parcel of real estate. If the City seeks a personal judgment against any individual party to this action, it will proceed by separate motion directed to that party.
- J. Defendants with 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 instantly 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.
- K. 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.
- L. The Court reserves jurisdiction of this cause to enforce the terms of this Order, for the purpose of ascertaining demolition costs for entry of money judgments against the defendant owners, and for the purpose of hearing foreclosure proceedings, as defined by the applicable statutes and ordinances.

WHEREFORE, IT IS HEREBY ORDERED THAT:


 ENTERED Judge

PLAINTIFF, CITY OF CHICAGO
 Stephen R. Patton, Corporation Counsel

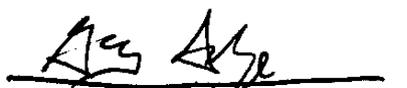
By:



MATTHEW E. SUHL

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 Chicago, Illinois 60602
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 ATTY NO. 90909

ENTERED
 JUDGE MARK J. BALLARD-1742
 JUN 25 2014
 DOROTHY BROWN
 CLERK OF THE CIRCUIT COURT
 OF COOK COUNTY, IL
 DEPUTY CLERK



 Greg Schiwe
 Fishbein Shapira LLC
 Attorneys for Defendants
 Equity