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Karen A. Yarbrough
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS MUNICIPAL DEPARTMENT-FIRST DISTRICT

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,
v. Specimen Group, LLC
et al.,
Defendant(s).

No: 14 MI 400317
Re: 5519 S Cottage
Courtroom 11 ____, Richard J. Daley Center

ORDER OF PERMANENT INJUNCTION

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

IT IS HEREBY ORDERED THAT:

- Defendant(s) Specimen Group, LLC and his / her / their / its agents, heirs, legatees, successors, and assigns shall be permanently enjoined and restrained from renting, using, leasing, or occupying the: entire premises until the same have established full compliance with the Municipal Code of the City of Chicago as stated in this cause and further order of court. Defendant(s) and his / her / their / its agents, heirs, legatees, successors, and assigns shall maintain the subject property in a sanitary, boarded, and secure condition while it remains subject to this injunction.
 - The court reserves jurisdiction of this matter for the purposes of modification, enforcement, or termination of this injunction.
- The above-named Defendant(s) and his / her / their / its agents, heirs, legatees, successors, and assigns shall put and keep the subject property in compliance with the vacant building requirements in the Municipal Code of Chicago (sections 13-12-125 through 13-12-150), including the requirements that the property be insured and registered with the City (information at www.cityofchicago.org/buildings) and keep the exterior of the premises clean and free of debris and weeds.
-

Pursuant to Ill. S.Ct. Rule 304(a), this order is final and appealable, there being no just reason for delaying enforcement or appeal.

HEARING DATE: 10/21/2014

By: [Signature]
Attorney for Plaintiff
Corporation Counsel #90909
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 744-8791

Judge Alton W. Masters
DET 21-2014
Judge [Signature]
Circuit Court - 1837
Courtroom 1135

Pink Copy for Defendant(s) (photocopy if required)

Yellow Copy for City of Chicago Department of Law

White Original for Court Records

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MUNICIPAL DEPARTMENT - FIRST DISTRICT

CLERK OF THE CIRCUIT COURT
CIVIL DIVISION

CITY OF CHICAGO, a municipal corporation,
Plaintiff

V.

SPEARMAN GROUP, LLC

Unknown owners and non-record claimants

Defendants

2014 JUN 10 PM 4:00 Case No. 14-MJ-400317

Amount claimed per day 3,000.00

CLERK
DOROTHY BROWN

Address
5519 - 5519 S CARPENTER ST CHICAGO IL
60621-

SECOND AMENDED COMPLAINT FOR EQUITABLE AND OTHER RELIEF

City of Chicago, a municipal corporation, by Stephen Patton, Corporate Counsel, by the undersigned Assistant(s) Corporation Counsel, complains of Defendants as follows:

Count 1

1. Within the corporate limits of said city there is a parcel of real estate described as follows:

20-17 -203-009-0000

LOT 461N A.M. PENCE'S SUBDIVISION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

5519 - 5519 S CARPENTER ST CHICAGO IL 60621- and that

located thereon is a

2 Story(s) Building

2 Dwelling Units

0 Non-Residential Units

2. That at all times pertinent thereto on information and belief the following named defendants owned, maintained, operated, collected rents for, or had an interest in the said property on the date(s) herein set forth.

SPEARMAN GROUP, LLC, OWNER Unknown owners

and non-record claimants

3a. That on 12/16/2013 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of City of Chicago as follows:

1 CN132016

Heat dwelling unit adequately from September 15th to June 1 st. (13-196-410)

Heating system is off at time of inspection, no heat provided. Room temperature in living room 38 Degrees F.

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Location: INTERIOR:001 :Interior

SEQ #: 001

2 N132046
C

Provide and maintain every facility, piece of equipment, or utility in safe and sound working condition. (13-196-400, 13-196-440)

Basement - Furnace for first floor unit - out of service at time of inspection

Location: INTERIOR:-1 :Interior

#: 002

3 CN104075

Failed to maintain windows in relation to the adjacent wall construction as to completely exclude rain and substantially exclude wind from the premises. (13-196-550(f))

1 st floor dwelling unit - Window frames - gaps, drafty windows and air seepage.

Location: INTERIOR:001 :Interior

SEQ #: 003

4 CN048013

Stop using cooking or water heating device as heating device. (13-196-400) 1 st floor dwelling unit - Using cooking stove as heating device.

Location: INTERIOR:001 :Interior

3b. That on 2/11/2014 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of City of Chicago as follows:

5. CN 197019

Install and maintain approved smoke detectors. (13-196-100 thru 13-196-160) Install a smoke detector in every dwelling unit. Install one on any living level with a habitable room or unenclosed heating plant, on the uppermost ceiling of enclosed porch stair, and within 15 feet of all sleeping rooms. Be sure detectors are installed at least 4 inches from the wall, 4-12 inches from the ceiling and not above doors or windows.
SMOKE DETECTORS REQUIRED IN BASEMENT.

6. CN197087

Install carbon monoxide detector within 40 feet of every sleeping room in residential structure. (13-64-190, 13-64-210) A carbon monoxide detector is needed whenever there is a heating appliance on the premises that burns fossil fuel such as gas, oil, or coal, or air that is circulated through a heat exchanger. Install according to manufacturer instructions. A hard wired model requires an electrical wiring permit. In a single family residences, be sure the detector is on or below the lowest floor with a place to sleep. In a multiple dwelling residence heated by a boiler, install a detector in the same room as the boiler. Otherwise, each apartment follows single family guidelines. The owner is responsible for installation and written instructions to the tenants, the tenant is responsible for testing, maintenance and batteries.
CARBON MONOXIDE DETECTORS REQUIRED IN BASEMENT.

3c. That on 4/21/2014 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of City of Chicago as follows:

7. CN070014

Failed to maintain exterior stairways in safe condition and in sound repair. (13-196-570, 13-196-641)
WEST ELEVATION FRONT PORCH DANGEROUS AND HAZARDOUS, BROKEN GUARDRAILS, LOOSELY ATTACHED. HANDRAILS, GRADE TO 1ST MISSING PICKETS, HANGING OFF SIDES. ROTTED, BUCKLED WOOD AT LANDING. TREADS BOUNCY UNDER LOAD, JOISTS ROTTED. FOOTINGS UNKNOWN. PERMIT REQUIRED TO REPLACE PORCH.

8. CN070034

Failed to rebuild or replace dilapidated and dangerous porch. (13-196-570, 13-196-641)
EAST ELEVATION, REAR PORCH: 2X6 JOISTS SPAN 20 FEET, BEAM TO COLUMNS PULLING AWAY AT CONNECTIONS. GUARDRAILS 30" HIGH, ARE VERY SHAKEY. ROTTING; WARPED DECKING ON BOTH LEVELS. GRADE TO 1ST HANDRAILS DANGLING, TREAD ROTTED GRADE TO 2ND. ROTTED EAVES AT ROOF OVERHANG OF PORCH. COLUMNS SUSPENDED FROM GROUND - NO VISIBLE FOOTINGS.
PLANS AND PERMITS REQUIRED TO REPLACE REAR PORCH.

9. CN067014

Failed to maintain roof in sound condition and repair, watertight and free from defects. (13-196-530, 13-196-530(c) and 13-196-641)
EAST ELEVATION, ROOF HATCH MISSING.

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10. CN062014
Failed to maintain the parapet wall and coping in good repair and free from cracks and defects. (13-196-530, 13-196-530(e) and 13-196-641)
WEST ELEVATION – ENTIRE PARAPET WALL LEANING. NORTH ELEVATION – MORTAR MISSING ON PARAPET.
11. CN061014
Failed to maintain the exterior walls of a building or structure free from holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the walls. (13-196-530(b), 13-196-641)
NORTH ELEVATION – MORTAR MISSING UNDER WINDOWS AT 2ND LEVEL.
12. CN077014
Failed to maintain fence in good condition and repair. (7-28-060, 13-196-630, 13-196-641)
WEST FENCE - RUST OUT AT BOTTOM, HINGES DEFECTIVE. GATE HELD TOGETHER WITH A ROD.
REAR FENCE AT NORTH ELEVATION – BENT TOP RAIL, PROTRUDING OVER.
13. CN065034
Failed to maintain window sill in good repair and free from cracks and defects. (13-196-530(e), 13-196-550, 13-196-641)
NORTH ELEVATION – 2ND LEVEL, SILLS DETERIORATING.
14. CN196019
Post address of building in conspicuous place on or near entrance with figures at least 3 inches long for residential, or 6 inches long for commercial building. (10-4-050, 10-4-090, 10-4-100)
ADDRESS NOT POSTED.
15. CN196029
Post name, address, and telephone of owner, owner's agent for managing, controlling or collecting rents, and any other person managing or controlling building conspicuously where accessible or visible to public way. (13-12-030)
OWNER'S INFORMATION NOT POSTED.

*** End of Violations ***

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4. That Michael Merchant is the Commissioner of the Department of Buildings of City of Chicago, and as such and pursuant to the Building Code of City of Chicago, caused inspection(s) to be conducted by inspectors of the Department of Buildings of City of Chicago, who have knowledge of the facts stated in this complaint.

5. That this proceeding is brought pursuant to the provisions of the Municipal Code of Chicago, and Chapter Section 5/11-31-1, 5/11-31 and 5/11-13-15 of the Illinois Compiled Statutes, as amended.

Wherefore, plaintiff prays for a fine against the defendants, as provided under 13-12-020 of the Municipal Code of Chicago, in the amount indicated on the heading of the Complaint for each day said violations have existed and/or exist, said fine computed in accordance with Section 13-12-040 of the Municipal Code of Chicago.

Count II

Plaintiff, City of Chicago, a municipal corporation, realleges the allegations of one through five of Count I as paragraphs one through five of Count II and further alleges:

6. That the levying of a fine is not an adequate remedy to secure the abatement of the aforesaid municipal code violations and the public nuisance which they constitute, and that it is necessary that a temporary and permanent injunction issue and, if necessary, that a receiver be appointed, to bring the subject property into compliance with the Municipal Code of Chicago.

7. That Michael Merchant, the Commissioner of the Department of Buildings, City of Chicago, has determined said building does not comply with the minimum standards of health and safety set forth in the Building Code.

WHEREFORE, PLAINTIFF PRAYS:

a. For a temporary and permanent injunction requiring the defendants to correct the violations alleged in the complaint and to restrain future violations permanently, pursuant to 65 ILCS 5/11-31-1 (a), 5/11-31-2 and 5/11-13-15 and 13-12-070 of the Municipal Code.

b. For the appointment of receiver, if necessary, to correct the conditions alleged in the Complaint with the full powers of receivership including the right to issue and sell receivers certificates in accordance with Section 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended.

c. For an order authorizing the plaintiff to demolish, repair, enclose or cleanup said premises, if necessary, and a judgment against defendants and a lien on the subject property for these costs in accordance with Section 5/11-31-1 (a) of Chapter 65 of the Illinois Compiled Statutes, as amended.

d. If appropriate and under proper petition, for an order declaring the property abandoned under Section 5/11-31-1 (d) of Chapter 65 of the Illinois Compiled Statutes as amended and for an order granting City of Chicago a judicial deed to the property if declared abandoned.

e. If a statutory lien is obtained in this proceeding under Section 5/11-31-1 or 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended, for an order permitting foreclosure of said lien in this proceeding.

h. For reasonable attorney fees and litigation and court costs.

i. For such other and further relief as may be necessary in the premises and which the court shall deem necessary.

CITY OF CHICAGO, a municipal corporation

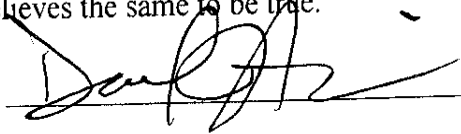
By: 

ASSISTANT CORPORATION COUNSEL

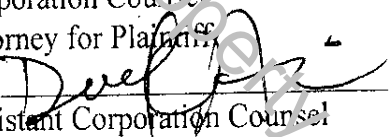
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CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements forth in this instrument are true and correct, except as to matters therein states to be on information and belief and as to such matters the undersigned certifies as a foresaid the he verily believes the same to be true.



Stephen R Patton
Corporation Counsel
Attorney for Plaintiff

BY: 
Assistant Corporation Counsel
30 North LaSalle #700
Chicago IL 60602
Aty No 90909
(312) 744-8791

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