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Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 11/12/2014 12:34 PM Pg: 1 of 6

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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. Kenneth Gioi
et al.,
Defendant(s).

No: 14 MI 401126
Re: 92-03 W 35th St
Courtroom 11 05, 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) 903 W 35th St, 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: 11/19/2014

By:
Attorney for Plaintiff
Corporation Counsel #90909
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 744-8791
FORM BLE.9002 rev. 12/2011

Judge Masters
NOV 04 2014
Courtroom 11
Circuit Court - 1837

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

Yellow Copy for City of Chicago Department of Law

White Original for Court Records

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

KENNETH GRAIL,
CHICAGO TITLE LAND TRUST COMPANY, TR #
1315108, DTD 4/9/51,
UNKNOWN OWNERS and
NONRECORD CLAIMANTS,

Defendants.

Case No.

14M1 401120

Address:

901-03 W 35TH ST
CHICAGO, IL 60609

Amount claimed per day: \$3,000.00

Courtroom 1105

COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, THE CITY OF CHICAGO, a municipal corporation, by and through Stephen R. Patton, Corporation Counsel, complains of the defendants as follows:

COUNT I

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

PIN(s): 17-32-403-015-0000

LOTS 1 AND 2 IN BLOCK 2 OF GAGE, LEMOYNE, HUBBARD AND OTHERS
SUBDIVISIONS OF THE EAST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 32,
TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL
MERIDIAN, IN COOK COUNTY, ILLINOIS.

commonly known as 901-03 W 35TH ST CHICAGO, IL 60609, (the "subject property") and located thereon is a 3 STORY BUILDING WITH 5 DWELLING UNIT(S) AND 2 NON-RESIDENTIAL UNIT(S).

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 subject property on the date(s) herein set forth:

KENNETH GRAIL, TRUST BENEFICIARY

CHICAGO TITLE LAND TRUST COMPANY, TR # 1315108, DTD 4/9/51, TRUSTEE

UNKNOWN OWNERS and NONRECORD CLAIMANTS

3. On APRIL 9, 2014, and on each succeeding day, and on numerous other occasions, Defendants have failed to comply with the Municipal Code of Chicago as follows:

- 1) 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.

903 APT 2 - CARBON MONOXIDE DETECTOR MISSING.

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- 2) CN 132016
Failure to adequately heat dwelling unit adequately from September 15th to June 1st at a minimum temperature of 68 degrees at 8:30 a.m. and thereafter until 10:30 p.m. and 66 degrees at 10:30 p.m. and thereafter until 8:30 a.m. averaged throughout the family unit or rooming unit. (Municipal Code of Chicago, § 13-196-410)
903 APT 3F - GAS SHUT-OFF.

PL154027
- 3) Supply adequate hot water with minimum temperature of 120 degrees F. (13-196-430)
903 APT 3F - NO HOT WATER DUE TO GAS BEING SHUT-OFF.
- 4) 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.
HALLWAY AT 901 & 903 APT 2 - SMOKE DETECTOR MISSING INTERIOR STAIRWAY.

4. That Felicia Davis is the Acting Commissioner of Buildings of the City of Chicago and as such and pursuant to the Municipal Code of Chicago caused inspection(s) to be conducted by City inspectors 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 65, Section 5/11-31-1, 5/11-31-2, and 5/11-13-15 of the Illinois Compiled Statutes, as amended.

WHEREFORE, Plaintiff prays:

- A. For a judgment against the defendants, as provided under 13-12-020 of the Municipal Code of Chicago, in the amount of \$3,000.00 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.
- B. For a personal judgment against each defendant in an amount equal to the costs incurred by the City, including litigation costs, inspection costs, and attorneys' fees, in providing services reasonably related to defendants' violation(s) of the Municipal Code of Chicago pursuant to Section 1-20-020 of the Municipal Code of Chicago.

COUNT II

6. Plaintiff, THE CITY OF CHICAGO, a municipal corporation, realleges each allegation set forth in each paragraph of Count I as if fully set forth herein and further alleges:
7. That the levying of a fine is not an adequate remedy to secure the abatement of the municipal code violations set forth above 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.
8. That Felicia Davis, Acting Commissioner of Buildings of the City of Chicago, has determined said building(s) and property do not comply with the minimum standards of health and safety set forth in the Building Code of the City of Chicago.

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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 Section 13-12-070 of the Municipal Code of Chicago.
- 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 clean up 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.
- F. For reasonable attorney fees and litigation and court costs.
- G. For such other and further relief as may be necessary in the premises and which the court shall deem necessary.

Respectfully Submitted,
STEPHEN R. PATTON
CORPORATION COUNSEL

By: 
STEPHEN MCKENZIE
Assistant Corporation Counsel

City of Chicago
Corporation Counsel #90909

Building and License Enforcement Division
30 North LaSalle Street, Room 700
Chicago, Illinois 60602
(312) 744-8791

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SERVICE LIST

Re: 901-03 W 35TH ST CHICAGO, IL 60609

KENNETH GRAIL
903 W 35TH ST FRNT 2
CHICAGO, IL 60609

CHICAGO TITLE LAND TRUST COMPANY, TR # 1315108, DTD 4/9/51
171 N CLARK ST, 5TH FLOOR
CHICAGO, IL 60601

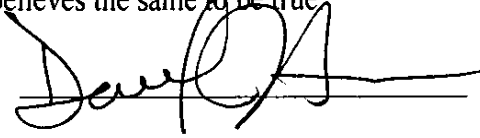
COOK COUNTY
RECORDER OF DEEDS
SCANNED BY _____

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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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