



Case Number 13 M1 402288

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Karen A. Yarbrough
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IN THE CIRCUIT COURT OF COOK COUNTY
MUNICIPAL DEPARTMENT – FIRST DISTRICT

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

FERNANDO ELGUETA ET AL.,
Defendants.

Case Number: 13 M1 402288

Re: 6043 S. DAMEN AVE.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on NOVEMBER 20, 2014, on the Plaintiff, City of Chicago, a municipal corporation's ("City"), complaint seeking demolition authorization, by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

- FERNANDO ELGUETA; and
- REYNA MALDONADO; and
- Z 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: 6043 S. DAMEN AVE., Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 77 IN D. A. CUMMINGS AND COMPANY'S 63RD STREET SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-18-408-018.

2. Located on the subject property is a TWO -STORY BRICK SINGLE-FAMILY DWELLING. The last known use of the subject building was residential.
3. 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) (Unsafe Buildings), in that:

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- a. The roof is water damaged and has damaged membranes.
 - b. The building has washed out mortar joints.
 - c. Sections of the building's glazing are broken or missing.
 - d. ~~The building's stair system is collapsed, has damaged decking and handrails, and has improper handrail height.~~
 - e. The building has broken, missing, or inoperable sashes.
 - f. The building's joists are water damaged, *compromising its structural integrity.*
 - g. The building's mechanical systems are missing fixtures and are stripped and inoperable.
 - h. The heating system has been vandalized and is missing a furnace.
 - i. There is exposed electrical wiring throughout the building.
 - j. The plumbing system ^{is inoperable} ~~has a water main running.~~
 - k. The plaster is water damaged and sections of plaster are broken or missing.
 - l. There is missing and warped flooring throughout the building.
 - m. Water damage throughout
 - n. Open venting in floor system.
 - o. _____
4. The Court finds that it would take major reconstruction by a responsible owner to bring the building into full compliance with the Municipal Code of Chicago. Further, the Court finds that the building located thereon poses a dangerous and hazardous threat to the public health, safety and welfare, and is beyond reasonable repair. Accordingly, the Court finds that demolition of the building is the least restrictive means available as of 11/20/14 to abate the dangers and hazards posed by the building.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants on Counts I and IV of the City's complaint. Accordingly, the City is authorized to demolish the building located on the subject property pursuant to Counts I and IV of the City's complaint.
- B. Defendant(s), **Z FINANCIAL, LLC**, the holder(s) of property tax certificates, was/were properly notified of this action pursuant to §21-410 of the Property Tax Code, 35 ILCS 200/21-410). Defendant(s) is/are not subject to the judgment of this demolition order
- C. Counts II, III, V, VI, VII, and VIII are voluntarily withdrawn without prejudice.

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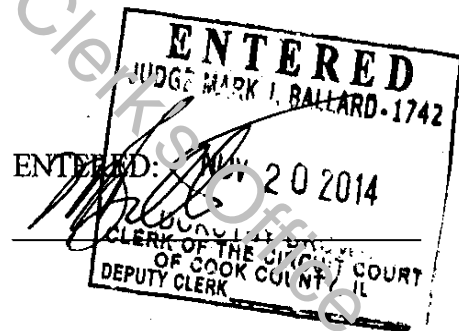
D. Defendants with either possession or control of the subject property shall immediately remove any and all persons occupying the subject property and all personal property from said premises instanter so that said premises will be completely vacant and free of personal property before demolition is commenced. The City's Department of Human Services is authorized to assist in the relocation of any tenants.

E. Defendants with either possession or control of the subject property and their successors and assigns shall be permanently enjoined from renting, using, leasing, or occupying the Subject Property until demolition of the subject property commences.

F. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, and Section 13-12-130 of the Municipal Code of Chicago, the City is authorized to immediately demolish the building situated on the subject property and is entitled to a lien for the costs of demolition, court costs and other costs enumerated by statute. Thus, 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. Pursuant to Illinois Supreme Court Rule 304(a), as to the order of demolition, this is a final and appealable order and judgment, the Court finding no just reason to delay the enforcement or appeal of this final order and judgment.

H. 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.



PLAINTIFF, CITY OF CHICAGO

STEPHEN PATTON, Corporation Counsel

By: 

Keith Martin
Assistant Corporation Counsel
Building and License Enforcement Division
30 N. LaSalle Street, Room 700
Chicago, Illinois 60602 / (312) 744-7634
Atty No. 90909