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

THE CITY OF CHICAGO, a municipal corporation,

Plaintiff,

v.

FRANCISCO NEVAREZ,
UNKNOWN OWNERS, and
NONRECORD CLAIMANTS,

Defendants.

Case Number: 12 M1 401589

Re: 2238 W 54TH PL
CHICAGO IL 60609

Courtroom 1107

ORDER AUTHORIZING DEMOLITION
BY THE CITY OF CHICAGO

This cause coming to be heard on JANUARY 15, 2015, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following:

FRANCISCO NEVAREZ,
UNKNOWN OWNERS, and
NONRECORD CLAIMANTS.

The Court having heard the evidence at trial and being fully advised in the premises finds that:

1. The Court has jurisdiction of the subject matter, which is the real estate located at 2238 W. 54TH PL, CHICAGO, COOK COUNTY, ILLINOIS ("subject property"), legally described as:

LOT 12 IN CLAUD E. ANDERSEN'S RESUBDIVISION OF LOTS 2 TO 27, INCLUSIVE IN BLOCK 1 IN EDWARDS BOULEVARD ADDITION TO CHICAGO, BEING A SUBDIVISION OF PART OF LOTS 27, 30 AND 31 IN INGLEHART'S SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 20-07-118-012-0000.

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2. Located on the subject property is a TWO STORY FRAME building (the "subject building.") The last known use of the subject building was SINGLE FAMILY DWELLING.
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, in that the following violations of the Municipal Code of Chicago exist at the subject property and the defendants:
 - a. With respect to each OWNER, failed to secure a vacant building so that all openings are closed and secured using doors, glazed windows, commercial-quality steel security panels, or filled with the same material as the surrounding wall, as applicable, provided that openings greater than one square foot in area may not be boarded with plywood, except as specifically permitted by the Department of Buildings. (13-12-135(d)). BUILDING IS VACANT AND OPEN.
 - b. With respect to each OWNER, failed to remove exposed electrical wiring and maintain electrical system in safe and sound condition. (18-27-300.4, 18-27-410.22, 13-196-590, 13-196-641).
 - c. With respect to each OWNER, failed to repair or replace defective and/or missing electrical fixtures and maintain electrical system in safe and sound condition. (18-27-210.70, 18-27-410.22, 18-27-410.23, 18-27-410.24, 18-27-240.27, 18-27-410.36, 18-27-410.37, 18-27-410.38, 18-27-410.39, 18-27-560.7, 13-196-590, 13-196-641) SYSTEM IS STRIPPED AND INOPERABLE, MISSING FIXTURES, FIRE DAMAGE.
 - d. With respect to each OWNER, failed to maintain all floors free of holes, grooves, and cracks. (13-12-135(c)(2), 13-196-540(a), 13-196-540(b), 13-196-540(f), 13-196-641). SMOKE, FIRE AND/OR WATER DAMAGED FLOOR.
 - e. With respect to each OWNER, failed to maintain the exterior of a building so that all exterior windows and doors are in sound condition and good repair, so that: windows and doors fit tightly within their frames; window and door frames are constructed and maintained in such relation to the adjacent wall construction as to prevent rain from entering the building; windows and doors are equipped with properly functioning locking hardware; and any window which has broken, cracked, or missing glass or glazing is repaired or boarded in a manner prescribed by code. (13-12-135(b)(3), 13-196-550, 13-196-641, 13-12-126(b)(1)). GLAZING AND SASHES BROKEN, MISSING, OR INOPERABLE, DANGEROUS AND HAZARDOUS.
 - f. With respect to each OWNER, failed to maintain the exterior of a building so that all foundations, basements, cellars, and crawlspaces are in sound and watertight condition, adequate to support the building, and protected against the entry of rodents or other animals. (13-12-135(b)(1), 13-196-530, 13-196-641). MISSING SIDING, SMOKE, FIRE AND WATER DAMAGE.
 - g. With respect to each OWNER, failed to maintain every wall and ceiling within a building in safe and sound condition and good repair. (13-12-135(c)(2), 13-196-540, 13-196-641). PLASTER HAS SMOKE, FIRE AND/OR WATER DAMAGE.
 - h. With respect to each OWNER, failed to maintain the exterior of a building so that all portions of the roof are adequately supported and maintained in weather tight condition and all gutters, downspouts, scuppers, and appropriate flashing are in good repair and adequate to remove water. (13-12-135(b)(4), 13-196-530(c), 13-196-641, 13-12-126(b)(8)). ROOF IS BREACHED.
 - i. With respect to each OWNER, failed to maintain the exterior of a building so that every outside stair or step is in sound condition and good repair and every porch, stoop, deck, veranda, balcony and walk is in sound condition. (13-12-135(b)(6), 13-52-010, 13-196-040, 13-196-570, 13-196-641). DAMAGED DECKING AND HANDRAILS, IMPROPER TREAD AND RISER, SMOKE, FIRE AND/OR WATER DAMAGED.

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- j. With respect to each OWNER, failed to maintain the lot and surrounding public way so that no junk, rubbish, waste, or any material that creates a health, safety, or fire hazard is permitted to accumulate on the exterior and so that no portion of the lot, nor any structure, vehicle, receptacle or object thereon, causes or produces a health or safety hazard or is conducive to harboring rodents. (13-12-135(a)(3), 13-12-135(a)(4), 7-28-720, 15-4-970). JUNK AND DEBRIS.
- k. THE BUILDING'S PLUMBING AND HEATING SYSTEMS ARE STRIPPED AND INOPERABLE.

4. The subject building is beyond reasonable repair and it would take major reconstruction by a responsible owner to bring the subject building into full compliance with the Municipal Code.
5. Demolition of the subject building is the least restrictive alternative available to effectively abate the dangerous and unsafe conditions at the subject property as of JANUARY 15, 2015.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Defendants UNKNOWN OWNERS, AND NONRECORD CLAIMANTS, having been notified by publication and having failed to answer, appear, or otherwise plead as of the default date of NOVEMBER 10, 2014, are in default and all allegations in the complaint are deemed admitted against said defendants.
- B. An *in rem* judgment on Counts III of the Complaint is entered in favor of Plaintiff, the City of Chicago, and against Defendants.
- C. Counts I, V, and VI, are resolved pursuant to the default judgment entered September 20, 2012. Counts II and IV are voluntarily dismissed on the City's oral motion.
- 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 subject 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. Such authority shall be effective immediately.
- E. The City's performance under this order shall result in a statutory *in rem* lien that attaches to the subject property only. If the City seeks a personal judgment against any Defendant(s), it shall proceed by separate motion directed to such Defendant(s).

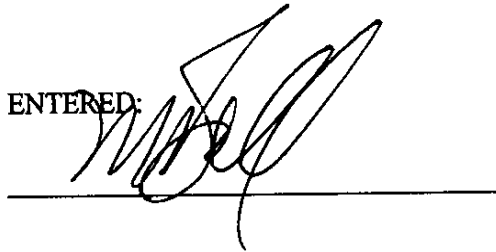
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- F. Defendants with either possession or control of the subject property shall keep the subject building vacant and secure until it is demolished.
- G. Any and all Defendants with either possession or control of the subject property shall immediately remove any and all persons occupying the subject building and any and all personal property from the subject property so that the subject property is completely vacant and free of persons and personal property before demolition is commenced.
- H. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court finds there is no just reason for delaying the enforcement or appeal of this order.
- I. The Court reserves jurisdiction of this cause to enforce the terms of this Order and for the purpose of ascertaining demolition costs and other costs for entry of money judgment(s) against the defendant owners and for the purposes of hearing foreclosure proceedings as defined by the applicable statutes and ordinances.



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ENTERED:



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ENTERED
 JUDGE MARK BALLARD-1742
 JAN 15 2015
 DOROTHY BROWN
 CLERK OF THE CIRCUIT COURT
 OF COOK COUNTY, IL
 DEPUTY CLERK

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