

HEAT



1512541043

Doc#: 1512541043 Fee: \$48.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 05/05/2015 10:42 AM Pg: 1 of 6

44

This space reserved for the Recorder of Deeds

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

No: 14 MI 40323

Re: 8707 S Main-stee

Courtroom 1105, Richard J. Daley Center

James W Womack
et al.,
Defendant(s).

As rec'd ORDER OF PERMANENT INJUNCTION

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

IT IS HEREBY ORDERED THAT:

- Defendant(s) Shwell DPC
his/her/their agents, heirs, successor or assigns, be permanently enjoined and restrained from renting, using, leasing, or occupying the ENTIRE PREMISES
until full compliance with the City of Chicago codes as stated in this cause and further order of court. Defendant(s) shall keep the subject property boarded and secured while it is subject to this injunction. *and the 1st Amended Complaint*
- The court reserves jurisdiction of this matter for the purposes of modification, enforcement, or termination of this permanent injunction.
- This order is final, appealable, and enforceable, the court finding no just cause or reason to delay its enforcement or appeal.

IT IS FURTHER ORDERED THAT this cause be continued to OFFICER p.m., Courtroom 1105, Richard J. Daley Center, 50 W. Washington St., Chicago, without further notice.

HEARING DATE: 3, 26, 15

By: *[Signature]*
Assistant Corporation Counsel
Mara S. Georges, Corporation Counsel #90909
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 744-8791
FORM HEAT.4004 rev. 11/2008

[Signature]
Associate Judge
MAR 26 2015
Courtroom #105
Circuit Court

Duplicate Original

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.

JAMES W WOMACK,
SIWELL INC., D/B/A CAPITAL MORTGAGE
SERVICES OF TEXAS,
UNKNOWN OWNERS and
NONRECORD CLAIMANTS,

Defendants.

Case No.

14M1 403231

Address: 8707 S MANISTEE AVE
CHICAGO, IL 60617

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): 26-06-107-003-0000

LOT 44 AND THE NORTH 7 FEET OF LOT 43 IN BLOCK 13 IN CALUMET AND CHICAGO CANAL AND DOCK COMPANY SUBDIVISION OF FRACTIONAL SECTIONS 5 AND 6, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

commonly known as 8707 S MANISTEE AVE CHICAGO, IL 60617, (the "subject property") and located thereon is a 2 STORY BUILDING WITH 5 DWELLING UNIT(S) AND X 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:

JAMES W WOMACK, RECORD OWNER

SIWELL INC., D/B/A CAPITAL MORTGAGE SERVICES OF TEXAS, MORTGAGEE

UNKNOWN OWNERS and NONRECORD CLAIMANTS

3. On OCTOBER 31, 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) CN046013

Stop using cooking or water heating device as heating device. (13-196-400)
TENANTS USING ELECTRIC HEATERS FOR HEAT.

- 2) 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 residence, 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, the tenant for testing, maintenance,

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and batteries.

MISSING CARBON MONOXIDE DETECTORS.

3) CN197019

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 stairwell, and within 15 feet of every sleeping room. Be sure the detector is at least 4 inches from the wall, 4 to 12 inches from the ceiling, and not above door or window.

MISSING SMOKE DETECTORS IN STAIRWAYS, 1R AND 1F

4) CN104075

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

BROKEN WINDOWS THROUGHOUT BUILDING AT ALL LEVELS. CARDBOARD AT WINDOWS.

5) PL154027

Supply adequate hot water with minimum temperature of 120 degrees F. (13-196-430)

NO HOT WATER. GAS TERMINATED DUE TO LEAKS

6) CN132016

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

NO HEAT. GAS SERVICE TERMINATED DUE TO LEAKS.

4. That is the 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 Michael Merchant, 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: STEVEN 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: 8707 S MANISTEE AVE CHICAGO, IL 60617

JAMES W WOMACK
9605 S EMERALD AVE
CHICAGO, IL 60628

SIWELL INC., D/B/A CAPITAL MORTGAGE SERVICES OF TEXAS
4512 50TH ST
LUBBOCK, TX 79413

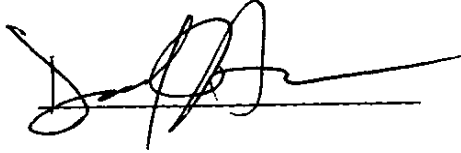
**COOK COUNTY
RECORDER OF DEEDS
SCANNED BY _____**

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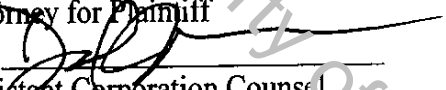
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CERTIFICATION

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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