



Doc#: 1516941172 Fee: \$52.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 06/18/2015 03:22 PM Pg: 1 of 8

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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. FRANCISCO HERRERA
et al.,
Defendant(s).

No: 14 MI 402950
Re: 4639 N Leuler
Courtroom 11 07, 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) ~~Francisco Herrera~~ Bank of New York Mellon 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(p), this order is final and appealable, there being no just reason for delaying enforcement. **Judge George P. Sothby, Jr.**

HEARING DATE: 5/14/2015

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

Duplicate Original Judge
MAY 19 2015
Circuit Court - 2013
Courtroom 11 07

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

14M1 402990

CITY OF CHICAGO, a municipal corporation,)	Case No.	_____
Plaintiff)	Amount claimed per day	14,500.00
V.)	Address:	
FRANCISCO HERRERA)	4639 - 4639 N LAWLER AVE CHICAGO IL	
THE BK OF NY MELLON TRSTEE FOR CERT HLDRS)	60630-	
OF CWALT INC.....CERT SERIES 2007-5CB)		
ANASTACIO HERRERA)		
Unknown owners and non-record claimants)		
Defendants)		

COMPLAINT FOR EQUITABLE AND OTHER RELIEF

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

Count I

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

13-16-211-002-0000

THE NORTH 27 FEET OF SOUTH 53 FEET OF LOT 1 MEASURED ON WEST LINE IN BLOCK 6 IN SUNNYSIDE ADDITION TO JEFFERSON PARK, BEING A SUBDIVISION OF THAT PART OF LOT 5 AND SOUTH 1/2 OF LOT 4 LYING NORTHEAST OF MILWAUKEE AVENUE ALSO THAT PART OF LOT 2 LYING SOUTHWEST OF RAILROAD OF SCHOOL TRUSTEES SUBDIVISION IN SECTION 16, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

4639 - 4639 N LAWLER AVE CHICAGO IL 60630-

and that located thereon is a

1 Story(s) Building

1 Dwelling Units

0 Non-Residential Units

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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.

FRANCISCO HERRERA , OWNER

THE BK OF NY MELLON TRSTEE FOR CERT HLDRS OF CWALT INC.....CERT SERIES
2007-5CB , MORTGAGE HOLDER

ANASTACIO HERRERA , LAST TAXPAYER OF RECORD

Unknown owners and non-record claimants

3. That on 06/03/2014 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:

1 CN138106

Remove and stop nuisance. (7-28-060)

FRONT YARD HAS HIGH WEED/GRASS. REAR YARD HAS STORED WOOD/BROKEN
FLOOR TILES AND MISCELLANEOUS JUNK AND GARBAGE.

Location:

SEQ #: 001

2 CN131026

Repair or replace defective screen. (13-196-560 B)

WEST 1ST FLOOR HAS RIPPED WINDOW SCREENS.

Location:

SEQ #: 002

3 CN076044

Failed to maintain roof downspouts in good repair and working condition. (13-196-590,
13-196-630(b), 13-196-641, 18-29-1101, 18-29-1105 18-29-1106)

NORTH DOWNSPOUT IS DISCONNECTED.

Location:

SEQ #: 003

4 CN074014

Failed to maintain exterior service walks, passage and areaways in clean, sanitary and safe
condition. (13-196-630, 13-196-641)

SERVICE WALK HAS BROKEN CONCRETE CAUSING A TRIP HAZARD.

Location:

SEQ #: 004

5 CN073014

Failed to maintain exterior door in sound condition and repair. (13-196-550(d) and (e),
13-196-641)

FRONT ENTRY DOOR HAS BROKEN/MISSING WINDOW PANES.

Location:

SEQ #: 005

6 CN106015

Failed to maintain interior stairway system in safe condition and sound repair. (13-196-570)

GRADE/BASEMENT IS MISSING HANDRAIL.

Location:

SEQ #: 006

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- 7 CN101015
Failed to maintain interior walls and ceilings free from holes or cracks. (13-19-540(c))
BASEMENT AND 1ST FLOOR HAS NUMEROUS WALLS WITH HOLES AND OR BROKEN PLASTER.
Location: SEQ #: 007
- 8 NC1010
Performed or allowed construction or alteration work contrary to original plan of construction without obtaining a permit. (13-32-010, 13-12-050)
BUILDING ORIGINALLY A SINGLE FAMILY HOME THAT CURRENTLY HAS A DWELLING UNIT IN THE BASEMENT USED AS AN APARTMENT.
Location: SEQ #: 008
- 9 NC2011
Performed or allowed work to be performed without submitting plans prepared, signed and sealed by a licensed architect or registered structural engineer for approval and without obtaining a permit to perform the work. (13-32-010, 13-32-040, 13-40-020, 13-12-050)
BASEMENT CURRENTLY HAS WOOD NON-LOAD BEARING WALLS FORMING A KITCHEN, BATH, BEDROOM, LIVING ROOM. ALL WORK CONSTRUCTED WITHOUT PLAN/PERMITS.
Location: SEQ #: 009
- 10 CN103015
Failed to maintain floor free from holes and wide cracks and free from loose, warped, protruding or rotting floor boards. (13-196-540(a) and (b))
BASEMENT FLOOR HAS BROKEN/MISSING FLOOR TILES.
Location: SEQ #: 010
- 11 CN140016
Keep premises clean, sanitary, and safe. (13-196-620 A, 13-196-630)
BASEMENT DRYWALL CEILING HAS BLACK MOLD, DOG URINE, DIRT AND GRIME ON WALLS. 1ST FLOOR WALL DIRT AND GRIME, CLOTHES THROWN THROUGHOUT. BATHROOM HAS BAD ODOR EMANATING FROM IT.
Location: SEQ #: 011
- 12 CN070014
Failed to maintain exterior stairways in safe condition and in sound repair. (13-196-570 13-196-641)
EAST WOOD FRAMED STAIRS HAS HORIZONTAL PICKETS, UNDERSIZED GUARDRAILS AND UNKNOWN FOOTINGS.
Location: SEQ #: 012
- 13 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.
1ST FLOOR MISSING SMOKE DETECTORS.
Location: SEQ #: 013

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- 14 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, and batteries.
1ST FLOOR MISSING CARBON MONOXIDE DETECTORS.
Location: SEQ #: 014
- 15 CN111015
Stop using basement dwelling unit and restore space to original use and layout in building where occupancy has changed to residential or comply with code requirements. (13-196-740, 13-200-120, 13-200-210 thru 13-200-240)
ORIGINALLY STORAGE AND MECHANICALS IN BASEMENT, CURRENTLY UTILIZED AS AN APARTMENT.
Location: SEQ #: 015
- 16 CN111055
Separate dwelling adequately from rest of building. (13-196-650, 13-196-690, 13-196-740 E)
OPEN CEILING EXPOSED JOISTS AT BASEMENT.
Location: SEQ #: 016
- 17 CN112015
Provide adequate natural light. (13-172-010 thru 13-172-150, 13-196-730, 13-200-230 E)
INADEQUATE NATURAL LIGHT AT BASEMENT.
Location: SEQ #: 017
- 18 CN113015
Provide adequate ventilation to outer air. (13-172-010 thru 13-172-150, 13-196-730, 13-200-230 E)
INADEQUATE NATURAL VENTILATION AT BASEMENT.
Location: SEQ #: 018
- 19 PL234002
Provide proper soil/waste vent pipe material. (18-29-702)
REMOVE ALL PVC UNDERGROUND FOR LAVATORY, TOILET, SHOWER WASTE FOR BATHROOM IN BASEMENT.
Location: SEQ #: 019
- 20 PL237020
Provide proper material for water supply pipe. (18-29-605)
REMOVE FLEXIBLE SUPPLIES TO LAVATORY AND TOILET BASEMENT RESTROOM, WEST ELEVATION 1ST FLOOR RESTROOM, EAST ELEVATION RESTROOM 1ST FLOOR.
Location: SEQ #: 020

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- 21 PL157047
 Stop leaking water. (18-29-102.3)
 1ST FLOOR TOILET WEST ELEVATION LEAKING INTO BASEMENT.
 Location: SEQ #: 021
- 22 PL157047
 Stop leaking water. (18-29-102.3)
 1ST FLOOR KITCHEN SINK LEAKS.
 Location: SEQ #: 022
- 23 PL153017
 Repair or replace defective faucet. (18-29-102.3, 18-29-424, 18-29-420.1)
 1ST FLOOR KITCHEN FAUCET MISSING CONTROL HANDLE.
 Location: SEQ #: 023
- 24 PL153017
 Repair or replace defective faucet. (18-29-102.3, 18-29-424, 18-29-420.1)
 1ST FLOOR EAST RESTROOM LAVATORY HOT SIDE HANDLE MISSING.
 Location: SEQ #: 024
- 25 PL158017
 Ventilate plumbing system to prevent trap siphonage and back pressure. (18-29-901)
 NO VENT ON LAVATORY 1ST FLOOR EAST ELEVATION RESTROOM.
 Location: SEQ #: 025
- 26 PL232040
 Remove plumbing fixtures, water supply, soil, waste, and vent piping installed without permit.
 (13-12-050, 13-32-010)
 NO PERMITS FOR LAVATORY, TOILET, SHOWER BASEMENT. LAVATORY, TOILET,
 SHOWER 1ST FLOOR EAST RESTROOM.
 Location: SEQ #: 026
- 27 PL160017
 Remove obstruction from plumbing and drainage system. (13-168-120), (18-29-102.3)
 MAIN SEWER HOLDING WATER.
 Location: SEQ #: 027
- 28 PL171017
 Obtain permit for plumbing work before undertaking work. (18-29-106.1)
 PERMIT FOR VIOLATIONS.
 Location: SEQ #: 028
- 29 PL171027
 Employ licensed and bonded plumber to perform plumbing work. (18-29-106.1 thru 106.2)
 OBTAIN A LICENSED PLUMBER TO DO PLUMBING WORK.
 Location: SEQ #: 029

*** End of Violations ***

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4. That Felicia Davis 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 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 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 paragraphs 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 Felicia Davis, 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 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.

CITY OF CHICAGO, a municipal corporation

By: _____

ASSISTANT CORPORATION COUNSEL

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VERIFICATION

The undersigned, being first duly sworn on oath, deposes and says that he/she is the duly authorized agent of the plaintiff for the purpose of making this affidavit; that he/she has read the above and forgoing complaint, and has knowledge of the contents thereof, and that matters set out therein are true in substance and in fact, and as to matters alleged on information and belief that he/she believes them to be true.

Subscribed and sworn to before me this _____ Day
of _____ 20____.

By: _____

Deputy Circuit Court Clerk or Notary Public

For further information Contact: Department of Buildings
Public Information Desk (312) 744 3400

Stephen Patton
Corporation Counsel
Attorney for Plaintiff

By: _____

Assistant Corporation Counsel
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