

UNOFFICIAL COPY

HEAT



Doc#: 1516941173 Fee: \$46.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 06/18/2015 03:24 PM Pg: 1 of 5

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 M1 403743

Re: 5423-29 W. West End

Courtroom 1105, Richard J. Daley Center

v.  
Unknown heirs and legates  
of Mary Smith et al.,  
Defendant(s).

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:

1. Defendant(s) Daniel Smith  
his/her/their agents, heirs, successor or assigns, be permanently enjoined and restrained from renting, using, leasing, or occupying the entire premises, except for Daniel Smith  
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.
2. The court reserves jurisdiction of this matter for the purposes of modification, enforcement, or termination of this permanent injunction.
3. This order is final, appealable, and enforceable, the court finding no just cause or reason to delay its enforcement or appeal.
4. Daniel Smith is impleaded with summons waived  
~~appealed~~
5. This case is taken off-call.

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

HEARING DATE: 6/2/15

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

Judge Anthony E. Simpkins  
JUN 02 2015  
Circuit Court - 2139

[Signature]  
Judge [Signature] Courtroom 1105  
Simpkins

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, ILLINOIS  
MUNICIPAL DEPARTMENT - FIRST DISTRICT****14M1 403743**

CITY OF CHICAGO, a municipal corporation,	) Case No. _____
Plaintiff	) Amount claimed per day 2,500.00
V.	) Address:
UNKNOWN HEIRS AND LEGATEES OF MARY SMITH	) 5423 - 5429 W WEST END AVE CHICAGO IL 60644-
JP MORGAN CHASE BANK NA	)
CHARLES SMITH	)
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 equally described as follows:

16-09-316-001

16-09-316-001-0000

THE WEST 130 FEET OF LOT 1 AND THE WEST 130 FEET OF THE NORTH 3 FEET OF LOT 2 IN BLOCK 3 IN CRAFT'S ADDITION TO AUSTINVILLE BEING CRAFT'S SUBDIVISION OF THE WEST 36 1/4 ACRES OF THE SOUTH 43 1/4 ACRES OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

5423 - 5429 W WEST END AVE CHICAGO IL 60644-

and that located thereon is a

2 Story(s) Building

0 Dwelling Units

0 Non-Residential Units

# UNOFFICIAL COPY

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.

UNKNOWN HEIRS AND LEGATEES OF MARY SMITH , OWNER  
JP MORGAN CHASE BANK NA , MORTGAGE HOLDER  
CHARLES SMITH , LAST TAXPAYER OF RECORD  
Unknown owners and non-record claimants

3. That on 11/19/2014 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 CN132016

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

5423 apartment 1 rear bedroom - 55 degrees.

5423 apartment 2 rear bedroom - 59 degrees.

Location: INTERIOR:001 :

SEQ #: 001

2 CN046013

Stop using cooking or water heating device as heating device. (13-196-400)

5423 apartments 1 and 2 using electric space heaters throughout - fire hazard.

Location: INTERIOR:001 :

SEQ #: 002

3 CN197079

Repair or replace defective or out of service smoke detectors and operate continuously.  
(13-196-130, 13-196-140)

5423 apartments 1 and 2 - non working smoke detectors.

Location: INTERIOR:002 :

SEQ #: 003

4 PL154027

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

5423 apartments 1 and 2 - no running hot water, slow drip from faucet.

Location: INTERIOR:001 :

SEQ #: 004

5 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.

5423 apartments 1 and 2 - missing carbon monoxide detectors.

Location: INTERIOR:001 :

SEQ #: 005

\*\*\* End of Violations \*\*\*

# UNOFFICIAL COPY

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

# UNOFFICIAL COPY

## 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  
30 N LaSalle St. 7th floor  
Chicago, Illinois 60602  
Atty. No 90909  
(312) 744-8791