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15 M1 401747



Doc#: 1525901071 Fee: \$44.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 09/16/2015 02:34 PM Pg: 1 of 4

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

JESUS SALTO, *ET AL.*,

Defendants.

Case Number: 15 M1 401747

Re: 4105 S. MAPLEWOOD AVE.
CHICAGO, IL 60632

Courtroom 1109

Emergency ORDER OF DEMOLITION

This cause coming on to be heard on, 9/10/2015, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

JESUS SALTO;
MAUREEN STACK;
JOSEPH O'LEARY;
ARTURO GUERRERO; 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: 4105 S. Maplewood Ave., Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 13 IN BLOCK 3 IN W. S. HALL'S SUBDIVISION OF THE NORTH 9 ACRES OF THE SOUTH 14 ACRES OF THE NORTH 28 ACRES OF THE SOUTH 60 ACRES OF THE EAST 1/2 OF THE NORTH EAST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 19-01-213-031-0000.

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2. Located on the subject property is a GARAGE AND TWO STORY FRAME SINGLE FAMILY DWELLING BUILDING. The last known use of the building was RESIDENTIAL.
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 (1996) (Unsafe Buildings), in that:
 - a. The building's sashes are broken, missing, or inoperable.
 - b. The building's masonry is dangerous and hazardous.
 - c. The building's masonry is partially collapsed and missing siding.
 - d. The building's masonry has holes in sections.
 - e. The building's windows are broken or missing.
 - f. The building's stairs are missing studding and have damaged handrails.
 - g. The building's stairs have improper tread and risers.
 - h. The building's roof is missing shingles and has water damage.
 - i. The building's rafter is rotted and exposed.
 - j. The building's floor is dangerous and hazardous.
 - k. The building's floor is missing in sections.
 - l. The building is missing studs.
 - m. The building's joists are dangerous and hazardous.
 - n. The building's plaster is broken or missing.
 - o. The building's plumbing is stripped, inoperable, and missing fixtures.
 - p. The building's heating system is stripped, inoperable, missing ductwork, and missing a furnace.
 - q. The building's electrical system is dangerous and hazardous.
 - r. The building's electrical system is stripped, inoperable, missing fixtures, and has exposed wiring.
 - s. The building's north elevation wall is bowing out.
 - t. There is significant water damage throughout the building.
 - u. Work was done without a permit and not to code, installing undersized
 - v. beams and joists.
 - w. The building north elevation wall and roof are in imminent danger of collapse.
4. There has been no work in progress since the beginning of this case at the subject property.

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15 M1 401747

5. The Court finds that it would take major reconstruction of a responsible owner to bring the subject building into full compliance with the Municipal Code, and that the subject building is beyond reasonable repair. The Court further finds that demolition of the subject building is the least restrictive alternative available to effectively abate the conditions now existing there, *and that the subject building is in imminent danger of collapse.*

WHEREFORE, IT IS HEREBY ORDERED THAT:

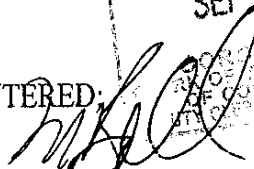
- A. The Court finds that the City has met its obligations under Section 21-410 of the Property Tax Code and that property tax certificate holders are subject, inter alia, to Sections 21-95, 21-100, 21-105, and 22-35 of the Property Tax Code. The property tax certificate holders MTAG Custodian for Alterna Funding 1, LLC and ATCF II Illinois, LLC are dismissed as party defendants.
- B. Defendants, Jesus Saito, Maureen Stack, Joseph O'Leary, unknown owners and non-record claimants, having been notified by publication, and having failed to appear, answer, or otherwise plead as of the default date of August 19, 2015, are in default and all allegations in the complaint are deemed admitted against Defendants in default.
- C. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants on **Counts I and IV** of the City's complaint seeking demolition authority.
- D. The remaining counts of the City's complaint are voluntarily withdrawn.
- E. 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 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.
- F. The authority granted in Paragraph E. above shall become effective immediately.
- G. 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.
- H. 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.
- I. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court finds that there is no just reason for delaying the enforcement or appeal of this order.

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15 M1 401747

J. 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.

K. This case is off call.

ENTERED: 
 SEP 10 2015
 BROWN DISTRICT COURT
 CHICAGO, IL

PLAINTIFF, CITY OF CHICAGO
STEPHEN PATTON, Corporation Counsel

By: 
 Eric Hults
 Assistant Corporation Counsel
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