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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

JAMES HOLIDAY, et al.

Defendants.

Case Number: 15 M1 401441

Re: 339 W 110TH ST
CHICAGO, IL 60628

Courtroom 1107

EMERGENCY ORDER AUTHORIZING DEMOLITION
BY THE CITY OF CHICAGO

This cause coming to be heard on March 10, 2016 on the complaint of THE CITY OF CHICAGO ("the City"), by and through its attorney, Stephen R. Patton, Corporation Counsel, against the following:

JAMES HOLIDAY,
UNKNOWN HEIRS AND LEGATEES OF FORNEY WOODRUFF,
US BANK C/F II SALT FOX,
UNKNOWN OWNERS, and
NONRECORD CLAIMANTS,
("Defendants").

The Court having heard evidence and testimony 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 339 W 110TH ST., CHICAGO, COOK COUNTY, ILLINOIS ("subject property"), legally described as:
 - I. LOT 16 IN BLOCK 3 IN HORTON'S SUBDIVISION OF LOT 55 IN THE NORTH 1/2 OF LOT 58 OF SCHOOL TRUSTEE'S SUBDIVISION OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
 - II. Permanent Index Number(s): 25-16-423-007-0000.

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2. Located on the subject property is a ONE STORY FRAME 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, 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 only, 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). COMED SERVICE TERMINATED AT THE POLE
 - b. With respect to each OWNER and MORTGAGEE, 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)). BOARDED GLAZING, BOARDED SASH
 - c. 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). With respect to each MORTGAGEE, failed to maintain and secure the exterior of the building and keep the exterior of the property free of vermin and rodents. (13-12-126(b)(8), 13-12-126(b)(11)). SMOKE FIRE OR WATER DAMAGED MASONRY, LOOSE OR MISSING SIDING AND ROTTED OR MISSING FASCIA
 - d. With respect to each OWNER and MORTGAGEE, 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)). COLLAPSED RAFTER, CRACKED RAFTER, DAMAGED ROOF MEMBRANE, MISSING SHINGLES, WATER DAMAGED ROOF, HOLES IN ROOF

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- e. 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). With respect to each MORTGAGEE, failed to reasonably maintain the exterior of a building and the structural integrity of stairs and steps that lead to the main entrance(s) of the building. (13-12-126(b)(6), 13-12-126(b)(8), 13-52-010, 13-196-040). DAMAGED DECKING, DAMAGED HANDRAILS, IMPROPER FOUNDATIONS, IMPROPER HANDRAIL HEIGHT, IMPROPER TREAD AND RISER, NO JOIST HANGERS, NO LEDGER BOLTS, SMOKE FIRE OR WATER DAMAGE, UNDERSIZED JOISTS
- f. Flooring is damaged and there are holes in the floor, and missing flooring.
- g. Sashes, frames, doors and trim deteriorated and broken,
- h. Plumbing is deteriorated with broken fixtures.
- i. Heating system is deteriorated and vents and ductwork damaged.
- j. Joists are rotted.
- k. There is extensive water damage and mold throughout interior.
- l. Plaster is deteriorated and water damaged,
- m. Portions of ceiling collapsed.

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 March 10, 2016.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. JAMES HOLIDAY, UNKNOWN HEIRS AND LEGATEES OF FORNEY WOODRUFF and 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 July 10, 2015 are in default and all allegations in the complaint are deemed admitted against said defendants.

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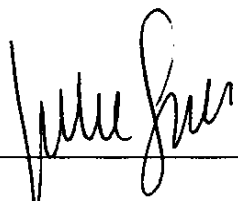
- B. An *in rem* judgment on Count III of the Complaint is entered in favor of Plaintiff, the City of Chicago, and against Defendants.
- C. Counts I, II, IV, V, and VI of the Complaint are voluntarily dismissed, on the City's oral motion.
- D. Pursuant to the judgment entered above, 65 ILCS 5/11-31-1, 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).
- F. 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.
- G. All Defendants and his / her / their / its agents, heirs, legatees, successors, and assigns shall be permanently enjoined and restrained from renting, using, leasing, occupying, selling or otherwise transferring, in whole or in part, the ownership or controlling interest in the entire premises until the same has / 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 or until the property is demolished.
- 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.
- J. This matter is off-call.

K. Trial date of May 19, 2016 is stricken.

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Judge George F. Scully, Jr.

MAR 10 2016

Circuit Court - 2013