

HEAT



Doc#: 1610342035 Fee: \$48.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 04/12/2016 02:44 PM Pg: 1 of 6

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Duplicate original

Cook County Recorder of Deeds

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.
CARITA M. Berkley et al.,
Defendant(s).

No: 15 MI 400976
Re: 149-51 W72191
720 SWICKARD / 157-53 W72191
Courtroom 1109, Richard J. Daley Center 7201-05
SWEETWATER

ORDER OF JUDGMENT AND ENFORCEMENT WITH SETTLEMENT

This cause coming to be heard by the Court, the Court having heard evidence and testimony and having made a finding of

full compliance [] substantial compliance subject to reinspection of the violations listed in Plaintiff's Complaint.

IT IS HEREBY ORDERED THAT:

- The judgment entered on 2/23/16 in the amount of \$ 2000.00 plus \$ 60.00 court costs for a total of \$ 2,060.00 against Defendant(s) CARITA BERKLEY shall stand as final judgment as to CARITA BERKLEY. Leave to enforce said judgment is stayed until 4/6/16. Execution is to issue on the judgment thereafter.
- Plaintiff agrees to accept \$ 260.00 (including court costs which shall be remitted to the Clerk) in full settlement of the judgment if payment is made to the City of Chicago on or before 4/5/16. If payment is mailed it must be postmarked on or before the above date and sent ATTN: Kimberly Miller, 30 N. LaSalle St., Suite 700, Chicago, IL 60602.
- If this case is dismissed subject to reinspection, Defendant(s) must call the assigned City inspector at (312) 743- within 7 days to arrange for an interior / exterior inspection of the subject premises.
- This order is final and appealable, there being no just cause for delay of its enforcement or appeal.

HEARING DATE: 2/23/16

By: [Signature]
Assistant Corporation Counsel
Mara S. George, Corporation Counsel #90909
30 N. LaSalle, Room 700
Chicago, IL 60602 (312) 744-8791

Defendant: CARITA BERKLEY
By Counsel: [Signature]
Phone: ()

Judge Anthony E. Simpkins

FEB 23 2016

Circuit Court - 2139

[Signature]
Judge [Name] / Clerk
Courtroom 1105

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 MUNICIPAL DEPARTMENT – FIRST DISTRICT

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

CARITA H BERKLEY,
ROGER M BERKLEY,
CHICAGO TITLE LAND TRUST CO. A/T/U/T #40224
DATED 3/22/1977 SUCCESSOR TO AMERICAN
NATIONAL BANK,
BMO HARRIS BANK NA SUCCESSOR TO HARRIS
TRUST AND SAVINGS BANK,
R BERKLEY 72ND V,
UNKNOWN OWNERS and
NONRECORD CLAIMANTS,

Defendants.

Case No. **15M1 400476**

Address: 149-151 W 72ND STREET/7200-06 S
VINCENNES AVE/157-159 W 72ND
STREET/7201-05 S WENTWORTH AVE
CHICAGO IL 60621

Amount claimed per day: \$2,000.00

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): 20-28-212-001, -002, -003, -004, -005 - 0000

LOTS 1 THROUGH 10 IN THE RESUBDIVISION OF BLOCK 15 IN EGGLESTON'S 2ND SUBDIVISION BEING THE NORTH 1/2 OF THE NORTHEAST 1/4 (EXCEPT THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 (EXCEPT THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 HERETOFORE SUBDIVIDED) OF SECTION 26, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

commonly known as 149-151 W 72ND STREET/7200-06 S VINCENNES AVE/157-159 W 72ND STREET/7201-05 S WENTWORTH AVE CHICAGO IL 60621, (the "subject property") and located thereon is are TWO BUILDINGS EACH 3 STORY BUILDING WITH 12 DWELLING UNIT(S) AND 0 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:

CARITA H BERKLEY, TRUST BENEFICIARY AND OWNER

ROGER M BERKLEY, TRUST BENEFICIARY AND OWNER

CHICAGO TITLE LAND TRUST CO. A/T/U/T #40224 DATED 3/22/1977
SUCCESSOR TO AMERICAN NATIONAL BANK, TRUSTEE AND OWNER

BMO HARRIS BANK NA SUCCESSOR TO HARRIS TRUST AND SAVINGS BANK
MORTGAGE HOLDER

R BERKLEY 72ND V, TAX PAYER OF RECORD

15 FEB 10 AM 8:21
CLERK OF THE CIRCUIT COURT
MUNICIPAL DEPARTMENT
FIRST DISTRICT

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UNKNOWN OWNERS and NONRECORD CLAIMANTS

3. On FEBRUARY 6, 2012, and on each succeeding day, and on numerous other occasions, Defendants have failed to comply with the Municipal Code of Chicago as follows:
- 1) CN 132016
 Failure to adequately heat dwelling unit adequately from September 15th to June 1st at a minimum temperature of 68 degrees at 8:30 a.m. and thereafter until 10:30 p.m. and 66 degrees at 10:30 p.m. and thereafter until 8:30 a.m. averaged throughout the family unit or rooming unit. (Municipal Code of Chicago, § 13-196-410)
 7200 S VINCENNES- GAS SERVICE TERMINATED IN JULY 2013 BY UTILITY COMPANY FOR NON -PAYMENT; GAS METERS WERE LOCKED; DEBT IS APPROXIMATELY \$20,000, GAS NOW FOUND ON AND METER LOCK REMOVED WITHOUT ANY APPROVAL OR ACCOUNT WITH UTILITY COMPANY. UTILITY COMPANY WILL TERMINATE SERVICE, GAS TERMINATION HELD AT REQUEST OF CITY SO RECEIVER COULD ESTABLISH SERVICE AND MAKE REPAIRS TO KEEP SERVICE UNINTERRUPTED; 7201 S WENTWORTH - GAS SERVICE TERMINATED IN JULY 2013 BY UTILITY COMPANY FOR NON -PAYMENT; GAS METERS WERE LOCKED; DEBT IS APPROXIMATELY \$25,000, GAS NOW FOUND ON AND METER LOCK REMOVED WITHOUT ANY APPROVAL OR ACCOUNT WITH UTILITY COMPANY. UTILITY COMPANY WILL TERMINATE SERVICE, GAS TERMINATION HELD AT REQUEST OF CITY SO RECEIVER COULD ESTABLISH SERVICE AND MAKE REPAIRS TO KEEP SERVICE UNINTERRUPTED.
 - 2) CN100203
 Failure to provide hot water at a minimum temperature of 120 degrees Fahrenheit (13-196-420, 13-196-430, 11-8-690, 11-8-500 A)
 7200 S VINCENNES- GAS SERVICE TERMINATED IN JULY 2013 BY UTILITY COMPANY FOR NON -PAYMENT; GAS METERS WERE LOCKED; DEBT IS APPROXIMATELY \$20,000, GAS NOW FOUND ON AND METER LOCK REMOVED WITHOUT ANY APPROVAL OR ACCOUNT WITH UTILITY COMPANY. UTILITY COMPANY WILL TERMINATE SERVICE, GAS TERMINATION HELD AT REQUEST OF CITY SO RECEIVER COULD ESTABLISH SERVICE AND MAKE REPAIRS TO KEEP SERVICE UNINTERRUPTED; 7201 S WENTWORTH - GAS SERVICE TERMINATED IN JULY 2013 BY UTILITY COMPANY FOR NON -PAYMENT; GAS METERS WERE LOCKED; DEBT IS APPROXIMATELY \$25,000, GAS NOW FOUND ON AND METER LOCK REMOVED WITHOUT ANY APPROVAL OR ACCOUNT WITH UTILITY COMPANY. UTILITY COMPANY WILL TERMINATE SERVICE, GAS TERMINATION HELD AT REQUEST OF CITY SO RECEIVER COULD ESTABLISH SERVICE AND MAKE REPAIRS TO KEEP SERVICE UNINTERRUPTED.
 - 3) CN 132046
 Failure to provide and maintain every facility, piece of equipment or utility in safe and sound working condition. (13-196-400, 13-196-410)
 7200 S VINCENNES- GAS SERVICE TERMINATED IN JULY 2013 BY UTILITY COMPANY FOR NON -PAYMENT; GAS METERS WERE LOCKED; DEBT IS APPROXIMATELY \$20,000, GAS NOW FOUND ON AND METER LOCK REMOVED WITHOUT ANY APPROVAL OR ACCOUNT WITH UTILITY COMPANY. UTILITY COMPANY WILL TERMINATE SERVICE, GAS TERMINATION HELD AT REQUEST OF CITY SO RECEIVER COULD ESTABLISH SERVICE AND MAKE REPAIRS TO KEEP SERVICE UNINTERRUPTED; 7201 S WENTWORTH - GAS SERVICE TERMINATED IN JULY 2013 BY UTILITY COMPANY FOR NON -PAYMENT; GAS METERS WERE LOCKED; DEBT IS APPROXIMATELY \$25,000, GAS NOW FOUND ON AND METER LOCK REMOVED WITHOUT ANY APPROVAL OR ACCOUNT WITH UTILITY COMPANY. UTILITY COMPANY WILL TERMINATE SERVICE, GAS TERMINATION HELD AT REQUEST OF CITY SO RECEIVER COULD ESTABLISH SERVICE AND MAKE REPAIRS TO KEEP SERVICE UNINTERRUPTED. NEED INSPECTION WITH DEPARTMENT OF BUILDINGS AND UTILITY COMPANY TO CHECK ON SAFETY OF EQUIPMENT.
 - 4) CN 100202
 Failure to provide cold and hot water. (13-196-420, 13-196-430, 11-8-690, 11-8-500 A)
 WATER ACCOUNT ELIGIBLE FOR TERMINATION. ACCOUNT DELINQUENT IN EXCESS OF \$2,600 ON 7200 S VINCENNES & \$1,400 ON 7201 S WENTWORTH; LAST PAYMENT OF \$1,438 OFFERED ON SEPTEMBER 18, 2014 FOR PAYMENT PLAN WAS REJECTED AS

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'RETURN NON-SUFFICIENT FUNDS' AND PAYMENT PLAN WAS BROKEN. TERMINATION BEING HELD AT REQUEST OF CORPORATION COUNSEL SO RECEIVER COULD ESTABLISH SERVICE AND MAINTAIN SERVICE.

4. That Felicia Davis 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 \$2,000.00 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 Felicia Davis, 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.

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.

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- 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 QUAINANCE MCKENZIE
Senior 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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VERIFICATION

Pursuant to section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that he/she is an assistant corporation counsel for the City of Chicago and that he/she is the duly authorized agent for the plaintiff for the purpose of making this certification, and that the statements set forth herein are true and correct, except as to matters stated to be on information and belief and as to such matters he/she certifies as aforesaid that he/she believes the same to be true.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

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