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KAREN A. YARBROUGH
COOK COUNTY RECORDER OF DEEDS
DATE: 10/07/2016 03:01 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.

THEODORE MANUEL, *ET AL.*,
Defendants.

Case Number: 16 M1 401094

Re: 9900 S. Clyde Ave.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on, 9-28-16, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

- THEODORE MANUEL;
- CIT LOAN CORPORATION F/K/A THE CIT GROUP/CONSUMER FINANCAL, INC.;
- EQUICREDIT CORPORATION OF AMERICA;
- LAKESIDE CAPITAL ASSETS, LLC; 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: 9900 S. Clyde Ave., Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 35 (EXCEPT THE SOUTH 13 FEET 8 INCHES THEREOF) AND ALL OF LOT 36 IN BLOCK 14 CALUMET TRUST'S SUBDIVISION IN SECTION 12 BOTH NORTH AND SOUTH OF THE INDIAN BOUNDARY LINE IN TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND FRACTIONAL SECTION 7 NORTH OF INDIAN BOUNDARY LINE IN TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF

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RECORDED DECEMBER 30, 1925 AS DOCUMENT 9137462, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 25-12-401-041-0000.

2. Located on the subject property is a GARAGE AND ONE STORY SINGLE FAMILY DWELLING BUILDING. The last known use of the subject 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 ComEd service has been terminated.
 - b. The building's electrical system is dangerous and hazardous with exposed wiring and missing fixtures.
 - c. The building's entire electrical system is compromised by roof and pipe leaks.
 - d. The building's flooring is smoke, fire, or water damaged and warped.
 - e. The building's glazing is broken or missing.
 - f. The building's heating system is stripped and inoperable and has been destroyed by water leaks.
 - g. The building's joists are smoke, fire, or water damaged.
 - h. The building's joists have been compromised by long time exposure to wire.
 - i. The building's masonry has holes and smoke, fire, or water damage.
 - j. The building's masonry has step or stress fractures and washed out mortar joints.
 - k. The building's plaster is broken or missing and smoke, fire, or water damaged.
 - l. The building's plumbing system has burst with leaking pipes and fixtures.
 - m. The building's roof is water damaged.
 - n. The building's sashes are broken, missing, or inoperable.
 - o. _____
 - p. _____
 - q. _____
 - r. _____
 - s. _____
4. There has been no work in progress since the beginning of this case at the subject property.

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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.

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 holder WHEELER-DEALER LTD. D/B/A WHEELER FINANCIAL, INC. is dismissed as a party defendant.
- B. 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.
- C. The remaining counts of the City's complaint are voluntarily withdrawn.
- 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 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.
- E. The authority granted in Paragraph D. above shall become effective immediately.
- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. This case is off call.

Presiding Judge
E. Kenneth Wright, Jr.

SEP 28 2016

Circuit Court - 1624

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PLAINTIFF, CITY OF CHICAGO

STEPHEN PATTON, Corporation Counsel

By: *Kelleen O'Leary*

Kelleen O'Leary
Assistant Corporation Counsel
Building and License Enforcement Division
30 N. LaSalle Street, Room 700
Chicago, Illinois 60602 / (312) 744-3326

Atty No. 90909

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RECORDER OF DEEDS**

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