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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 K. MAXWELL, ET AL.,

Defendants.

Case Number: 16 M1 402740

Re: 10821 S. Prairie Ave.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on, 5-0-17, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Edward Siskel, Corporation Counsel, against the following named Defendants:

JAMES K. MAXWELL,
HAZEL MAXWELL,
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: 10821 S. Prairie Ave., Chicago, Cook County, Illinois ("subject property"), legally described as:

THE NORTH 6 FEET AND THE SOUTH 24 FEET OF LOT 38 IN BLOCK 3 IN SECOND MANUAL TRAINING SCHOOL ADDITION TO PULLMAN, BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN.

Permanent Index Number: 25-15-313-007-0000.

2. Located on the subject property is a garage and two-story, ordinary building. The last known use of the subject building was residential.

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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 electrical system is stripped and inoperable with exposed wiring and missing fixtures.
 - b. The building's electrical system has faulty wiring.
 - c. The building's flooring is warped and smoke, fire, or water damaged.
 - d. The building's glazing is broken or missing.
 - e. The building's heating system is stripped, inoperable, and vandalized.
 - f. The building's joists are smoke, fire, or water damaged.
 - g. The building's masonry is missing siding and has step or stress fractures.
 - h. The building's plaster is smoke, fire, or water damaged.
 - i. The building's plumbing system is stripped and inoperable with missing fixtures.
 - j. The building's rafters are water damaged and dangerous and hazardous.
 - k. The building's roof is water damaged and dangerous and hazardous.
 - l. The building's sashes are broken, missing, or inoperable.
 - m. The building's stairs are dangerous and hazardous and have collapsed.
 - n. The building's stairs have improper foundations, tread, and risers.
 - o. The building's stairs are smoke, fire, or water damaged.
 - p. The building's studding is smoke, fire, or water damaged.
 - q. _____
 - r. _____
 - s. _____
 - t. _____

4. There has been no work in progress since the beginning of this case at the subject property.

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.

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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 GAN B, LLC and US BANK CUST PROCAP4 & CRDT are dismissed as party defendants.
- B. Defendants, 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 **February 17, 2017**, 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.
- 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.

Judge Leonard Murray
MAY 10 2017
Circuit Court
ENTERED: 2100

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PLAINTIFF, CITY OF CHICAGO

EDWARD SISSEL, Corporation Counsel

By:  _____

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