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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 05/30/2017 02:43 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.

TIMOTHY ABNER, ET AL.,

Defendants.

Case Number: 16M1403219

Re: 6943 S. Claremont Avenue.

Chicago, IL 60636

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on, 5/11/17, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Edward Siskel, Corporation Counsel, against the following named Defendants:

JEREMY SCULLARK ;

CLARK STREET PROPERTIES 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: 6943 S. CLAREMONT AVENUE, Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 133 IN ENGLEWOOD ON THE HILL, THIRD ADDITION IN THE WEST
1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 38 NORTH,
RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK
COUNTY, ILLINOIS.

Permanent Index Number: 20-19-322-018-0000.

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2. Located on the subject property is a FRAME GARAGE AND TWO-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 (1996) (Unsafe Buildings), in that:
 - a. The building(s) located on the subject property ("the building") is vacant and open.
 - b. The building's electrical systems are stripped, inoperable, missing fixtures, and have exposed wiring.
 - c. The building's heating systems are stripped, inoperable, and missing a furnace.
 - d. The building's plumbing systems are stripped, inoperable, and missing fixtures.
 - e. The building's flooring is missing in places.
 - f. The building's glazing is broken or missing.
 - g. The building's joists are over notched.
 - h. The building's masonry is missing siding.
 - i. The building's plaster is broken or missing.
 - j. The building's roof is missing downspouts.
 - k. The building's sashes are broken, missing, or inoperable.
 - l. The building's stair system has damaged handrails and improper handrail height.
 - m. The building's studding is missing in places and altered.
 - n. _____
 - o. _____
 - p. _____
 - q. _____
 - r. _____

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. 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 April 24, 2017, are in default and all allegations in the complaint are deemed admitted against Defendants in default.
- 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. 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.
- 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.

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ENTERED:
 Judge: *George A. ...*
 MAY 11 2017
 Circuit Court - 2100

PLAINTIFF, CITY OF CHICAGO
 Edward Siskel, Corporation Counsel

By: _____
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