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KAREN A. YARBROUGH  
COOK COUNTY RECORDER OF DEEDS

DATE: 10/04/2017 09:48 AM PG: 1 OF 5

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

THE CITY OF CHICAGO, a municipal corporation,  
Plaintiff,

v.

JOYCE SMITH A/K/A JOYCE CASTAGNIER,  
UNKNOWN OWNERS AND NON-RECORD  
CLAIMANTS, ET AL.,

Defendants.

Case Number: 16M1402036

Re: 146 E. 107<sup>TH</sup> STREET  
CHICAGO, IL 60628

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on, 9-27-17, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Edward Siskel, Corporation Counsel, against the following named Defendants:

JOYCE SMITH AKA JOYCE CASTAGNIER ; 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: 146 E. 107<sup>TH</sup> STREET, Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 43 IN DECKER'S SUBDIVISION OF LOT 2 IN DEJONG'S SUBDIVISION OF LOT 9 IN THE ASSESSOR'S DIVISION OF THE WEST 1/4 OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 25-15-121-077-0000.

2. Located on the subject property is a ONE-STORY FRAME SINGLE-FAMILY BUILDING WITH A BRICK GARAGE. The last known use of the 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. With respect to each OWNER, failed to secure a vacant building so that all openings are closed and secured using doors, glazed windows, commercial-quality steel security panels, or filled with the same material as the surrounding wall, as applicable, provided that openings greater than one square foot in area may not be boarded with plywood, except as specifically permitted by the Department of Buildings. (13-12-135(d)). **BUILDING VACANT AND OPEN**
  - b. With respect to each OWNER, failed to secure a vacant building so that all openings are closed and secured using doors, glazed windows, commercial-quality steel security panels, or filled with the same material as the surrounding wall, as applicable, provided that openings greater than one square foot in area may not be boarded with plywood, except as specifically permitted by the Department of Buildings. (13-12-135(d)). **GARAGE VACANT AND OPEN**
  - c. With respect to each OWNER only, failed to remove exposed electrical wiring and maintain electrical system in safe and sound condition. (18-27-300.4, 18-27-410.22, 13-196-590, 13-196-641). **ELECTRICAL-EXPOSED WIRING**
  - d. 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). **ELECTRICAL-MISSING FIXTURES**
  - e. With respect to each OWNER only, failed to maintain every floor within a building in safe and sound condition, good repair, and capable of supporting the loads that normal use may cause to be placed thereon. (13-12-135(c)(2), 13-52-010, 13-196-040, 13-196-540, 13-196-641). **FLOOR-MISSING FLOORING**
  - f. With respect to each OWNER only, failed to maintain all floors free of holes, grooves, and cracks. (13-12-135(c)(2), 13-196-540(a), 13-196-540(b), 13-196-540(f), 13-196-641). **FLOOR- WARPED FLOORING**
  - g. With respect to each OWNER 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.

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- (13-12-135(b)(3), 13-196-550, 13-196-641, 13-12-126(b)(1)). GLAZING-BROKEN OR MISSING/SASH-BROKEN, MISSING OR INOPERABLE
- h. With respect to each OWNER only, failed to maintain every supply facility, piece of equipment, and utility, including the heating system, in safe and sound condition. (13-196-590, 13-196-641). HEATING-MISSING FURNACE; STRIPPED AND INOPERABLE
- i. With respect to each OWNER only, failed to maintain every foundation, roof, floor, wall, stair, ceiling, and other structural support within a building in safe and sound condition, good repair, and capable of supporting the loads that normal use may cause to be placed thereon. (13-12-135(c)(2), 13-52-010, 13-196-040, 13-196-540, 13-196-641). JOIST-UNDERSIZED
- j. With respect to each OWNER, failed to maintain the exterior of a building so that all exterior walls are free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or the interior spaces and are protected against the entry of rodents or other animals. (13-12-135(b)(2), 13-196-530(b), 13-196-530(d), 13-196-641). MASONRY-MISSING SECTIONS
- k. 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). MASONRY-MISSING SIDING; POSSIBLE ASBESTOS SIDING
- l. With respect to each OWNER only, failed to maintain every wall and ceiling within a building in safe and sound condition and good repair. (13-12-135(c)(2), 13-196-540, 13-196-641). PLASTER-BROKEN OR MISSING/STUD-MISSING STUDDING; SMOKE, FIRE OR WATER DAMAGE
- m. With respect to each OWNER, failed to maintain all plumbing fixtures without leaking pipes and completely drain or continuously heat all pipes for water to prevent them from freezing and maintain or repair plumbing system in accordance with the original design so that no hazard to life, health or property is created by such plumbing system. (13-12-135(c)(3), 13-196-590, 13-196-641, 18-29-102.2). PLUMBING-MISSING FIXTURES; STRIPPED AND INOPERABLE
- n. With respect to each OWNER 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)). ROOF- WATER DAMAGED/RAFTER- CRACKED
- o. 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

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and walk is in sound condition. (13-12-135(b)(6), 13-52-010, 13-196-040, 13-196-570, 13-196-641). STAIR DAMAGED DECKING; DAMAGED HANDRAIL

p. \_\_\_\_\_

q. \_\_\_\_\_

r. \_\_\_\_\_

s. \_\_\_\_\_

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.

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 August 29, 2016, 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 **Count III** 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.

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- 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.

Judge Leonard Murray

SEP 27 2017

ENTERED:

Circuit Court - 2100

PLAINTIFF, CITY OF CHICAGO

Edward Siskel, Corporation Counsel

By:

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