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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 07/26/2018 02:48 PM PG: 1 OF 4

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*Deed - Cook  
5/1/18*

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

CITY OF CHICAGO, a municipal corporation,	)	Case No.	<b>11 M1 402143</b>
	)	Address:	
Plaintiff,	)	939 W. 54 <sup>TH</sup> PLACE	
V.	)	CHICAGO, IL 60609	
ELEVATION MANAGEMENT I LLC; ESSIE	)		
CRAWFORD; WALEED BEN NASSER; COWCUTS;	)		
US BANK AS CUSTODIAN OF PC 6 STERLING	)		
NATIONAL TRUST;	)		
Unknown owners and non-record claimants,	)		
Defendants.	)		

**ORDER OF NUISANCE ABATEMENT FORFEITURE**

This cause coming on to be heard on July 17, 2018, on the Second Amended Complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Edward Siskel, Corporation Counsel, against the following named Defendants:

- WALEED BEN NASSER, Record Owner
- ESSIE CRAWFORD; Last Taxpayer of Record
- COWCUTS; Taxpayer of Record for 2014 and 2015.
- US BANK AS CUSTODIAN OF PC 6 STERLING NATIONAL CORPORATION TRUST, Taxbuyer for the 2014 taxes.
- UNKNOWN OWNERS AND NON-RECORD CLAIMANTS

The Court having heard the evidence at trial and being fully advised in the premises finds that:

1. The Court has jurisdiction over the parties as follows:

ELEVATION MANAGEMENT 1 LLC, former owner, served via corporate service on August 22, 2011. This party was dismissed on July 25, 2013.

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GJC MANAGEMENT SERVICES LTD., former owner, via business service on May 22, 2013.

ESSIE CRAWFORD, served via substitute service on August 16, 2011.

WALEED BEN NASSER, record owner, served via publication on January 3, 2017.

COWCUTS, taxpayer of record for 2014 and 2015, served via publication on January 3, 2017.

US BANK AS CUSTODIAN OF PC 6 STERLING NATIONAL CORPORATION TRUST, taxbuyer for the 2014 taxes, served via corporate service on May 9, 2018.

UNKNOWN OWNERS AND NON-RECORD CLAIMANTS, via publication on January 3, 2017.

2. The Court has jurisdiction of the subject matter, which is the premises located at the following address: 939 W. 54<sup>th</sup> Place, Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 27 AND THE EAST 1/2 OF LOT 26 IN HODGDON'S SUBDIVISION OF BLOCK 3 AND PART OF BLOCK 4 OF WEBSTER & PERKIN'S SUBDIVISION OF THE EAST 1/2 OF THE SOUTHEAST 1/2 OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPLE MERIDIAN, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER(S): 20-08-429-004-0000

3. Located on the subject property is a TWO STORY BUILDING (the "subject building") with TWO DWELLING UNITS. The last known use of the subject building was RESIDENTIAL.
4. There has been no evidence of work in progress since the beginning of this case at the subject property, and the interested parties have not shown they are readily available and with sufficient assets to make the repairs necessary to bring the building into compliance with applicable laws.
5. By a preponderance of the evidence, the subject building is a public nuisance as defined by 13-12-145 of the Municipal Code of Chicago (the Building Nuisance Abatement Ordinance) in that the owner has failed to show it has readily available and sufficient assets to make repairs necessary to bring the building into compliance with applicable laws:
  - a. The case was initially filed on August 10, 2011 with building code violations alleging: a lack of cast iron cover for catch basin; failure to maintain garage in sound condition and repair; failure to maintain the exterior walls of a building or structure free from holes, broken, loosened or rotting boards or timbers and any other conditions which might admit rain or dampness to the walls; failure to maintain lintel in good repair and free from cracks and defects; performance or allowance of work to be performed without submitting plans prepared, signed and sealed by a licensed architect or registered structural engineer for approval and without obtaining a permit to perform the work; and non-removal of work performed without permit and restore building or site to original construction as the result of an inspection.
  - b. The first court date was September 15, 2011; a representative for Elevation Management LLC was in court. The court ordered an interior and exterior inspection to take place before the next court date. The case was continued to May 3, 2012. On the May 3 date an attorney appeared for Elevation Management and another interior and exterior inspection was ordered. The case was continued for case management to January 3, 2013.
  - c. On the January 3 date counsel was ordered to file an appearance within seven days. The court ordered a summons to be issued to new defendant GJC Management Services, Ltd. The case was continued to July 25, 2013. On the July 25 date no one appeared for GJC Management Services. The court ordered an interior and exterior inspection against GJC Management Services and dismissed former owner Elevation Management LLC. The case was continued to February 13, 2014.
  - d. On February 13, 2014 no one appeared for GJC Management Services. The court ordered GJC Management Services to appear and to conduct an interior and exterior inspection by the next court date and to correct all violations by next court date. The case was continued to September 18, 2014.

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e. On September 18, 2014 the court entered ordered GJC Management Services, Ltd; to personally appear before the court on the next court date; GJC schedule and be present for an interior and exterior inspection of the entire premises for the next court date; and correct all violations before the next court date; ex parte judgment in the amount of 3,560 was entered against the defendant. A default was entered against GJC Management Services for \$3500 plus court costs. The case was continued to April 23, 2015.

f. On April 23, 2015 no defendant appeared in court. Tenants and occupants were impleaded after the court ordered summons to issue. The case was continued to December 10, 2015. At that date no defendants appeared in court and the court ordered impleader summons to issue against a new owner, Waleed Ben-Nasser. The case was continued to April 14, 2016. At that date an attorney appeared for the new owner Waleed Ben-Nasser. The court ordered an interior and exterior inspection by the following date and counsel for the defendant was ordered to file an appearance within seven days. The case was continued to September 1, 2016.

g. On September 1, 2016 the court entered an order authorizing city action at an unsafe property to conduct an interior inspection with break in authority, with Chicago police department assistance. Also counsel's oral motion to withdraw as counsel of record for Waleed Ben-Nasser was entered and continued. The case was continued to November 17; on November 17, 2016 counsel's motion to withdraw as counsel of record for Waleed Ben-Naseer was granted. The case was then transferred to the heat call in courtroom 1105 for December 13, 2016.

h. On December 13, 2016 there were no defendants in court. The case was continued to December 15, 2016; at that date the court appointed a temporary heat receiver to immediately contract with utility companies to restore heat, hot water, and related utility services to Premises; install smoke and carbon monoxide detectors throughout the property; make repairs to heating facilities not to exceed \$2,000. The court also authorized forcible entry by the receiver. The city was also granted leave to publish and the case was continued to December 27, 2016. On December 27, 2016 receiver was ordered to collect rents from 1st and 2nd floor tenants and occupants at \$800 per unit starting January 11, 2017. All tenants and occupants were also joined as defendants with summons to issue. The city filed the first amended complaint instanter and the case was continued to February 9, 2017. On February 9, tenants appeared and court and the receivership was continued. The case was continued to March 16, 2017; at that date the receiver was allowed to grant access for necessary inspections, to continue collecting rent, and the file the first interim accounting by the next court date. The case was continued to April 20, 2017.

i. On April 20, 2017 the court ordered the receiver, tenants and occupants and all others to vacate the subject property by July 7, 2017. The receiver was ordered to provide relocation assistance to the first and first floor tenants in the amount of \$1,200; to cease collection of rents and to assist in the vacate. At the time of the vacate the receiver was granted forcible entry to the subject premises and if necessary to conduct an interior inspection. Also at the time of the vacate the Receiver was to notify Commonwealth Edison, People's Gas, and the City Water department that utilities must be shut off immediately due to dangerous and hazardous conditions at the subject premises. The receiver's first interim accounting was filed instanter and the case was continued to July 18, 2017.

j. On July 18, 2017 a default was ordered against Waleed Ben-Naseer with a prove-up to be at a later date. The receiver was discharged and ordered to file their final accounting by September 15, 2017. The case was continued to October 3, 2017. On the October 3 date all orders were continued and the receiver's final accounting was approved. The case was continued to December 7, 2017. At the December 7 date all orders were continued and the case was continued to January 11, 2018.

k. On January 11, 2018 the Court appointed CRC- IL LLC to vacant, boarded, and secured. The case was continued to April 19, 2018. On April 19 the city was granted leave to file the a petition for forfeiture by May 6, 2018. The receivership was continued and the receiver was ordered to secure a breached door within 48 hours. The case was continued for a hearing on the forfeiture and for possible entry of an order for forfeiture and judicial to June 12, 2018.

l. On June 18, 2018, the City of Chicago filed their Second Amended Complaint to include a count for nuisance abatement forfeiture and filed their Petition for Forfeiture. Parties were given 28 days to answer or otherwise plead. All other orders were continued for entry of an order for nuisance abatement forfeiture and order of judicial deed to July 17, 2018. CRC-IL, LLC was continued and the receiver was ordered to clean the yard and remove weeds at the subject property.

m. There is no evidence of work in progress by the owner since the beginning of the case at the subject property. Furthermore, the owner has not stepped forward to make any necessary repairs or pay the utilities since the filing of this case. The owner has stated that he does not have the financial means to

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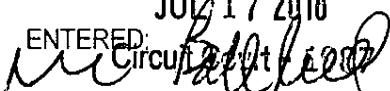
bring the property into compliance with the City of Chicago Municipal Code. Furthermore, the owner has made no attempts to keep the real estate taxes current.

6. As the subject building constitutes a public nuisance as defined in subparagraphs 3 of section 13-12-145 of the Municipal Code of Chicago, there is a rebuttable presumption that the issuance of an order of forfeiture or assignment of all of the defendant's rights, title and interest in the real estate is appropriate. No evidence has been presented to rebut this presumption.
7. In light of the magnitude of the harm caused or which can reasonably be expected to be caused by the nuisance and the extent to which the Defendants have failed to take effective measures to abate the nuisance, the assignment to a third party designated by the city of all of the defendant's rights, title and interest in the real estate as authorized by the Municipal Code is reasonable and proper.
8. The City has designated Defendant CRC - IL, LLC for assignment.

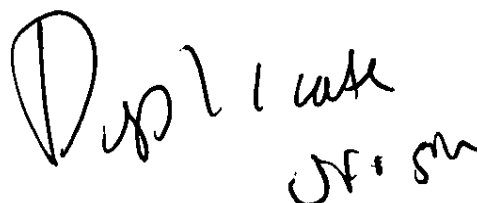
**WHEREFORE**, it is hereby ordered that:

- A. Defendants; ESSIE CRAWFORD, WALEED BEN NASSER, COWCUTS, UNKNOWN AND NONRECORD CLAIMANTS having been notified by publication and having failed to answer, appear, or otherwise plead as of the default dates, are in default and all allegations in the complaint are deemed admitted against said defendant.
- B. Judgment is entered in favor of Plaintiff, City of Chicago, and against Defendants on Count III of the City's first amended complaint seeking forfeiture of the subject property to a responsible third party designated by the City.
- C. Counts I and II of the City's first amended complaint are voluntarily dismissed without prejudice.
- D. Pursuant to the authority granted this Court in Section 13-12-145 of the Municipal Code of Chicago, this Court hereby forfeits and assigns all right title and interest of ESSIE CRAWFORD, WALEED BEN NASSER, COWCUTS, and UNKNOWN OWNERS AND NONRECORD CLAIMANTS to CRC - IL, LLC, a third party designated by the City, effective July 17, 2018.
- E. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court find there is no just reason for delaying the enforcement or appeal of this order.
- F. The Court reserves jurisdiction of this cause to enforce the terms of this order.
- G. Judicial deed conveying the subject property pursuant to the forfeiture and assignment ordered in paragraph D is hereby entered.

By:   
 Senior Assistant Corporation Counsel  
 City of Chicago Department of Law #90909  
 Building and License Enforcement Division  
 30 N. LaSalle Street, 7<sup>th</sup> Floor  
 Chicago, Illinois 60602/ 312-744-8710

JUL 17 2018  
 ENTERED:   
 Circuit Clerk of Cook County

DATE: 7/17/2018

  
 Dup 1 case  
 JF + SM