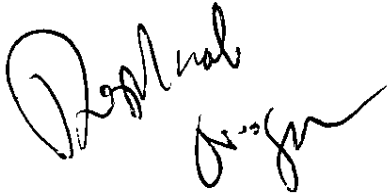


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EDWARD M. MOODY  
COOK COUNTY RECORDER OF DEEDS  
DATE: 05/23/2019 02:36 PM PG: 1 OF 5

## IN THE CIRCUIT COURT OF COOK COUNTY MUNICIPAL DEPARTMENT – FIRST DISTRICT

THE CITY OF CHICAGO, a municipal corporation,  
Plaintiff,  
v.

Case No. 16-M1-402777

UNKNOWN HEIRS & LEGATEES OF CHRISTOPHER BOULAHANIS;  
US BANK C/F TOWER DBW; AND  
UNKNOWN OWNERS and NONRECORD CLAIMANTS,

Address: 4502 W. THOMAS  
CHICAGO, IL 60651

Defendants.

Courtroom 1105

### ORDER OF NUISANCE ABATEMENT FORFEITURE

This cause coming on to be heard on May 21, 2019, on the Complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Edward Siskel, Corporation Counsel, against the following named Defendants:

UNKNOWN HEIRS & LEGATEES OF CHRISTOPHER BOULAHANIS, Record Owner

US BANK C/F TOWER DBW Taxbuyer of the second installment of the 2012 property taxes on August 7, 2014 with the later taxes forfeited of 2013 taxes forfeited on August 6, 2015 and the 2014 taxes forfeited on June 8, 2016

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:

UNKNOWN HEIRS & LEGATEES OF CHRISTOPHER BOULAHANIS, via personal service on November 3, 2016 and via publication with a default date of August 14, 2018

US BANK C/F TOWER DBW via corporate service on April 17, 2017 and via publication with a default date of August 14, 2018

UNKNOWN OWNERS AND NONRECORD CLAIMANTS, via publication with a default date of August 14, 2018

S ✓  
P ✓  
S ✓  
M ✓  
SC ✓  
JA ✓

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2. The Court has jurisdiction of the subject matter, which is the premises located at the following address:  
4502 WEST THOMAS, Chicago, Cook County, Illinois 60651("subject property"), legally described as:

LOT 2 IN REDMOND'S SUBDIVISION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 (EXCEPT THE NORTH 8 FEET THEREOF DEDICATED FOR ALLEY) OF BLOCK 3 IN SNYDER AND LEE'S SUBDIVISION OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER(S): 16-03-304-015-0000

3. Located on the subject property is a THREE STORY BUILDING (the "subject building") with TWO DWELLING UNITS and NO COMMERCIAL SPACES. 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 owner, UNKNOWN HEIRS & LEGATEES OF CHRISTOPHER BOULAHANIS, has 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 20, 2016 with building code violations alleging: broken windows, interior damage to the drywall, damage to the roofing system, missing smoke and carbon monoxide detectors, open studding in the rear porch, dormers constructed without permits, no gas service of hot water or heat, defective electrical service, missing light fixtures in the property.
  - b. The city's Department of Buildings Commissioner issued an emergency vacate order on the property on December 29, 2017 because of fire safety and protections violations and a total lack of heat and hot water. The building was determined to be an immediate danger to the tenants and occupants and the public at large.
  - c. The first court date was October 11, 2016; no defendant appeared. The court ordered an alias summons to be issued against the Unknown Heirs and Legatees of Christopher Boulahanis, an impleader summons to issue against tenants and occupants at the subject premises, and the case was continued for case management and jurisdiction to November 22, 2016.
  - d. On November 22, 2016 no defendant appeared. The court ordered alias summons to be issued to tenants and occupants at the subject premises and Unknown Heirs and Legatees of Christopher Boulahanis. The Court was advised that attorney Joseph Laspisa, an attorney who represented the heirs of Christopher Boulahanis had informed the City on the 21st that he would not be attending the hearing on the 22<sup>nd</sup>. The case was continued for case management and jurisdiction to January 31, 2017.
  - e. On January 31, 2017 there no defendant appeared. The court order an alias summons to the first and second floor tenants at the subject premises, a mandatory order to appear against the Unknown Heirs and Legatees of Christopher Boulahanis, Nicholahs Boulahanis, Torreyon Reap (third floor occupant at the subject premises). The City was granted leave to file a First

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Amended Complaint with all parties to answer or otherwise plead with in 28 days. The case was continued for case management to April 4, 2017.

f. On April 4, 2017 there was again no defendant in court. The court ordered a mandatory order to appear against the Unknown Heirs and Legatees of Christopher Boulahanis, Nicholahs Boulahanis, Torreyon Reap (third floor occupant at the subject premises), ordered an impleader summons to issue against the tax buyer (US Bank C/F Tower DBW). The city was granted leave to file a petition for rule against Unknown Heirs and Legatees of Christopher Boulahanis, Nicholahs Boulahanis, Torreyon Reap (third floor occupant at the subject premises) The City was granted leave to file a petition for limited receiver to vacate the property. The case was transferred to courtroom 1105 and continued for case management and a hearing to April 20, 2017.

g. On April 20, 2017 Nicholas Boulahanis, heir of Christopher Boulahanis, and tenants Linda and Phillis Alexander appeared. The court appointed a limited receiver to vacate, board, and secure the property and to provide relocation assistance to qualified tenants after the property is vacated. The court also ordered city action to forcibly enter premises and to notify utility providers to terminate utilities. The case was continued for case management to July 25, 2017.

h. On July 25, 2017 the limited receiver was ordered to provide relocation assistance to those qualified through August 31, 2017, all prior orders stood, and receiver was ordered to file an interim accounting by next court date. The case was continued for case management to September 12, 2017.

i. On September 12, 2017 the limited receiver was ordered to keep the property vacant, boarded and secured. Receiver was ordered to file their first interim accounting by September 13, 2017. All parties were given 21 days to object and 14 days to reply. The case was continued for case management and a hearing to October 24, 2017.

j. On October 24, 2017 all prior orders were continued, including the receivership and the receiver's second accounting was approved. The case was continued for case management to January 18, 2018.

k. On January 18, 2018 the receiver was ordered to file their second interim accounting by February 28, 2018. Parties were given until March 30, 2018 to object and until April 13, 2018 to reply. All orders were continued including the receivership and the case was continued for case management and a hearing to April 26, 2018.

l. On March 9, 2018, a receiver's lien was record on the property.

m. On April 26, 2018 all prior orders were continued including the receivership on the property. The second receiver's accounting was approved and the case was continued for case management to June 21, 2018.

n. On June 21, 2018 the Court appointed Empire Property Management as limited receiver and the 2<sup>nd</sup> Amended Complaint was filed. The receivership of Globetrotters and David Feller was discharged and the case continued to July 24, 2018

o. On July 24, 2018 the receivership continued and the former receivership final accounting was continued.

p. On October 2, 2018 the hearing on the possible forfeiture was continued until October 16, 2018.

q. On October 16, 2018 the Court continued the City's Petition for Forfeiture to allow Empire Property Management, the limited receiver, to discuss and consider the use of the Cook County Line Bank Authority in the transfer of the subject property. The court entered

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and continued all prior orders in full force and effect including Empire Property Management's limited receivership. The case was continued to April 25, 2019 for case management and hearing.

r. On April 25, 2019 the Court continued the City's Petition for Forfeiture for hearing and entered and continued all prior orders with full force and effect including Empire Property Management's limited receivership. The case was continued to May 16, 2019 for hearing.

s. 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. 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 Empire Property Management Solutions, Corp. for assignment.

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

- A. Defendants; UNKNOWN HEIRS & LEGATEES OF CHRISTOPHER BOULAHANIS, and Unknown Owners and Nonrecord Claimants having been personally served and also served 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 defendants.
- 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 Empire Property Management Solutions, Corp.
- C. Counts I and II of the City's first amended complaint are voluntarily dismissed without prejudice against UNKNOWN HEIRS & LEGATEES OF CHRISTOPHER BOULAHANIS.
- 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 W UNKNOWN HEIRS & LEGATEES OF CHRISTOPHER BOULAHANIS, and Unknown Owners and Nonrecord Claimants to Empire Property Management Solutions, Corp., a third party designated by the City, effective May 21, 2019.
- E. Pursuant. 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, separately.

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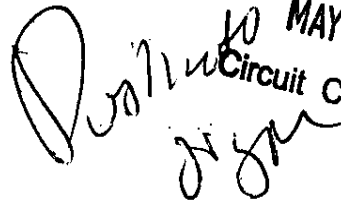
ENTERED:

  
Judge Patrice Ball-Reed

DATE: April 30, 2019

  
By: Steven McKenzie  
Senior Assistant Corporation Counsel  
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Building and License Enforcement Division  
30 N. LaSalle Street, 7<sup>th</sup> Floor  
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Steven.mckenzie@cityofchicago.org

Associate Judge Patrice Ball-Reed

  
MAY 16 2019  
Circuit Court - 1987

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