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EDWARD H. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 11/20/2019 09:13 AM PG: 1 OF 5

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

STACY CRAIN, *et al.*

Defendants.

Case Number: 18 M1 403280

Re: 11726 S. PERRY AVE.
Chicago, IL 60628

Courtroom 1111

ORDER AUTHORIZING DEMOLITION BY THE CITY OF CHICAGO

This cause coming to be heard on 8/12/19 on the complaint of THE CITY OF CHICAGO (“the City”), by and through its attorney, Mark A. Flessner, Corporation Counsel, against the following:

STACY CRAIN
FREMONT INVESTMENT & LOAN
LORENZO SHOCKLEY
COOK COUNTY
UNKNOWN OWNERS, and
NONRECORD CLAIMANTS,
 (“Defendants”).

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

1. The Court has jurisdiction of the subject matter, which is the real estate located at 11726 S. PERRY AVE., CHICAGO, COOK COUNTY, ILLINOIS (“subject property”), legally described as:

LOT 61 IN BLOCK 5 IN WALTER H. FILED’S ADDITION TO PULLMAN, SAID ADDITION BEING A SUBDIVISION OF BLOCKS 3, 4, 5 AND 6 IN ALLEN’S SUBDIVISION OF THE WEST 49 ACRES OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 25-21-419-021-0000.

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2. Located on the subject property is a ONE STORY SINGLE FAMILY FRAME BUILDING WITH GARAGE ("subject building"). The last known use of the subject 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, in that the following violations of the Municipal Code of Chicago exist at the subject property and the defendants:
 - a. The building's masonry has missing siding.
 - b. The building's masonry is dangerous and/or hazardous.
 - c. The building's masonry has holes.
 - d. The building's masonry is missing sections.
 - e. The building's masonry is partially collapsed.
 - f. The building's masonry is smoke, fire, and/or water damaged.
 - g. The building's masonry has step and/or stress fractures.
 - h. The building's mortar joints are washed out.
 - i. The building's masonry has holes at the north and south elevation.
 - j. The building's sashes are broken, missing, and/or inoperable.
 - k. The building's plastering is smoke, fire, and/or water damaged.
 - l. The building's plastering is broken and/or missing.
 - m. The building's roof is missing shingles.
 - n. The building's roof is water damaged.
 - o. The building's window glazing is broken and/or missing.
 - p. The building's joists are cracked and missing.
 - q. The building's joists are dangerous and/or hazardous.
 - r. The building's joists are smoke, fire, and/or water damaged.
 - s. The building's joists has a hole at the south elevation.
 - t. The building's stairs have damaged decking and damaged handrails.
 - u. The building's stairs have improper foundations.
 - v. The building's stairs have no joists hangers.
 - w. The building's stairs have no joists hangers.
 - x. The building's stairs are collapsed.

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- y. The building is missing portions of studding.
 - z. The building's studding is smoke, fire, and/or water damaged.
 - aa. The building's floors are smoke, fire, and/or water damaged.
 - bb. The building's floors are dangerous and/or hazardous.
 - cc. The building's floors are warped.
 - dd. The building's floors have portions of visible water damaged through holes in walls.
 - ee. The building's electrical service has been terminated.
 - ff. The building's electrical system is missing fixtures.
 - gg. The building's electrical system is stripped and/or inoperable.
 - hh. The building's plumbing is missing fixtures.
 - ii. The building's plumbing is stripped and/or inoperable.
 - jj. The building's plumbing is visible at the south elevation through a hole.
 - kk.
 - ll.
 - mm.
 - nn.
 - oo.
4. The subject building is beyond reasonable repair and it would take major reconstruction by a responsible owner to bring the subject building into full compliance with the Municipal Code.
 5. Demolition of the subject building is the least restrictive alternative available to effectively abate the dangerous and unsafe conditions at the subject property as of 8/12/19.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. As the City has met its obligations with respect to property tax sale certificate holders under the Property Tax Code (35 ILCS 200/21-410) and property tax sale certificate holders are subject to, *inter alia*, Sections 21-95, 21-100, 21-105, and 22-35 of the Property Tax Code, COOK COUNTY is/are dismissed as defendant(s) in this case and shall not be included in the term "Defendants" as used in this Order.

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- B. Defendants STACY CRAIN, AND UNKNOWN OWNERS and NONRECORD CLAIMANTS, having been notified by publication and having failed to answer, appear, or otherwise plead as of the default date of 7/15/2019, are in default and all allegations in the complaint are deemed admitted against said defendants.
- C. An *in rem* judgment on Count I and IV of the Complaint is entered in favor of Plaintiff, the City of Chicago, and against Defendants.
- D. The City's performance under this order shall result in a statutory *in rem* lien that attaches to the subject property only. If the City seeks a personal judgment against any Defendant(s), it shall proceed by separate civil action.
- 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 subject 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. Such authority shall be effective immediately.
- F. The City's performance under this order shall result in a statutory *in rem* lien that attaches to the subject property only. If the City seeks a personal judgment against any Defendant(s), it shall proceed by separate motion directed to such Defendant(s).
- G. Any and all Defendants with either possession or control of the subject property shall immediately remove any and all persons occupying the subject building and any and all personal property from the subject property so that the subject property is completely vacant and free of persons and personal property before demolition is commenced.
- 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. A violation of the permanent injunction will result in a \$500.00 fine.
- I. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court finds 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 demolition costs and other costs for entry of money judgment(s) against the defendant owners and for the purposes of hearing foreclosure proceedings as defined by the applicable statutes and ordinances.

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K. This matter is off-call.

ENTERED:



By:  _____

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#90909

Judge Michael A. Strom

AUG 12 2019

Circuit Court- 2248

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