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Doc# 1932442006 Fee \$88.00

EDWARD M. MOODY
COOK COUNTY RECORDER OF DEEDS
DATE: 11/20/2019 09:14 AM PG: 1 OF 4

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

JOZZETTE WALKER, *et al.*

Defendants.

Case Number: **19 M1 401048**

Re: 12352 S. EMERALD 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:

JOZZETTE WALKER

WHEELER-DEALER LTD. D/B/A WHEELER FINANCIAL, INC.

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 12352 S. EMERALD AVE., CHICAGO, COOK COUNTY, ILLINOIS (“subject property”), legally described as:

THE SOUTH 20 FEET OF LOT 22 AND LOT 23 (EXCEPT THE SOUTH 10 FEET THEREOF) IN BLOCK 4 IN SECOND ADDITION TO WEST PULLMAN, A SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 25-28-300-037-0000.

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2. Located on the subject property is a ONE STORY SINGLE FAMILY FRAME BUILDING WITH FRAME 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 electrical system is stripped and/or inoperable.
 - b. The building's plumbing is stripped and/or inoperable.
 - c. The building's heating system is fire damaged.
 - d. The building's heating system is stripped and/or inoperable.
 - e. The building's joists are fire damaged.
 - f. The building's joists are dangerous and/or hazardous.
 - g. The building's rafters are fire damaged.
 - h. The building's floors are fire damaged.
 - i. The building's floors are buckled and covered with fire debris.
 - j. The building's walls are fire damaged.
 - k. The building's sashes are fire damaged.
 - l. The building's roof has holes and is severely fire damaged.
 - m. The building's roof is missing sections, allowing infiltration of the elements.
 - n.
 - o.
 - p.
 - q.
 - r.

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.

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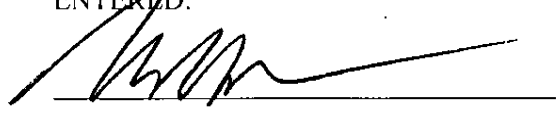
WHEREFORE, IT IS HEREBY ORDERED THAT:

- 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, WHEELER-DEALER LTD. D/B/A WHEELER FINANCIAL, INC. is/are dismissed as defendant(s) in this case and shall not be included in the term "Defendants" as used in this Order.
- B. Defendants JOZZETTE WALKER, 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 judgement 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.

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- 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.
- 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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