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KAREN A. YARBROUGH
COOK COUNTY CLERK

DATE: 06/04/2021 09:32 AM PG: 1 OF 4

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

HARRY J. MCDAYE,
CONNIE REAMS MCDAYE,
HSBC BANK USA, NA, AS INDENTURED
TRUSTEE F/B/O PEOPLE'S CHOICE HOME
LOANS SECURITIES TRUST SERIES 2005-4,
UNKNOWN OWNERS and NONRECORD
CLAIMANTS,

Defendants.

Case Number: 19M1401705

Re: 9953 S. AVENUE H
CHICAGO, IL 60617

Courtroom 1109

ORDER AUTHORIZING DEMOLITION
BY THE CITY OF CHICAGO

This cause coming to be heard on 4/7/21 on the complaint of THE CITY OF CHICAGO ("the City"), by and through its attorney, Celia Meza, Acting Corporation Counsel, against the following:

HARRY J. MCDAYE,
CONNIE REAMS MCDAYE,
HSBC BANK USA, NA, AS INDENTURED TRUSTEE F/B/O PEOPLE'S CHOICE HOME LOANS
SECURITIES TRUST SERIES 2005-4,
UNKNOWN OWNERS and NONRECORD CLAIMANTS

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 9953 S. AVENUE H, CHICAGO, COOK COUNTY, ILLINOIS ("subject property"), legally described as:

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LOT 30 AND LOT 31 (EXCEPT THE NORTH 16 FEET THEREOF) IN THE WEST 1/2 OF BLOCK 19 IN THE RESUBDIVISION OF ALL THAT PART OF TAYLOR'S FIRST ADDITION TO SOUTH CHICAGO, LYING EAST OF THE WEST 20 CHAINS THEREOF, IN THE NORTH FRACTIONAL 1/2 OF FRACTIONAL SECTION 8, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 26-08-112-020-0000

2. Located on the subject property is a TWO STORY BRICK MULTIPLE UNIT WITH GARAGE 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:
 - a. THE BUILDING'S ELECTRICAL SERVICE IS TERMINATED AT THE POLE BY COMED.
 - b. THE BUILDING'S GLAZING IS BROKEN OR MISSING.
 - c. THE BUILDING'S HEATING IS MISSING A FURNACE AND HAS BEEN STRIPPED AND INOPERABLE.
 - d. THE BUILDING'S JOIST ARE CRACKED.
 - e. THE BUILDING'S MASONRY HAS HOLES, MISSING SIDING, AND IS SMOKE, FIRE OR WATER DAMAGED.
 - f. THE BUILDING'S PLASTER IS BROKEN OR MISSING. THE PLASTER IS SMOKE, FIRE, OR WATER DAMAGED.
 - g. THE BUILDING'S PLUMBING IS MISSING FIXTURES AND HAS BEEN STRIPPED AND INOPERABLE.
 - h. THE BUILDING'S SASH IS BROKEN, MISSING, OR INOPERABLE.
 - i. THE BUILDING'S STAIR SYSTEM HAS DAMAGED DECKING, DAMAGED HANDRAILS, IMPROPER HANDRAIL HEIGHT, IMPROPER TREAD AND RISER, AND PARTIALLY COLLAPSED.
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 4/7/21.


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WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Defendant(s): 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 February 16, 2021 are in default and all allegations in the complaint are deemed admitted against said defendants.
- B. An *in rem* judgment on Count(s) I and IV of the Complaint is entered in favor of Plaintiff, the City of Chicago, and against Defendants.
- C. All other Counts of the Complaint are voluntarily dismissed, on the City's oral motion.
- 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 subject building on the subject property, including the garage structure, 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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 the purposes of hearing foreclosure proceedings as defined by the applicable statutes and ordinances.
- I. This matter is off call.

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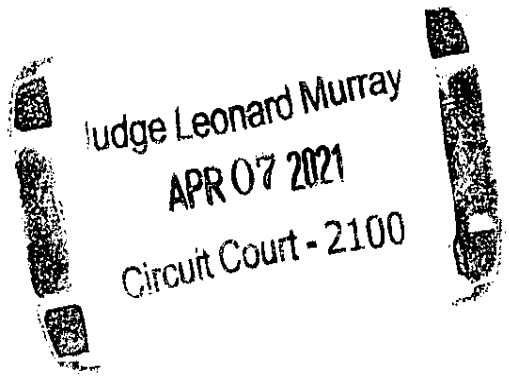
ENTERED:



By: _____

Holly Anderson
Assistant Corporation Counsel
City of Chicago Department of Law
2 N. LaSalle Street, Suite 320
Chicago, Illinois 60602
phone: (312) 744-1043
holly.anderson@cityofchicago.org

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