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KAREN A. YARBROUGH

COOK COUNTY CLERK

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

THE ESTELLE MONTGOMERY TRUST U/T/A
DATED 9/1/10,
ESTELLE MONTGOMERY,
UNKNOWN OWNERS and NONRECORD
CLAIMANTS,

Defendants.

Case Number:20M1400298

Re: 1411 E. 76TH ST.
Chicago, IL

Courtroom 1109

ORDER AUTHORIZING DEMOLITION
BY THE CITY OF CHICAGO

This cause coming to be heard on 5/18/2022 on the complaint of THE CITY OF CHICAGO ("the City"), by and through its attorney, Celia Meza, Corporation Counsel, against the following:

THE ESTELLE MONTGOMERY TRUST U/T/A DATED 9/1/10,
ESTELLE MONTGOMERY,

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 1411 E. 76TH ST., CHICAGO, COOK COUNTY, ILLINOIS ("subject property"), legally described as:

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LOT 6 AND THE EAST 1/2 OF LOT 7 IN BLOCK 66 IN CORNELL, BEING A SUBDIVISION OF THE WEST 1/2 OF SECTION 26, THE SOUTHEAST 1/4 OF SECTION 26, (WITH THE EXCEPTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SOUTHEAST 1/4) OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 WEST OF THE ILLINOIS CENTRAL RAILROAD AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, ALL IN TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 20-26-413-004-0000

2. Located on the subject property is a TWO STORY FRAME SINGLE FAMILY DWELLING 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 SYSTEM HAS EXPOSED WIRING AND MISSING FIXTURES.
 - b. COMED HAS TERMINATED THE BUILDING'S ELECTRICAL SERVICE AT THE BUILDING.
 - c. THE BUILDING'S GLAZING IS BROKEN OR MISSING.
 - d. THE BUILDING'S HEATING SYSTEM IS STRIPPED AND INOPERABLE.
 - e. THE BUILDING'S MASONRY HAS DETERIORATING SIDING.
 - f. THE BUILDING'S PLASTER IS BROKEN OR MISSING.
 - g. THE BUILDING'S PLUMBING IS MISSING FIXTURES.
 - h. THE BUILDING'S RAFTERS ARE WATER DAMAGED.
 - i. THE BUILDING'S ROOF HAS A DAMAGED MEMBRANE, IS MISSING SHINGLES, AND IS WATER DAMAGED.
 - j. THE BUILDING'S SASHES ARE BROKEN, MISSING, OR INOPERABLE.
 - k. THE BUILDING'S STAIRS ARE DANGEROUS AND HAZARDOUS AND SMOKE, FIRE, OR WATER DAMAGED.
 - l. THE BUILDING'S STAIRS HAVE DAMAGED DECKING AND HANDRAILS.
 - m. THE BUILDING'S STAIRS HAVE IMPROPER HANDRAIL HEIGHT AND IMPROPER TREAD AND RISER.

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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 5/18/2022.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Defendant(s): THE ESTELLE MONTGOMERY TRUST U/T/A DATED 9/1/10, ESTELLE MONTGOMERY, 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 AUGUST 19, 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, 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.

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- 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.

ENTERED:

Pamela Reaves-Harris

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#90909

Judge Pamela Reaves-Harris
MAY 18 2022
 Circuit Court - 2287

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