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SUMMONS	ALIAS - SUMMONS



(2/28/11) CCG N001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

2011L009818
 No. CALENDAR/ROOM E
 TIME 00:00
 The City of Chicago Corporation Counsel
 30 N. La Salle St., Suite 800
 Chicago, IL 60602

C.R.W.B. Corporation
(Name all parties)

v.

The City of Chicago

SUMMONS **ALIAS SUMMONS**

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602
- District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077
- District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008
- District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153
- District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455
- District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60428
- Child Support
28 North Clark St., Room 200
Chicago, Illinois 60602

You must file within 30 days after service of this Summons, not counting the day of service.
IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

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11 SEP 22 AM 9:01
OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

SEP 22 2011

DEPARTMENT OF LAW

Atty. No.: 48038
 Name: Siprut PC
 Atty. for: Plaintiff
 Address: 122 S. Michigan Ave., Suite 1850
 City/State/Zip: Chicago, IL 60603
 Telephone: 312-588-1440

WITNESS, SEP 20 2011

 Clerk of Court

Date of service: _____
 (To be inserted by officer or other person with defendant or other person)
 DOROTHY BROWN
 CLERK OF CIRCUIT COURT

Service by Facsimile Transmission will be accepted at: _____
(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS



IN THE CIRCUIT COURT OF COOK COUNTY ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

C.R.W.B. CORPORATION,)
)
Plaintiff,)
)
v.)
)
CITY OF CHICAGO,)
)
Defendant.)

Case No.

20111009810
CALENDAR/ROOM E
TIME 00:00
Property: 20111009810
SEP 28 AM 9:59
11-0-2

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff C.R.W.B. Corporation ("CRWB"), as and for its Complaint against the Defendant, the City of Chicago (the "City"), states as follows:

I. NATURE OF THE ACTION

1. In 2009 CRWB purchased the tax certificate for a parcel of property located in Chicago's Lawndale neighborhood for approximately \$30,000.00 (the "Property"). Over the course of the next year, CRWB invested time and money – nearly \$22,000 – to keep the structure located on the Property (the "Building") in a safe condition while it prepared renovation plans.

2. Less than two weeks after CRWB recorded the deed, a steady stream of inspections commenced. Over the next 15 months, the Property was inspected four times, culminating in the City wrongfully demolishing the Building without giving any notice to CRWB under a false assertion of Police Powers.

3. Adding insult to injury, the City not only failed to compensate CRWB for demolishing the Property, the City is now attempting to bill CRWB for the cost of the demolition from CRWB.

4. Accordingly, in this action, CRWB asserts claims for inverse condemnation/taking pursuant to the Illinois and U.S. Constitutions; wrongful demolition;

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CITY CLERK
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intentional trespass; declaratory judgment; and a violation of CRWB's due process rights under the Illinois and U.S. Constitutions.

II. JURISDICTION AND VENUE

5. This Court has personal jurisdiction over the City because: (a) the Property is located in Cook County, Illinois; (b) the Defendant resides and/or does business in Cook County, Illinois; and (c) the transactions out of which this action arose occurred in Cook County, Illinois.

6. Venue is proper under 735 ILCS 5/2-101 because the City resides in this County District.

III. PARTIES

7. CRWB is a corporation duly organized and existing under the laws of the State of Illinois.

8. The Defendant City is a municipal corporation with a population of over 500,000 persons, located in Cook County, Illinois.

IV. FACTUAL BACKGROUND

9. The Property is located within Chicago, Illinois and is commonly described as 1216 South Tripp Avenue. It bears the permanent index number of 16-22-202-027-0000.

10. The property at issue was sold at a Cook County tax sale in 2006. Three years later, CRWB purchased the tax certificate for the property for approximately \$30,000. CRWB subsequently recorded the deed on July 15, 2009. The cost of the filing and for legal action¹ regarding title to the property, back taxes, and subsequent taxes meant that CRWB spent an additional \$17,500 on the Property.

¹ A Petition to Vacate the Tax Sale for the Property was filed in 2009, which CRWB was required to defend. See Case No. 2009-COVT-000149.

11. From the time the deed was filed until the time of the wrongful demolition, CRWB also paid approximately \$4,500 to install a new fence around the Property and to remove garbage from the Property. During the same time, CRWB also secured the boarded-up doors – both in the front and back of the building – fixed the fence, and cut the grass regularly.

12. Prior to CRWB gaining title to the Property, it was inspected only three times—once in 2005 and twice in 2008.

13. A mere twelve days after CRWB purchased the Property, however, the City inspected the property. (Inspection # 1108283) (The “Building Data Warehouse Report,” detailing all inspections, is attached hereto as Exhibit A). CRWB was *not given notice* of the purported violations that were found. Only *after* the Building was demolished did CRWB ultimately become aware of the violations through the City’s Department of Buildings website.

14. On October 9, 2009, the City conducted another inspection of the Property. (Inspection # 2825240). The City claimed that the Property was in violation of the Vacant Building Ordinance. Again, however, CRWB was not given notice of the violations and learned of them only by visiting the City’s website *after* demolition.

15. Next, on January 4, 2010, the City conducted Inspection # 2854555. *See* Exhibit A. During that inspection, the City discovered six violations of the Housing Code. Yet again, CRWB was not given notice of these violations and learned of them only by visiting the City’s website *after* demolition.

16. Then, on October 5, 2010, the City conducted yet another inspection. (Inspection # 10007562). The building inspector indicated that the Building was “52% deteriorated,” based on an arbitrary assignment of deterioration percentage for a variety of construction elements. (the “Inspection Checklist” is attached hereto as Exhibit B). While the Building was not by any

means new, it was not so deteriorated that summary demolition was warranted. The assignment of 52% deterioration was inaccurate and a pre-determined result in order to purportedly justify the use of the City's Police Powers.

17. Based on this percentage of deterioration, the inspector at first recommended "action code 80," which indicates that the City should institute a circuit court action for demolition. However, the words "Police Powers" are hand-written on the bottom of the report, indicating, presumably, that the City would demolish the Building pursuant to its Police Powers without permission from the court. While Inspection Checklist indicates a corresponding case number of 269330, which the Department of Buildings indicates is a "Demo Case," no case file exists for that case number. The Inspection Checklist also estimated demolition costs to be \$11,880.00.

18. Two days later, on October 7, 2010, the City granted a demolition permit to Delta Demolition to "wreck and remove a 2 story frame building" without a demolition hearing. By October 15, 2010 the wrecking and removal was complete and the City issued a bill to CRWB in the amount of \$17,250.00 for the demolition process.

19. At no point did the City notify CRWB of its intent to demolish the building. CRWB became aware of the demolition only when one of its officers – Behrooz Moradi – came to the Property to begin remodeling. When Mr. Moradi arrived at the property, he found wrecking equipment tearing through the Building CRWB had just purchased. Only then was he finally informed – by the wrecking crew, not the City – that the Property was hazardous.

20. On information and belief, the City sought to demolish the Building without notice, claiming authority under its "Police Powers." However, in this case, the Building did not

qualify for demolition under a Police Powers theory, as the Building did not constitute an imminent danger to public safety.

21. Because the City did not have a good-faith basis to assert its Police Powers to summarily demolish the Building, the City should have followed the procedures set out in the City's Municipal Building Code. Under Chapter 13-9 of the Code, the City was required to 1) post a notice on the Building that the City intended to demolish the Building; and 2) no less than 30 days after posting the notice, give CRWB notice by certified mail, publication, and by filing a notice with the office of the recorder of deeds and registrar of title. Only after mailing notice was the City allowed to demolish the Building. However, no notice was ever mailed and thus CRWB was never given the opportunity to object to the demolition.

22. After the City's wrongful demolition of CRWB's property, the City assessed the costs of demolition - \$17,250.00 - to CRWB. (Demand Letters attached hereto as Exhibit C). The City has threatened to send CRWB to a collection agency and notify the Credit Bureaus if CRWB does not pay the full amount immediately. (See Exhibit C)

V. CLAIMS ALLEGED

COUNT I

Inverse Condemnation/Taking Pursuant to the Illinois and U.S. Constitutions

23. CRWB hereby incorporates Paragraphs 1 through 22 by reference as if fully set forth herein.

24. The City did not obtain a condemnation order against CRWB's Building or the Property prior to directing that the Building be demolished, nor has the City ever compensated CRWB for its losses as a result of the Building being demolished.

25. CRWB's property was taken, pursuant to the City's plan, for the following public purposes, among others: (i) to appease members of the public who viewed the property as an eyesore, despite the fact that it was not a nuisance, dangerous or hazardous; and/or (ii) to increase property values and property taxes in the area.

26. The City's demolition of the Building was a taking or damaging of private property without just compensation.

27. CRWB demands that the amount of compensation owed as a result of the City's demolition of the Building be determined by trial by jury.

WHEREFORE, CRWB requests judgment against the City of Chicago on Count I of this Complaint, for an award of compensation and such further relief as this Court deems appropriate.

COUNT II
Wrongful Demolition

28. CRWB hereby incorporates Paragraphs 1 through 27 by reference as if fully set forth herein.

29. The City demolished the Building without notice to the lawful owner, without leave or lawful order of court, and without verification by the City that the owners of the Property were given notice and verification that said demolition was authorized.

30. The City, without authorization, wrongfully converted for their own use and assumed control, dominion, or ownership over CRWB's property as described above despite CRWB's absolute and unconditional right to immediate possession of the property.

31. As a result of the City's conduct, CRWB has been damaged.

WHEREFORE, CRWB requests judgment against the City on Count II of this Complaint and for an award of compensatory damages, punitive damages, interest and costs, and such further relief as this Court deems appropriate.

COUNT III
Intentional Trespass

32. CRWB hereby incorporates Paragraphs 1 through 31 by reference as if fully set forth herein.

33. The City intentionally demolished the Building without notice to the lawful owner, without leave or lawful order of court, and without verification by Defendants that the owner of the Property was given notice and verification that said demolition was authorized.

34. The City acted with knowledge that its conduct would result in an unauthorized physical invasion of CRWB's possessory interest in the Property and the Building. Further, it was aware that it would result in the intentional demolition of the Building without notice or lawful order of court, which did, in fact, occur.

35. As a result of the City's conduct, CRWB has been damaged.

WHEREFORE, CRWB requests judgment against the City on Count III of this Complaint and for an award of compensatory damages, punitive damages, interest and costs, and such further relief as this Court deems appropriate.

COUNT IV
Declaratory Judgment

36. CRWB hereby incorporates Paragraphs 1 through 35 by reference as if fully set forth herein.

37. An actual justiciable controversy exists between CRWB and the City concerning CRWB's obligation to pay the costs of demolition.

38. Pursuant to Illinois law, CRWB seeks a declaration concerning the parties' rights and obligations with regards to the cost of demolition.

WHEREFORE, CRWB requests that this Court enter a Declaratory Judgment that CRWB is not obligated to pay the City for the cost of demolishing the Building and award such other remedies as the Court deems appropriate.

COUNT V
Violation Of Due Process
Pursuant to the Illinois and U.S. Constitutions

39. CRWB hereby incorporates Paragraphs 1 through 38 by reference as if fully set forth herein.

40. There was no emergency requiring the immediate demolition of CRWB's Building.

41. CRWB was not given any notice that the Building would be torn down and its components taken by the City.

42. Likewise, CRWB was not given an opportunity to be heard in an orderly proceeding.

43. CRWB had a protected interest in the form of his property interest in the Building and Property.

44. CRWB was deprived of that interest without due process of law as required by the Illinois and U.S. Constitutions.

WHEREFORE, CRWB requests judgment against the City on Count V of this Complaint and for an award of compensatory damages, punitive damages, interest and costs, and such further relief as this Court deems appropriate.

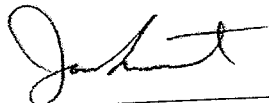
VI. JURY DEMAND

Plaintiff demands a trial by jury of all claims in this complaint so triable.

Dated: September 20, 2011

Respectfully submitted,

C.R.W.B. CORPORATION

By: 
One of Plaintiff's Attorneys

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AFFIDAVIT PURSUANT TO ILLINOIS SUPREME COURT RULE 222

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, the undersigned certifies that the total of money damages sought in the foregoing Complaint exceeds \$50,000.



Behrooz Moradi, Officer
C.R.W.B. Corporation