

1.4 million levied about 2% Reformers point to continuances and lack of fine collections as signs of the court's inefficiency and ineffectiveness. On the other hand, owners of low income housing can rarely pay the price or correcting the violation much less a fine on top of it.

Differentiating between the honest attempts to fix a building with limited resources and the attempts to "milk" buildings is where court research is important.

Locating and Using Housing Court Records

Identification by Case Number

Information on properties in court is arranged by case numbers. These can be obtained if you start with: the address of the property, the owners name, or the name of a person or institution with some interest; in the property such as a management company or mortgage holder. (The Corporation Counsel usually cites everyone with an interest in the building: owner, management company, bank or S & L holding the mortgage, etc.) Case numbers may also show up on the title searches.

The first step in obtaining a case number is Room 601 in the Civic Center - the Civil Records Department Clerk of the Circuit Court of Cook County. As you enter Room 601, there are marble top tables to your right against the west wall and a counter which runs the full length of the east wall. If you have the name or a possible defendant go directly to the;

computer terminals on this counter under the sign

"Civil Records Information" and clerk will then run a check on the name(s) and will be able to give you the address; and case number or the building. This computer file by owner's name is also useful in checking on someone owning more than one troubled property in your community or across the city.

If the title and tax search on the building haven't turned up the owner's name there are ways to find out if a building is in court by its address. At the south end of the long counter there is a section of desks where the clerks for Housing Court prepare the files for court. You may approach any of the clerks at these desks and ask them to help you get the case number for an address. They call the Department of Inspectional Services. and get the court case number from the inspectors over the phone. This approach only works when you have one or two addresses. If you are researching more than five, you should submit a written request; to the Public Relations Department of DIS. The Public Relations Department tries to get the information bade to you as soon as possible. You can also go in person to the Public Information desk of DIS in room 903 of City Hall. There you can request information on buildings by address. If the building is in court, its ownership and Housing Court case number are public information. DIS information is computerized by address(see Fig 1a for typical format of the print-out'. The secretary will actually give you the print-out or ;he building requested or allow, you to copy the case numbers from the terminal.

DIS sends monthly reports to each or the aldermen's offices which list all the buildings in court

BMAVCMF5445 W JACKSON 305-11 305-11 S.

5445-51 W. JACKSON

JOSEPH EDWARDS

3 5 S LOTUS D-OWNE

STORIES 03

COMPL BOARD

TOTAL DWEL UNITS 0025

LDN 13450289

TOTAL OCCUPANTS 2 1

0024

H -ILL 2./10/82 AR-M

for each of the wards. Neighborhood Housing Service (NHS) offices also receive these reports.

Case Number - The first step in housing court research is completed. The property is identified by a case number. This step-also provides the final identifier to our series, address, legal description permanent index number, and case number. The case number for our sample property, 1852 N. Talman was revealed in the title search. Another way is to go to the Civil Records Index (or computer terminal), with an owner's name to get the case number. A case number can also be obtained by address through the DIS, public information office.

Using Housing Court Case Numbers To Locate Files

The Housing Court case number determines our next step in locating the file. A typical case NUMBER looks like this: 78 MI 60680. The first two digits (78) refer to the year the case started. The second part is two letters (MI), indicating that 'the case is in Municipal Court. As mentioned before, if you find a case before 1976 it might have a CH designation for Chancery Court.

The first two digits are important in locating the case file because files for different years are stored in different places. Those for the current year and two previous years are stored in room 601. The third and fourth years previous to the present one will be stored on the 12th floor. Files from earlier years are stored in a warehouse and must be ordered from one of the same clerks 'who can get you a case number by address - at the south end of room 601. This takes 3-S days.

If you have a case which began in court in the pas; three years, get in line at the counter marked "Civil Records" in room 601. Always write the case

number(s) down on a piece of paper and hand it to the clerk when your turn comes. The clerk will get the file you requested while you wait. Don't be surprised if he or she comes back to tell you it is out this often happens when the case is coming up in court within a few days. The owner, the owner's lawyer, or another interested party might also be using the case materials. Most of the time the file will be available. Once you get the file use the tables against the wall. If you have to go to the 12th floor to locate a file, this

procedure is similar. As you get on the elevator turn left and then right and go to the counter on your right

Materials from files may be xeroxed. On the 6th floor the copier is just inside the door as you enter room 601. On the 12th floor there is no copy machine so that files have to be signed out and taken elsewhere to be reproduced - the Law Library on the 29th floor is the most convenient place to go.

The File - Court files are he primary source of information for doing housing court research. Files are located in three places according to how old they are:

- (a) The Warehouse - oldest files
- ((b)) Room 201, Civic Center - 3 4 years
- c) Room 601, Civic Center - 3 years or less

Understanding and Analyzing Housing Court Records

The building file contents usually include a complaint, a summons, sometimes- separate court orders, and the half sheet, the summary form for the court proceedings. Although the half sheet is handwritten and may be difficult to read, all the other legal documents are typed and quite legible. Arrange the documents by date so that you can figure out the progress of the case. The half sheet provides a summary of the case. The name of the plaintiff and defendant and other pertinent information are listed in the left hand corner of the half sheet. The remainder of the sheet is divided into columns corresponding to the case.

The dates of the hearings, presiding judges, orders entered, and other memoranda are listed. The court clerks are responsible for making the entries, and use abbreviations which take a while to decipher. A list of the most common abbreviations and shorthand notes used by the clerks are included in the side bar.

Abbreviations Used by Clerks on Housing Court Half Sheets

A/S/S or alias spec The original summons delivered by mail has been resumed. Therefore. a special summons will be served by the Sheriff or a private process server.

asp pd The defendant filed a court appearance. Owners are required to ,^file an appearance. Doing so. which costs \$29 makes showing up for the hearing part of the official court record Lawyers representing banks or other interests in the building usually file a

court appearance to protect themselves from possible charges of negligence later.

standards, something by the next court date to get the building out of court.

B/S Board up and secure. The judge has ordered the owner to make the building safe from further deterioration or vandalism.

Cd dismiss Case dismissed.

LV **city to amend The city** will change complaint. This could mean adding new counts of violations or dropping others.

M/O Mandatory order by the judge.

M/O FC Mandatory order by the judge for the owner to bring the building into full compliance with the code.

INS? Interior inspection of the building is ordered.

Mot Sust Motion sustained. The court grants and accepts information submitted by owner or Corporation Counsel on the building.

M1 Municipal Department, District One. The Municipal Department of Cook County Circuit Court is the department that hears in its Housing Division the violation of city ordinances. District One is the City of Chicago.

MIVE-C Motion to vacate entered to continuance (date)

No de; The defendant did not show up for the hearing.

NJ The judge was not available for the hearing.

NS Non-suit. The case is dismissed by the plaintiff.

ORD. APP The judge ordered the defendant to appear at the next hearing. This usually happens when the defendant has failed to answer at the initial hearing.

ORD, P&P The judge ordered the defendant to have an architect draw up plans and apply for a permit to correct violations.

P/D The case is pending a decree from the judge to do something on the case. This could range from dismissal to demolition.

Perm Inj Permanent Injunction. A ruling whereby the

ordered otherwise by the court. For example, in a deconversion case the owner is ordered to vacate an apartment and leave it unrented until it meets

I building code

P/O Protective order. The defendant requests that the judge limit the disclosure of information gathered in the court case.

RTI Rule to Issue. The judge sanctions the defendant for failing to do something (e.g., board up building) and orders the defendant to show cause or explain why he or she shouldn't be held in contempt of court

Reinspec Reinspection. The judge orders the inspector **to go out and check for the correction of violations** before the next court date.

Title Search Judge orders Corporation Counsel to have title of building researched to determine who is the current legal owner of property.

W/C or N/C With cost or no cost. The case is dismissed with no charge to the defendant (N/C) or the defendant is charged for court costs (W/C).

WIP Work in progress. The inspector has reported that the work on the violations is being done but not yet completed. Usually a continuance is given and another inspection and court date are scheduled.

WIP/PERMIT Same as above but there is also a permit for the work being done.

XP **fine** vs X Fine levied against person X. A summons was served and still the person didn't show up in court. A fine was then 'levied.

Other Sources of Information

DIS Public Information Desk

The DIS Public Information desk' in Room 903, City Hall, keeps the files on building and demolition permits and the public register for land trusts. This register is made possible through Chapter 80 or ;he Illinois Statutes. which states that it a building is cited for violations and is held in a trust. the trustee usually a bank must give the list or the owners names ;to the DIS. If the violations are not corrected within 180 days the names are made public in the register for land trusts. Theoretically, the names are made unavailable when the violations are corrected: however, we found cases in which this had no' nap

whenever a secret land trust shows up, just in case.

In order to find out the names of the beneficiary of a secret land trust, ask the clerks in room 903 for The Trust Disclosure Journal. It is organized alphabetically by street and numbers. The Journal list; the address of the property, the bank which held the trust, its number, and the list of names and addresses of trust beneficiaries. The buildings in the Trust Disclosure Journal are not necessarily, in *count*

Housing Court Dockets

A quick review of a case can be obtained from the Housing Court Dockets. These huge cloth covered volumes are also located in room 601 directly across from the desks of the Housing Court clerks at the south end. The dockets are volumes tiled by case number and year. Under each case are listed the signed orders of the judge. It is a good idea to compare the dockets with the information in the court file. since sometimes owners take damaging information out of the court files. (The security on files is very loose.)

File of Court Sheets

As we mentioned earlier, the court sheets posted every day outside each court list the cases by the address that will be heard. The clerk uses these sheets to mark the decisions on the cases and the follow-up court date if any are scheduled. These marked up court sheets are kept and filed in a large volume. which is also located in room 601 It includes court sheets for the past calendar year, and usually lies on a table next to the Housing, Court docker..

These court sheets records are useful if you know the court date and room for a building you are researching. flipping to the last court date for your building and looking the address up on the court room sheet will tell you the next court date and any orders the judge decided on.

1852 N. TALMAN

The title search of **our case study building** turned up one Housing Court case: 70CH54362. Since the case was 13 years old the file had to be **ordered from** the warehouse. This was done by going to room **601** of the Daley Center. There is a three to five day wait for files ordered from the warehouse. We **also checked the court dockets for a summary of the** case. For the Talman building there was only one

September 29, 1971. Figure 19 Not very helpful. **When the court file arrived it only added a few more pieces to the puzzle.** Half sheets were **not required until 1975.** **Therefore, the court file only had the original documents: the complaint and the court order to dismiss the case.** **The beginning and the end, a very short story.** **Without the half sheet there was no way of knowing what other non-order procedures occurred in the case.**

On the complaint to the owners, the violations were listed according to their section and paragraph in the building code, more recent cases have a printout of each violation and the explanation, but this case was pre-computer; so we looked up the violations in the Chicago Code book. (It's a good idea for an organization to purchase the City of Chicago Code book. If doing housing research and organizing is an integral part of the group's work, it will save a lot of time and help familiarize organizers with the codes.)

According to the complaint the violations were as follow:

Said building is now in dangerous conditions and a menace to public safety and is being maintained in violation of sections 39-12, and 41-9 of the Municipal Code.

Clearly the building was in bad repair, unsafe and abandoned. Yet, the court file did not contain a demolition order. It is unlikely that the judge dismissed **the case without the owner either repairing the building or having it demolished.** Also, **this court case** was not against the name of the last owner. This means that the last owner bought either an abandoned building or an empty lot. A third possibility was that the building had been sold in the midst of the court case. Sometimes when this happens the Corporation Counsel requests a non-suit, this dismisses the case and a new one is filed under the new owner's name. A check of the records under the last owner of the Talman property in the Civil Index, however, turned up no new cases. We double checked this by going to the DIS public information desk in room 903 of City Hall. The clerk checked the file on the N. Talman address and found no other cases past the 19,0 one.

The last resort was to check the Permit file. At some point the building had been torn down, so there should be a permit on file for the demolition.

There is a charge for copies, a minimum of \$3.00 for two copies. The permit for demolition was on file, filed by the second to last owner on July 28, 19, 0. (Figure 20.) Therefore, the building had been torn down before the case was dismissed in September, 1971. No demolition lien had shown on the title because the owner had paid for the demolition. The last owner had bought an empty lot.

In more recent cases the documents in the file should back up ...L what's on the half sheet: the fact entry

try on the half sheet will tell you the latest ruling on the case. If a continuance was ordered the date for the next court date will be on the same line. Refer back and forth to the list of abbreviations and the supporting documents in the file to determine the status of the case.

1852 N. TALMAN

