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TO:

7643/0107 82 002 Page 1 of 5  
2002-02-25 13:30:26  
Cook County Recorder 29.50

John S. Mrowiec  
Conway & Mrowiec  
20 South Clark Street  
Suite 750  
Chicago, Illinois 60603  
(312) 658-1100

COOK COUNTY  
RECORDER  
EUGENE "GENE" MOORE  
BRIDGEVIEW OFFICE



**SECOND AMENDMENT TO  
SUBCONTRACTOR'S CLAIM FOR MECHANICS LIEN  
TO REFLECT PARTIAL SATISFACTION**

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF DU PAGE )

The Claimant, Case Foundation Company ("Case"), a Maryland corporation with an office at 1325 West Lake Street, Roselle, Illinois 60172, hereby files its Amendment to that certain Subcontractor's Claim for Mechanics Lien recorded with the Cook County Recorder of Deeds on December 19, 2001, as Document No. 0011208844 and amended in December, 2001 on the Real Estate (as hereinafter described) and against the interest(s) of TR Chicago Avenue Partners, L.P. and against the interest of any person claiming an interest in the Real Estate (as hereinafter described), by, through or under Owner;

Case states:

1. Since July 17, 2000, Owner owned interest(s) as fee simple owner and, possibly otherwise, in the Real Estate commonly known as 1210 through 1236 Chicago Avenue, Evanston, Illinois and legally described as follows ("Real Estate"):

See Attached Exhibit A.

2. As of October 3, 2000, Case entered into a written subcontract with Roszak/ADC, L.L.C. ("Prime Contractor"), under which Case agreed to provide labor, materials, equipment and tools for a sheeting/earth retention system on the Real Estate in exchange for payment of an original subcontract price of Four Hundred Fifty Thousand Dollars (\$450,000) subject to increase for changed or extra work or differing site conditions (the "Subcontract").

3. The Subcontract was entered into by Prime Contractor and the work was performed by Case with the knowledge and consent of Owner or Owner's agent. Alternatively, Owner or

PTN Numbers: 11-19-105-033-0000; 11-19-105-030-0000

Address: 1210-36 Chicago Avenue, Evanston, Illinois

5P

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Owner's agent authorized or knowingly permitted Prime Contractor to enter into contracts to improve the Real Estate. Alternatively, Owner or Owner's agent knowingly permitted Prime Contractor or Case or both to perform Work to improve the Real Estate.

4. Case has not completed Case's Work under the Subcontract although any further work is excused by Prime Contractor's breaches. Case last performed work under the Subcontract for which this lien is claimed on August 24, 2001.

5. Case hereby reserves its rights to claim a mechanics lien for (a) \$43,280.56 in retainage not yet billed and (b) \$22,000 for progress payments not yet earned or billed. Case reserves all of Case's rights and remedies including, without limitation, those rights and remedies relating to payment and mechanics lien rights for those retainage amounts not yet billed and those other amounts not yet performed and billed.

6. Case hereby revokes any waiver of lien given in advance of payment for which payment was not made.

7. Except as amended herein, Case's Subcontractor's Claim for Mechanics Lien remains unchanged and in full force and effect.

Dated: February 5, 2002.

CASE FOUNDATION COMPANY

By: Patrick O'Neill  
Patrick O'Neill

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AFFIDAVIT

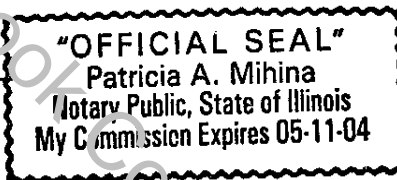
STATE OF ILLINOIS     )  
                                  ) ss.  
COUNTY OF DUPAGE    )

I, Patrick O'Neill, being first duly sworn on oath, depose and state that I am Vice-President of Claimant, am authorized as agent to execute this Second Amendment to Subcontractor's Claim for Mechanics Lien on behalf of Claimant, that I have read the foregoing Second Amendment to Subcontractor's Claim for Mechanics Lien and know the contents thereof, and that the statements contained therein are true.

  
Patrick O'Neill

SUBSCRIBED AND SWORN TO  
before me this 5 day of February, 2002.

  
Notary Public



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TICOR TITLE INSURANCE COMPANY

ORDER NUMBER: 2000 000454396 STO
STREET ADDRESS:
CITY: EVANSTON COUNTY: COOK COUNTY
TAX NUMBER: 11-19-105-033-0000

LEGAL DESCRIPTION:

PARCEL 1:

LOT 1 IN G.M. LIMITED PARTNERSHIP-CONSOLIDATION IN THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 22, 1996 AS DOCUMENT NO. 96,891,657, AND CONFIRMATION AND RATIFICATION OF CONSOLIDATION PLAT RECORDED JULY 31, 2000 AS DOCUMENT NO. 00577569.

PARCEL 2:

LOTS 1, 2 AND 3 IN F. B. BREWER'S SUBDIVISION OF THE SOUTH 137 FEET (EXCEPT THE RAILROAD) OF THE NORTH 312 FEET OF BLOCK 1 OF SNYDER'S ADDITION TO EVANSTON, A SUBDIVISION OF THE NORTH 1/2 OF THE NORTHWEST 1/4, EAST OF THE RAILROAD AND WEST OF CHICAGO AVENUE, IN SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, BUT EXCEPTING THEREFROM THE FOLLOWING PORTION THEREOF, WHICH WAS EXCEPTED FROM THE CONVEYANCE FROM THE CITY OF EVANSTON TO TR CHICAGO AVENUE PARTNERS, L.P. RECORDED AUGUST 3, 2000 AS DOCUMENT NO. 00589857:

THAT PART OF LOTS 1, 2 AND 3 IN F. B. BREWER'S SUBDIVISION, AFORESAID, TAKEN AS A TRACT, LYING BELOW A HORIZONTAL PLANE HAVING AN EVELVATION OF 613.88 FEET ABOVE THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29) AND LYING ABOVE A HORIZONTAL PLANE HAVING AN ELEVATION OF 604.30 FEET ABOVE THE NATIONAL VERTICAL DATUM OF 1929 (NGVD 29), DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 3 IN BREWER'S SUBDIVISION, AFORESAID, BEING ALSO THE NORTHEAST CORNER OF LOT 1 IN G. M. LIMITED PARTNERSHIP CONSOLIDATION IN SAID SECTION 19; THENCE NORTH 00 DEGREES 18 MINUTES 00 SECONDS WEST ALONG THE EASTERLY LINE OF SAID LOT 3 A DISTANCE OF 38.25 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 29 MINUTES 10 SECONDS WEST, 2.97 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 16 SECONDS EAST 22.02 FEET; THENCE SOUTH 87 DEGREES 29 MINUTES 10 SECONDS WEST, 45.16 FEET; THENCE NORTH 02 DEGREES 30 MINUTES 50 SECONDS WEST, 18.83 FEET; THENCE SOUTH 87 DEGREES 29 MINUTES 10 SECONDS WEST, 13.42 FEET; THENCE SOUTH 02 DEGREES 30 MINUTES 50 SECONDS EAST, 18.83 FEET; THENCE SOUTH 87 DEGREES 29 MINUTES 10 SECONDS WEST, 16.08 FEET; THENCE NORTH 02 DEGREES 30 MINUTES 50 SECONDS WEST, 21.00 FEET; THENCE SOUTH 87 DEGREES 29 MINUTES 10 SECONDS WEST, 15.50 FEET; THENCE SOUTH 02 DEGREES 30 MINUTES 50 SECONDS EAST, 21.00 FEET; THENCE SOUTH 87 DEGREES 29 MINUTES 10 SECONDS WEST, 11.67 FEET; THENCE NORTH 02 DEGREES 30 MINUTES 50 SECONDS WEST, 4.33 FEET; THENCE SOUTH 87 DEGREES 29 MINUTES 10 SECONDS WEST, 40.08 FEET; THENCE NORTH 02 DEGREES 30 MINUTES 50 SECONDS WEST, 14.50 FEET; THENCE SOUTH 87

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## TICOR TITLE INSURANCE COMPANY

**ORDER NUMBER:** 2000 000454396 STO

**STREET ADDRESS:**

**CITY:** EVANSTON

**COUNTY:** COOK COUNTY

**TAX NUMBER:** 11-19-105-033-0000

**LEGAL DESCRIPTION:**

DEGREES 29 MINUTES 10 SECONDS WEST, 9.08 FEET; THENCE SOUTH 02 DEGREES 30 MINUTES 50 SECONDS EAST, 18.83 FEET; THENCE SOUTH 87 DEGREES 29 MINUTES 10 SECONDS WEST, 30.48 FEET; THENCE NORTH 10 DEGREES 08 MINUTES 25 SECONDS WEST, 66.59 FEET; THENCE NORTH 87 DEGREES 29 MINUTES 10 SECONDS EAST, 192.92 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 16 SECONDS EAST, 22.02 FEET; THENCE NORTH 87 DEGREES 29 MINUTES 10 SECONDS EAST, 2.95 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 3; THENCE SOUTH 00 DEGREES 18 MINUTES 00 SECONDS EAST, ALONG SAID EASTERLY LINE, 22.02 FEET TO THE POINT OF BEGINNING.

**PARCEL 3:**

EASEMENTS IN, UNDER, OVER, UPON, THROUGH AND ABOUT THE "CITY PROPERTY" FOR THE BENEFIT OF PARCELS 1 AND 2 AS DEFINED AND GRANTED IN ARTICLE 2 OF THE REDEVELOPMENT AGREEMENT/AGREEMENT OF RECIPROCAL COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR 1210 CHICAGO AVENUE DEVELOPMENT BETWEEN THE CITY OF EVANSTON AND TR CHICAGO AVENUE PARTNERS, L.P. DATED JULY 17, 2000 AND RECORDED AUGUST 3, 2000 AS DOCUMENT NO. 00589859.