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Eugene "Gene" Moore Fee: \$20.50  
Cook County Recorder of Deeds  
Date: 06/11/2003 11:19 AM Pg: 1 of 6

TAWPDOCSALIENEVE.HAR

**NOTICE OF CLAIM  
FOR MECHANIC'S LIEN**

**IN THE OFFICE OF RECORDER  
OF DEEDS OF COOK COUNTY,  
ILLINOIS**

HARDIN UNDERGROUND CONTRACTORS, INC.,	)	"NOTICE TO OWNER
	)	
	)	Do not pay the contractor for this
	)	work or material unless you have
	)	received from the contractor a waiver
	)	of lien or other satisfactory evidence
	)	of payment to the Claimant."
	)	
	)	<b>NOTICE &amp; CLAIM FOR LIEN</b>
	)	<b>IN THE AMOUNT OF:</b>
	)	<b>\$32,261.71, plus interest and</b>
	)	<b>collection costs.</b>

v. ("Claimant"),

EVEREST EXCAVATING, INC., OPUS NORTH CORPORATION, PETER SCHWABE INC., IHOP REALTY CORPORATION, AND AMERICAN NATIONAL BANK & TRUST COMPANY OF CHICAGO

("Defendants").

Claimant, HARDIN UNDERGROUND CONTRACTORS, INC. ("HARDIN"), an Illinois corporation, located at 460 West Hintz Road, Wheeling, Illinois 60136, being a subcontractor for furnishing and installing an underground piping system on the real estate described below, hereby files a Notice and Claim for Lien against said property ("LAND") and against OPUS NORTH CORPORATION, AN ILLINOIS CORPORATION, 9700 Higgins Road, Suite 900, Rosemont, IL 60018, ("OWNER"), the owner of record of the LAND, IHOP REALTY CORPORATION, A

This document was prepared by:

P.I.N. No. 04-22-202-016-0000

ANTHONY G. SUIZZO  
LAW OFFICES OF ANTHONY G. SUIZZO  
3201 Old Glenview Road, Suite 225  
Wilmette, IL 60091-2942  
Telephone No. (847) 853-0300  
Attorney No. 23385

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DELAWARE CORPORATION, 450 North Brand Blvd, Glendale, CA 91203 ("OWNERSHIP"), or other interest, AMERICAN NATIONAL BANK & TRUST COMPANY OF CHICAGO, 10 South Dearborn, Chicago, IL 60670, which is commonly known as 2131 Willow Road, Glenview, IL 60025, the legal description of which is attached as Exhibit A.

HARDIN also claims a lien against PETER SCHWABE, INC., ("SCHWABE"), located at W232 S7530 Big Bend Drive, Big Bend, WI 53103, who was the general contractor for said project, who was authorized and/or knowingly permitted by the owner of the LAND to provide construction work on the LAND.

On or before November 22, 2002, on information and belief, the OWNER of the said property made a contract with SCHWABE whereby SCHWABE was to provide, or knowingly permitted SCHWABE to provide labor, material, tools and equipment for construction on the LAND; on or about November 22, 2002, on information and belief, SCHWABE and EVEREST entered into a subcontract whereby EVEREST was to provide excavating and related materials for said project; On or before November 22, 2002, on information and belief, EVEREST and HARDIN entered into a written subcontract whereby HARDIN was to provide and install an underground piping system for said project; and thereafter completed all of its obligations pursuant to said subcontract on or about February 12, 2003.

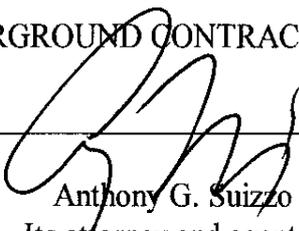
To date, despite due demand for payment, Claimant remains unpaid for said work; and there is no reasonable basis for the failure to pay HARDIN.

# UNOFFICIAL COPY

Therefore, after all due credits, the amount left due, unpaid and owing to HARDIN is \$32,261.71, for which amount, plus interest and collection costs, including reasonable attorneys' fees, HARDIN claims a lien on the LAND and improvements thereon, and on any monies due or to become due to SCHWABE, EVEREST or any other party from OWNER for said project.

HARDIN UNDERGROUND CONTRACTORS, INC.

By:

  
\_\_\_\_\_  
Anthony G. Suizzo  
Its attorney and agent.

Property of Cook County Clerk's Office

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## EXHIBIT A

### PARCEL 1:

OUTLOT 3 OF WILLOW CREEK CENTER, BEING A SUBDIVISION OF LOTS R-1,R-2,R-3 IN NORTH SHORE CORPORATE PARK, A RESUBDIVISION RECORDED DECEMBER 23, 1999 AS DOCUMENT NUMBER 09192216, ALL IN THE SOUTHEAST ¼ AND THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF GLENVIEW, COOK COUNTY, ILLINOIS AMENDED BY CERTIFICATE OF REVISION AND CORRECTION RECORDED DECEMBER 29, 1999 AS DOCUMENT NUMBER 09204789 AND FURTHER AMENDED BY AFFIDAVIT RECORDED APRIL 12, 2001 AS DOCUMENT NUMBER 0010296621.

### PARCEL 2:

EASEMENTS FOR INGRESS, EGRESS AND PARKING, UTILITIES, CONSTRUCTION, MAINTENANCE AND RECONSTRUCTION AND MONUMENT SIGN AS SET FORTH IN OPERATION AND EASEMENT AGREEMENT BETWEEN DAYTON HUDSON CORPORATION AND OPUS NORTH CORPORATION, RECORDED APRIL 20, 1998 AS DOCUMENT NUMBER 98312944. FIRST AMENDMENT TO OPERATION AND EASEMENT AGREEMENT RECORDED DECEMBER 29, 1999 AS DOCUMENT NUMBER 09202790 BY AND BETWEEN DAYTON HUDSON CORPORATION AND OPUS NORTH CORPORATION

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## VERIFICATION

I, Anthony G. Suizzo, on oath state that I am the attorney and duly authorized agent of HARDIN UNDERGROUND CONTRACTORS, INC., that I have read the foregoing Notice and Claim for Mechanic's Lien against EVEREST EXCAVATING, INC., et al., and that the statements therein are true to the best of my information and belief.

\_\_\_\_\_  
Anthony G. Suizzo

Subscribed and Sworn to before me  
this 4 day of April 2003.

\_\_\_\_\_  
Notary Public

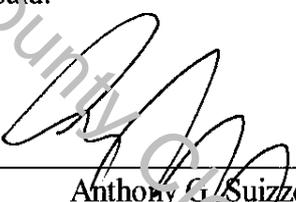


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## PROOF OF SERVICE BY MAIL

I, Anthony G. Suizzo, an attorney, certify that I served the foregoing Notice and Claim for Mechanic's Lien on EVEREST EXCAVATING, INC., Donald Franz, Registered Agent, 41 North Virginia Street, Crystal Lake, Illinois 60014, and PETER SCHWABE INC., c/o C T Corporation System, Registered Agent, 208 South LaSalle Street, Chicago, IL 60604, (via regular mail); CPUS NORTH CORPORATION, 9700 Higgins Road, Suite 900, Rosemont, IL 60018, IHOP REALTY CORPORATION, c/o Prentice Hall Corporation, Registered Agent, 33 North LaSalle, Street, Chicago, Illinois 60602 and AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, 10 South Dearborn, Chicago, IL 60670 (via certified mail, return receipt requested), and deposited said mailed items at the U.S. Post Office, Wilmette, Illinois, on April 4, 2003, with proper postage prepaid.

  
\_\_\_\_\_  
Anthony G. Suizzo

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