

UNOFFICIAL COPY

THIS INSTRUMENT WAS PREPARED BY AND
AFTER RECORDING SHOULD BE RETURNED TO:

Stephen E. Ray
Livia M. Kiser
Stein, Ray & Harris
222 West Adams Street, Suite 1800
Chicago, Illinois 60606
(312) 641-3700



0319027105

Eugene "Gene" Moore Fee: \$20.50
Cook County Recorder of Deeds
Date: 07/09/2003 03:11 PM Pg: 1 of 6

SUBCONTRACTOR'S NOTICE AND CLAIM FOR MECHANICS LIEN

The claimant, Financial Benefits Insurance Company, an Illinois corporation, which has an office at 10 South LaSalle Street, 12th Floor, Chicago, Illinois ("Financial Benefits"), as assignee and subrogee of the International Brotherhood of Electrical Workers Local Number 134, AFL-CIO ("IBEW Local 134"), The Electrical insurance Trustees ("EIT"), The National Electrical Benefit Fund ("NEBF") and certain members of the IBEW Local 134 who were employees of Gannon Williams Electrical Construction & Design, Inc. (a.k.a. Gannon Electric & Technologies, Inc.) ("Employees"), hereby files its Subcontractor's Notice and Claim for Mechanics Lien and claims a mechanics lien on the Real Estate (as hereinafter described) and on all funds held in connection with the improvements constructed on the Real Estate and against Gannon Williams Electrical Construction & Design, Inc. which has an office at 1535 W. Schaumburg Rd., Suite 204 Schaumburg, IL 60194 ("Gannon"), electrical subcontractor; Opus North Corporation, which has an office at 9700 West Higgins Road, Suite 900, Rosemont, Illinois 60018 ("Opus"), general contractor; Blue Island / Goldstein Family Limited Partnership, owner of the Real Estate (as hereinafter described) ("Owner"); Builders Bank (the "Lender"); and any person or entity claiming an interest in the Real Estate (as hereinafter described) by, through or under Owner and/or Lender.

Financial Benefits states as follows:

1. On or about April 2, 2001 and continuing thereafter, Owner owned fee simple title to the real estate (including all land improvements thereon) (the "Real Estate") in Cook County, Illinois, commonly known as 4100 W. 42nd Place, Chicago, Illinois and legally described as follows:

[See Exhibit A for legal description of the Real Estate]

The Real Estate Tax Numbers are 19-03-201-008-000, 19-03-201-016, 19-03-201-017, 19-03-201-033 and 19-03-201-036.

UNOFFICIAL COPY

2. Opus entered into a contract with Owner, or with an entity knowingly permitted or authorized by Owner to enter into general contracts for the improvement of the Real Estate.

3. On or about October 18, 2002 Opus made a contract with Gannon to provide electrical materials and labor for the improvement of the Real Estate.

4. On or about April 3, 2003 and continuing thereafter, Gannon entered into oral agreements to employ the Employees to provide electrical labor for the improvements of the Real Estate, subject to the collective bargaining agreement described below. Gannon agreed to pay the required wages to the Employees for their work on the Project.

5. Prior to April 3, 2003, Gannon and Local IBEW 134 entered into certain collective bargaining agreements under which Gannon was obligated to make payments and contributions to the IBEW Local 134, the EIT, and the NEBF on behalf of the Employees.

6. Financial Benefits, through its agent and attorney in fact C.W. Olson & Company, executed certain bonding agreements known as Bond No. DOL 231366/1269 and Bond No. DOL 231366/1269-C (the "Bonds"), as Surety, with Gannon as Principal, for the benefit of Local 134, the EIT, the NEBF and the Employees, as Obligees.

7. On or after May 8, 2003 the Employees completed their provision of the labor on the electrical work required by Gannon for the improvement of the Real Estate.

8. Financial Benefits has made payments under the terms of the Bonds for amounts due and owing from Lakewood to the IBEW Local 134, the EIT, the NEBF and the Employees for net wages (\$12,886.53) and certain benefit contributions (\$10,661.79) for the labor provided for the improvement of the Real Estate by the Employees and under the terms of the collective bargaining agreements. The IBEW Local 134, the EIT, the NEBF and the Employees have assigned their lien and other rights against the Real Estate to Gannon, Opus, Owner and others, and Financial Benefits is their subrogee.

9. There is currently due, unpaid and owing to Financial Benefits therefor, after allowing all credits, the sum of \$23,548.32 (\$12,886.53 + \$10,661.79) for which, with interest at rate of 10% per annum, Financial Benefits claims a lien on the improvements, the Real Estate, and against the moneys or other consideration due or to become due to Gannon or Opus from Owner.

Dated this 9th day of July, 2003.

FINANCIAL BENEFITS INSURANCE COMPANY

By: 

UNOFFICIAL COPY

AFFIDAVIT

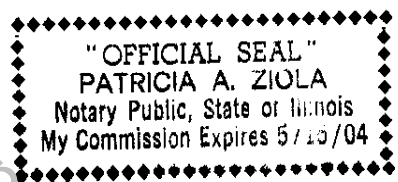
STATE OF ILLINOIS)
)
 COUNTY OF COOK) SS:

Frank Szatkowski, being first duly sworn, deposes and states that he is the Bond Manager for C.W. Olson & Company which is the agent and attorney in fact for Financial Benefits Insurance Company ("Financial Benefits"), that he is duly authorized to make this Affidavit on Financial Benefits behalf and that he has read the foregoing Subcontractor's Notice and Claim for Mechanic's Lien and knows the contents thereof, and that the statements contained therein are true.

By: *[Signature]*
 Title: Bond Manager

Subscribed and sworn to before me
 this 9th day of July, 2003.

Patricia A. Ziola
 Notary Public



**THIS INSTRUMENT WAS PREPARED BY AND
 AFTER RECORDING SHOULD BE RETURNED TO:**

Stephen E. Ray
 Livia M. Kiser
 Stein, Ray & Harris
 222 West Adams, Suite 1800
 Chicago, Illinois 60606
 (312) 641-3700

UNOFFICIAL COPY

CERTIFICATE OF SERVICE

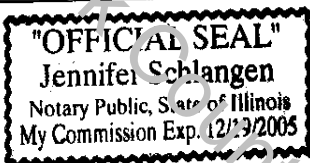
I, Patricia Tell, a non-attorney, on oath, depose and state that on July 9, 2003 I served this Subcontractor's Notice and Claim for Mechanics Lien by sending a duplicate original thereof to the entities on the attached Service List by certified mail, return receipt requested, restricted delivery from 222 West Adams, Suite 1800, Chicago, Illinois.

Patricia M. Tell

Patricia M. Tell

Subscribed and sworn to before me
this 9th day of July, 2003.

Jennifer Schlagen
Notary Public



UNOFFICIAL COPY

SERVICE LIST

CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND RESTRICTED DELIVERY

Gannon Williams Electrical Construction & Design, Inc.
 a/k/a Gannon Electric and Technologies, Inc.
 1535 W. Schaumburg Rd., Suite 204
 Schaumburg, IL 60194
 Attention: John P. Kelly

Opus North Corporation
 9700 West Higgins Road
 Suite 900
 Rosemont, Illinois 60018
 Attention: John M. Crocker, Jr.

Blue Island/Goldstein Family Limited Partnership
 c/o Daddio Management and Investment Corporation, its General Partner
 c/o Gold Realty Group Corporation
 1849 Greenbay Road
 Suite 300
 Highland Park, Illinois 60035
 Attention: Michael Goldstein

Builders Bank
 225 N. LaSalle St.
 34th Floor
 Chicago, Illinois 60601
 Attention: Michael C. Winter

Builders Bank
 77 W. Wacker Drive
 Suite 3100
 Chicago, Illinois 60601
 Attention: Brad Williamson

UNOFFICIAL COPY**EXHIBIT A****LEGAL DESCRIPTION FOR
4100 WEST 42ND PLACE
CHICAGO, ILLINOIS**

THAT PART OF LOT "B" IN THE SUBDIVISION OF THE CIRCUIT COURT COMMISSIONERS IN PARTITION OF THAT PART OF THE NORTHEAST $\frac{1}{4}$ LYING SOUTH OF THE ILLINOIS AND MICHIGAN CANAL RESERVE, OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPLE MERIDIAN, ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS, IN BOOK 59 OF PLATS, PAGE 32, ON SEPTEMBER 5, 1893, AS DOCUMENT NO. 1924571, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF RE-ESTABLISHED DISTRICT BOULEVARD, WITH A LINE WHICH IS PARALLEL WITH AND 616 FEET WEST FROM THE WEST LINE OF S. PULASKI ROAD (FORMALLY S. CRAWFORD AVENUE), AND RUNNING THENCE NORTH ALONG SAID LAST DESCRIBED PARALLEL LINE, BEING THE WEST LINE OF S. KARLOV AVENUE, A DISTANCE OF 1020.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF W. 40TH STREET; THENCE WEST ALONG SAID SOUTH LINE OF W. 40TH STREET, BEING A LINE WHICH IS 1020.00 FEET NORTH FROM AND PARALLEL WITH SAID NORTH LINE OF RE-ESTABLISHED DISTRICT BOULEVARD, A DISTANCE OF 469.05 FEET TO AN INTERSECTION WITH THE EAST LINE OF S. KEELER AVENUE; THENCE SOUTH ALONG SAID EAST LINE OF S. KEELER AVENUE, BEING A LINE WHICH IS 1085.05 FEET WEST FROM AND PARALLEL WITH THE WEST LINE OF SAID S. PULASKI ROAD, A DISTANCE OF 1020.00 FEET TO AN INTERSECTION WITH SAID NORTH LINE OF RE-ESTABLISHED DISTRICT BOULEVARD; AND THENCE EAST ALONG SAID NORTH LINE OF RE-ESTABLISHED DISTRICT BOULEVARD, A DISTANCE OF 469.05 FEET TO THE POINT OF BEGINNING. CONTAINING 478,431 SQUARE FEET OF LAND, MORE OR LESS. THE FOREGOING DESCRIPTION IS BASED UPON THE FOLLOWING DEFINITIONS - THE NORTH LINE OF RE-ESTABLISHED DISTRICT BOULEVARD AND SAID NORTH LINE EXTENDED IS DEFINED AS A STRAIGHT LINE DRAWN FROM A POINT IN THE EAST LINE OF SECTION 3, 465.16 FEET NORTH OF THE EAST AND WEST CENTER LINE OF SECTION 3, TO A POINT ON THE NORTH AND SOUTH CENTER LINE OF SECTION 3, 464.08 FEET NORTH OF SAID EAST AND WEST CENTER LINE; THE SOUTH LINE OF SAID RE-ESTABLISHED DISTRICT BOULEVARD IS 80 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF RE-ESTABLISHED DISTRICT BOULEVARD; THE EAST AND WEST CENTER LINE OF SAID SECTION 3 IS HEREIN DEFINED AS A STRAIGHT LINE DRAWN FROM A POINT ON THE EAST LINE OF SAID SECTION 3, MEASURED 2597.19 FEET SOUTH FROM THE NORTHEAST CORNER OF SAID SECTION 3 AND MEASURED 2669.84 FEET NORTH FROM THE SOUTHEAST CORNER OF SAID SECTION 3 TO A POINT ON THE WEST LINE OF SAID SECTION 3 MEASURED 2598.77 FEET SOUTH FROM THE NORTHWEST CORNER OF SAID SECTION 3 AND MEASURED 2661.19 FEET NORTH FROM THE SOUTHWEST CORNER OF SAID SECTION 3; THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 3 IS HEREIN DEFINED AS A STRAIGHT LINE DRAWN FROM A POINT ON THE NORTH LINE OF SAID SECTION 3 MEASURED 2648.14 FEET WEST FROM THE NORTHEAST CORNER OF SAID SECTION 3 AND MEASURED 2642.84 FEET EAST FROM THE NORTHWEST CORNER OF SAID SECTION 3 TO A POINT ON THE SOUTH LINE OF SAID SECTION 3 MEASURED 2669.37 FEET WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 3 AND MEASURED 2668.04 FEET EAST FROM THE SOUTHWEST CORNER OF SAID SECTION 3.