

# 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



Eugene "Gene" Moore Fee: \$21.50  
Cook County Recorder of Deeds  
Date: 08/01/2003 03:01 PM Pg: 1 of 7

## 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, 12<sup>th</sup> 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 Contractor'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 Gannon Electric and Technologies, Inc., 1535 W. Schaumburg Rd., Suite 204, Schaumburg, IL 60194 ("Gannon"), electrical contractor Spencer Technologies, 640 Lincoln Street, Worcester, Massachusetts 01605-2011, ("Contractor"); 737 North Michigan Avenue Investors LLC, owner of the Real Estate (as hereinafter described) ("Owner"); and any person or entity claiming an interest in the Real Estate (as hereinafter described by, through or under Owner and/or Lenders.

Financial Benefits states as follows:

1. On or about November 12, 1998 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 737 N. Michigan Avenue, Chicago Illinois 60603 and legally described as follows:

[See Exhibit A attached hereto]

The Real Estate Tax Numbers are 17-10-200-067, 17-10-200-069, 17-10-200-070, 17-10-200-071, 17-10-200-072, 17-10-200-073, 17-10-200-074, 17-10-200-075, 17-10-200-076, 17-10-200-077, 17-10-200-078, 17-10-200-079, 17-10-200-080, 17-10-200-081, 17-10-200-082, 17-10-200-083, 17-10-200-084, 17-10-200-085, and 17-10-200-086.

Address: 737 N. Michigan Avenue, Illinois 1  
Pin Nos.: 17-10-200-067, 17-10-200-069, 17-10-200-070, 17-10-200-071, 17-10-200-072, 17-10-200-073, 17-10-200-074, 17-10-200-075, 17-10-200-076, 17-10-200-077, 17-10-200-078, 17-10-200-079, 17-10-200-080, 17-10-200-081, 17-10-200-082, 17-10-200-083, 17-10-200-084, 17-10-200-085, 17-10-200-086.

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2. Contractor 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. In or around April, 2003, Contractor made a contract with Gannon to provide electrical materials and labor for the improvement of the Real Estate.

4. On or about April 17, 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 17, 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 (\$3,582.79) and certain benefit contributions (\$2,270.67) 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, Stonegate, 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 \$5,853.46 (\$3,582.79 + \$2,270.67) for which, with interest at a 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 Stonegate from Owner.

Dated this 1<sup>st</sup> day of August, 2003

**FINANCIAL BENEFITS INSURANCE COMPANY**

By 

Address: 737 N. Michigan Avenue, Illinois 2  
 Pin Nos.: 17-10-200-067, 17-10-200-069, 17-10-200-070, 17-10-200-071, 17-10-200-072, 17-10-200-073, 17-10-200-074, 17-10-200-075, 17-10-200-076, 17-10-200-077, 17-10-200-078, 17-10-200-079, 17-10-200-080, 17-10-200-081, 17-10-200-082, 17-10-200-083, 17-10-200-084, 17-10-200-085, 17-10-200-086.

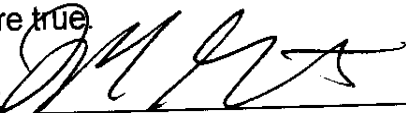
# UNOFFICIAL COPY

## 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:   
 Title: BOND MANAGER

Subscribed and sworn to before me  
 this 1<sup>st</sup> day of August, 2003.

  
 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

Address: 737 N. Michigan Avenue, Illinois 3  
 Pin Nos.: 17-10-200-067, 17-10-200-069, 17-10-200-070, 17-10-200-071, 17-10-200-072, 17-10-200-073, 17-10-200-074, 17-10-200-075, 17-10-200-076, 17-10-200-077, 17-10-200-078, 17-10-200-079, 17-10-200-080, 17-10-200-081, 17-10-200-082, 17-10-200-083, 17-10-200-084, 17-10-200-085, 17-10-200-086.

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## CERTIFICATE OF SERVICE

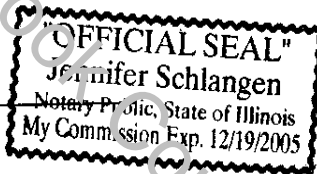
I, Patricia Tell, a non-attorney, on oath, depose and state that on August 1, 2003 I served this Subcontractor's Notice and Claim for Mechanics Lien by sending a duplicate original thereof to the entities on the attached Service List by certified mail, return receipt requested, restricted delivery from 222 West Adams, Suite 1800, Chicago, Illinois.

*Patricia M. Tell*

Patricia M. Tell

Subscribed and sworn to before me  
this 1<sup>st</sup> day of August, 2003.

*Jennifer Schlangen*  
Notary Public



Address: 737 N. Michigan Avenue, Illinois 4  
Pin Nos.: 17-10-200-067, 17-10-200-069, 17-10-200-070, 17-10-200-071, 17-10-200-072, 17-10-200-073, 17-10-200-074, 17-10-200-075, 17-10-200-076, 17-10-200-077, 17-10-200-078, 17-10-200-079, 17-10-200-080, 17-10-200-081, 17-10-200-082, 17-10-200-083, 17-10-200-084, 17-10-200-085, 17-10-200-086.

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## 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

737 North Michigan Avenue Investors LLC  
c/o Allegis Realty Investors LLC  
242 Trumbell Street  
Hartford, CT 06103  
Attention: Gary W. Gowdy, Manager

737 North Michigan Avenue Investors LLC  
c/o Corporation Service Company  
2711 Centerville Road  
Suite 400  
Wilmington, DE 19808

The Neiman Marcus Group  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

Spencer Technologies, Inc.  
Corporation Trust Company  
1209 Orange Street  
Wilmington, DE 19801

Spencer Technologies, Inc.  
640 Lincoln Street  
Worcester, MA 01605-2011  
Attention: Mr. David Strickler, President

Address: 737 N. Michigan Avenue, Illinois 5  
Pin Nos.: 17-10-200-067, 17-10-200-069, 17-10-200-070, 17-10-200-071, 17-10-200-072, 17-10-200-073, 17-10-200-074, 17-10-200-075, 17-10-200-076, 17-10-200-077, 17-10-200-078, 17-10-200-079, 17-10-200-080, 17-10-200-081, 17-10-200-082, 17-10-200-083, 17-10-200-084, 17-10-200-085, 17-10-200-086.

**UNOFFICIAL COPY**EXHIBIT ALEGAL DESCRIPTION**08021669**

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## PARCEL 1:

LOTS 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, 1-H, 1-I, 1-J, 1-K, 2-A, 2-B, 2-C, 2-D, 3-A, 3-B, 3-C, AND 3-D ALL IN OLYMPIA CENTRE SUBDIVISION, A RESUBDIVISION OF THAT PART OF THE NORTHWEST 1/4 OF SECTION 10 TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL TAKEN AS ONE TRACT, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3 IN LILL'S CHICAGO BREWERY COMPANY'S SUBDIVISION IN BLOCK 54 IN KINZIE'S ADDITION TO CHICAGO, BEING A SUBDIVISION IN SAID SECTION 10; THENCE NORTH 0 DEGREES 10 MINUTES 52 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 3, BEING ALSO THE EAST LINE OF NORTH MICHIGAN AVENUE, A DISTANCE OF 121.60 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTH 2.20 FEET OF SAID LOT 3; THEN SOUTH 89 DEGREES 54 MINUTES 30 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 64.20 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE SOUTH 0 DEGREES 10 MINUTES 52 SECONDS WEST ALONG SAID EAST LINE A DISTANCE OF 8.00 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTH 10.20 FEET OF LOT "A" IN LILL'S CHICAGO BREWERY COMPANY'S SUBDIVISION, AFORESAID; THENCE SOUTH 89 DEGREES 54 MINUTES 30 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 45.80 FEET TO THE EAST LINE OF THE WEST 45 FEET 9-1/2 INCHES OF SAID LOT "A"; THENCE NORTH 0 DEGREES 10 MINUTES 52 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 10.20 FEET TO A POINT ON THE NORTH LINE OF SAID LOT "A" BEING ALSO THE SOUTHERLY TERMINUS OF A 15 FOOT PUBLIC ALLEY; THENCE SOUTH 89 DEGREES 54 MINUTES 30 SECONDS EAST 15.00 FEET ALONG THE NORTH LINE OF LOT "A" TO THE POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 1 IN WARE'S RESUBDIVISION OF LOT 5 IN LILL'S CHICAGO BREWERY COMPANY'S RESUBDIVISION OF LOTS 1 AND 2 IN LILL'S CHICAGO BREWERY COMPANY'S SUBDIVISION IN BLOCK 54 AFORESAID; THENCE NORTH 0 DEGREES 10 MINUTES 52 SECONDS EAST ALONG SAID EXTENDED LINE AND SAID WEST LINE OF LOT 1, BEING ALSO THE EAST LINE OF THE 15 FOOT PUBLIC ALLEY, A DISTANCE OF 149.96 FEET TO THE NORTHWEST CORNER OF LOT 1 IN WARE'S RESUBDIVISION, AFORESAID; THENCE SOUTH 89 DEGREES 47 MINUTES 58 SECONDS EAST ALONG THE NORTH LINE OF LOTS 1, 2, 3 AND 4 OF WARE'S RESUBDIVISION, AND ALONG THE NORTH LINE OF LOTS 11, 12, 13 AND 14 IN LILL'S CHICAGO BREWERY COMPANY'S RESUBDIVISION, AFORESAID, BEING ALSO THE SOUTH LINE OF EAST CHICAGO AVENUE, A DISTANCE OF 175.11 FEET TO THE NORTHEAST CORNER OF LOT 14 IN LILL'S CHICAGO BREWERY COMPANY'S RESUBDIVISION, AFORESAID; THENCE SOUTH 0 DEGREES 10 MINUTES 52 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 130.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 47 MINUTES 58 SECONDS WEST ALONG THE SOUTH LINE OF LOTS 12, 13 AND 14 OF LILL'S CHICAGO BREWERY COMPANY'S RESUBDIVISION, BEING ALSO THE NORTH LINE OF A PUBLIC ALLEY, A DISTANCE OF 65.05 FEET TO THE EASTERLY TERMINUS OF AN ALLEY VACATED BY INSTRUMENT RECORDED JANUARY 16, 1974, AS DOCUMENT NUMBER 22596371; THENCE SOUTH 0 DEGREES 10 MINUTES 52 SECONDS WEST ALONG SAID TERMINAL LINE A DISTANCE OF 16.25 FEET; THENCE CONTINUING SOUTH 0 DEGREES 10 MINUTES 52 SECONDS WEST ALONG THE EAST LINE OF A 10 FOOT ALLEY LYING EAST AND ADJOINING LOTS "C" AND 10 IN LILL'S CHICAGO BREWERY COMPANY'S SUBDIVISION, AFORESAID, A DISTANCE OF 126.92 FEET TO THE SOUTHERLY TERMINUS OF SAID 10 FOOT PRIVATE ALLEY; THENCE WEST ALONG SAID TERMINAL LINE AND ALONG THE SOUTH LINE OF LOTS 3 TO 10 IN LILL'S CHICAGO BREWERY COMPANY'S RESUBDIVISION, AFORESAID, BEING ALSO THE NORTH LINE OF EAST SUPERIOR STREET, A DISTANCE OF 235.06 FEET TO THE SOUTHWEST CORNER OF LOT 3, BEING THE POINT OF BEGINNING,

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ACCORDING TO THE PLAT OF SAID OLYMPIA CENTRE SUBDIVISION RECORDED JUNE 21, 1985, AS DOCUMENT NUMBER 85070356, IN COOK COUNTY, ILLINOIS.

## PARCEL 2:

EASEMENTS FOR INGRESS AND EGRESS, SUPPORT AND UTILITIES INCLUDING EASEMENTS FOR OPERATION, REPAIR, MAINTENANCE AND REPLACEMENT OF ELEVATOR PITS, SHAFTS, EQUIPMENT, ETC., ALL AS DEFINED AND DECLARED IN DECLARATION OF COVENANTS, EASEMENTS CHARGES AND LIENS FOR OLYMPIA CENTRE DATED JUNE 27, 1985 AND RECORDED JUNE 27, 1985 AS DOCUMENT 85080144 OVER AND ACROSS VARIOUS LOTS AND PORTIONS OF LOTS IN OLYMPIA CENTRE SUBDIVISION IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL 3:

EASEMENT AND OTHER RIGHTS APPURTENANT TO AND FOR THE BENEFIT OF PARCEL ONE AS CREATED BY DECLARATION OF EASEMENTS AND AGREEMENTS DATED JUNE 17, 1981 AND RECORDED JULY 27, 1981 AS DOCUMENT NUMBER 25950376 OVER AND UPON THAT PROPERTY LABELED "VEHICULAR MANEUVERING AREA" ON EXHIBIT J TO SAID DECLARATION IN COOK COUNTY, ILLINOIS. (X)

Common Address

08021669

Olympia Centre  
737 North Michigan Avenue  
Chicago, Illinois

P.I.N. : 17-10-200-067  
17-10-200-069  
17-10-200-070  
17-10-200-071  
17-10-200-072  
17-10-200-073  
17-10-200-074  
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