



Doc#: 0333010141
Eugene "Gene" Moore Fee: \$18.50
Cook County Recorder of Deeds
Date: 11/26/2003 03:05 PM Pg: 1 of 4

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

Steven G.M. Stein
Scott R. Fradin
Stein, Ray & Harris
222 West Adams Street, Suite 1800
Chicago, Illinois 60606
(312) 641-3700

SUBCONTRACTOR'S NOTICE AND CLAIM FOR MECHANICS LIEN

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The claimant, A. Epstein and Sons International, Inc. (referred to herein as "Epstein"), an Illinois corporation with an address at 600 West Fulton Street, Chicago, Illinois 60661, hereby files its Subcontractor's Notice and Claim for Mechanics Lien and claims a mechanic's 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 Bohlin Cywinski Jackson with an office at 733 Allston Way, Berkeley, California 94710 ("BCJ") as the Original Contractor; against Apple Computer, Inc. ("Apple") as Tenant; against Chicago Title and Trust Company, as Trustee under Trust No. 1070589, dated 9-9-77 as Owner; against the following mortgagees: Northern Life Insurance Co., Northwestern National Life Insurance Co., North Atlantic Life Insurance Co. of America and Interstate Assurance Co.; and against the interest(s) of any person claiming an interest in the Real Estate (as hereinafter described) by, through, or under the Owner.

Epstein states as follows:

1. On or about October 8, 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 679 North Michigan Avenue, Chicago, Illinois and legally described as follows:

LOT 7 AND LOT 8 IN W.L NEWBERRY'S SUBDIVISION OF THE WEST 1/2 OF BLOCK 42 IN KINZIE'S ADDITION TO CHICAGO, A SUBDIVISION OF THE NORTH FRACTION OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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The Permanent Real Estate Tax Identification Numbers are: 17-10-110-001-0000 and 17-10-110-002-0000.

2. On information and belief, Apple was the Owner's agent and/or lessee under contract with the Owner for the improvements to the Real Estate.

3. Apple, as agent and/or lessee of the Owner, made a contract with BCJ, as an Original Contractor, for the providing of architectural and engineering services to be performed for the improvements on the Real Estate (the "Prime Contract").

4. The Owner authorized Apple to enter into contracts to improve the Real Estate. Alternatively, the Owner knowingly permitted Apple to enter into contracts to improve the Real Estate.

5. On or about October 8, 2001, BCJ and Epstein entered into an oral contract under which Epstein was to provide the following services in furtherance of BCJ's contract with Apple for the construction on and improvements to the Real Estate: architectural, structural engineering, mechanical engineering, electrical engineering, plumbing engineering and fire protection engineering. Under the terms of the oral agreement, Epstein was to be compensated for the providing of such services on a time and materials basis at Epstein's usual and customary rates (the "Subcontract").

6. The Subcontract was entered into by BCJ and the work was performed by Epstein with the knowledge and consent of Apple and the Owner. Alternatively, Apple and the Owner specifically authorized BCJ and/or BCJ's agents to enter into contracts for the improvement of the Real Estate. Alternatively, Apple and the Owner knowingly permitted BCJ and/or BCJ's agents to enter into contracts for the improvement of the Real Estate, including the Subcontract.

7. The last day that Epstein performed work under the Subcontract was September 19, 2002.

8. As of the date hereof, there is due, unpaid and owing to Epstein, after allowing all credits, Seventy Seven Thousand Eight Hundred Thirty-Four and 50/100 (\$77,834.50), for which, with interest, Epstein claims a lien on the Real Estate and on the monies or other consideration due or to become due to BCJ under any contract between BCJ and Apple or the Owner.

Dated: November 25, 2003

**A. EPSTEIN AND SONS INTERNATIONAL,
INC.**

By


Mickey Kupperman

Title: Vice Chairman and Chief Executive Officer

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STATE OF ILLINOIS)
)
COUNTY OF COOK) SS.

AFFIDAVIT

Mickey Kupperman, being first duly sworn, depose and state that I am authorized as Vice Chairman and Chief Executive Officer of A. Epstein and Sons International, Inc., to execute this Subcontractor's Notice and Claim for Mechanics Lien on behalf of A. Epstein and Sons International, Inc., that I have read the foregoing Subcontractor's Notice and Claim for Mechanic's Lien and know the contents thereof, and that the statements contained therein are true.



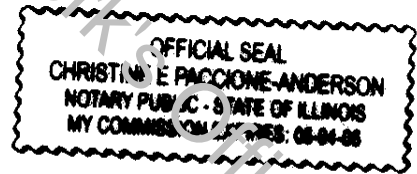
Mickey Kupperman

Title: Vice Chairman and Chief Executive Officer

Subscribed and sworn to before me this 26th day of November, 2003.



Notary Public



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

Steven G.M. Stein
Scott R. Fradin
Stein, Ray & Harris LLP
222 West Adams, Suite 1800
Chicago, Illinois 60606
(312) 641-3700

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CERTIFICATE OF SERVICE

I, Scott R. Fradin, an attorney, on oath, depose and state that on November ²⁶ 2003, I recorded this Subcontractor's Notice and Claim for Mechanics Lien with the Cook County Recorder of Deeds and served same by sending a duplicate original thereof to the following entities at the addresses indicated by (a) regular mail and (b) certified mail, return receipt requested, delivery limited to addressee only.

OWNER:

Chicago Title & Trust Co.
c/o Trust Department
171 North Clark Street
Chicago, Illinois 60101

ORIGINAL CONTRACTOR:

Bohlin, Cywinski, Jackson
307 Fourth Avenue
Suite 1300
Pittsburgh, Pennsylvania 1522-2102
Attention: Jon C. Jackson

Bohlin, Cywinski, Jackson
733 Allston Way
Berkeley, California 94710
Attention: Karl Backus

MORTGAGEE:

Northwestern National Life Insurance
c/o Claims Department
11101 White Rock
Suite 150
Rancho Cordova, California 95670

MORTGAGEE:

Interstate Assurance
c/o Claims Department
4200 University Avenue
West Des Moines, Iowa 50266

TENANT:

Apple Computer, Inc.
c/o CT Corp. System
Registered Agent
208 South LaSalle
Chicago, Illinois

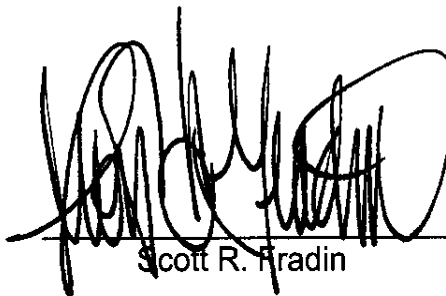
Apple Computer, Inc.
1 Infinite Loop - 35-DDC
Cupertino, California 95014

MORTGAGEE:

Northern Life Insurance Co.
c/o Claims Department
20 Washington Street
No. 5768
Minneapolis, Minnesota 55401

MORTGAGEE:

North Atlantic Life Insurance
d/b/a Relia Star Life Ins. Co.
c/o Claims Department
1000 Woodbury Road
Suite 102
Woodbury, New York, 11797



Scott R. Fradin