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

Edward B. Keidan Conway & Mrowiec 20 South Clark Street Suite 750 Chicago, Illinois 60603 Doc#: 0400831106 Eugene "Gene" Moore Fee: \$19.50 Cook County Recorder of Deeds Date: 01/08/2004 02:25 PM Pg: 1 of 5

SUBCCNTRACTOR'S CLAIM FOR MECHANICS LIEN

STATE OF ILLINOIS

COUNTY OF COOK

The claimant, Westside Mechanical, Inc. ("Westside"), an Illinois corporation with offices at 2007 Corporate Lane, Naperville, Illinois 60565, hereby files its Subcontractor's Claim for Mechanics Lien and claims a mechanics lien (a) against the Liened Portion of the Real Estate (as hereinafter described), (b) against the interest(s) of Northwestern University (the "Owner"), in the Liened Portion of the Real Estate (as hereinafter described), and against the interest of any person claiming an interest in the Liened Portion of the Real Estate by, through, or under Owner, (c) against a subcontractor, Midwesco Services, Inc., an assumed name under which Midwesco, Inc. does business ("Midwesco"), (d) against the general contractor, Walsh Consulution Company of Illinois ("Walsh"), 929 W. Adams Street, Chicago, Illinois 60607, (e) against the monies or other consideration due or to become due from Owner to Walsh under any contract between Owner or Walsh relating to the Project (as hereinafter described) between Walsh and Midwesco all as more fully stated below.

Westside states:

1. Westside Mechanical, Inc. ("Westside"), 2007 Corporate Lane, Naperville, IL 60563, was a subcontractor to Midwesco Services, Inc., an assumed name under which Midwesco, Inc. does business ("Midwesco"). Midwesco was a subcontractor to the prime contractor, Walsh Construction Company of Illinois ("Walsh" or the "Prime Contractor"), on a project commonly known as the Pancoe-Evanston Northwestern Healthcare Life Sciences Pavilion in Evanston, Illinois, also known as the Northwestern University Life Science/CEAR building in Evanston, Illinois (the "Project"). The Project has a street address of 2200 Campus Drive, Northwestern University, Evanston, Illinois.

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Prime Contractor was the original contractor for the construction of the Project under Prime Contractor's Contract dated January 10, 2001 with the Owner, Northwestern University.

- 2. Westside began work and subsequently signed a written agreement (the "Westside Subcontract") with Midwesco dated as of August 8, 2001. Pursuant to the Westside Subcontract, Westside provided labor, materials and equipment for the ductwork/ventilation portion of Midwesco's mechanical construction subcontract with Walsh, for the Project, as more fully described in the Westside Subcontract.
- 3. The Owner, Northwestern University, was and is the owner of the real estate, including all land and improvements thereon (the "Real Estate") in Cook County, Illinois legally described as rollows:

See Attached Exhibit A

The portion of the Real Estate against which Westside claims a mechanics lien (the "Liened Portion of the Real Estate") is that portion of the Real Estate including all improvements on which the Project is located, and all other portions of the Real Estate and improvements appurtenant to, and used in conjunction with, the Project

The permanent Real Estate Tax Numbers of the Real Estate are: 11-07-400-001 11-18-204-001

- 4. The original Westside Subcontract Sum was \$3,481,000.00 subject to increase for changed or extra work. The Subcontract Sum, adjusted for additional work and changes, is \$5,877,279.00.
- 5. As of January 6, 2004, there is presently due to Westside, after allowing all credits, the principal amount of \$1,680,873.20 for which, with interest, Westside, claims a lien against (a) the Liened Portion of the Real Estate and (b) the monies or funds due or to become due from Owner to Walsh or Walsh to Midwesco, together with interest. There are also other amounts due from Midwesco to Westside that are not included in the amount for which a lien is c aimed.
- 6. Westside reserves all of Westside's rights and remedies including, without limitation, those rights and remedies relating to payment for amounts not included in the amount for which a lien is claimed.
- 7. All of the labor, materials, equipment and work performed by Westside was performed and furnished with the knowledge and consent of the Owner, Northwestern University, and Owner knowingly permitted Walsh and Walsh's subcontractors to enter into contracts for the improvement of the Liened Portion of the Real Estate, including the Westside Subcontract. Walsh's prime contract with Owner, Walsh's subcontract with Midwesco, and Midwesco's subcontract with

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Westside were for the improvement of the Liened Portion of the Real Estate.

- 8. Westside completed its work under the Westside Subcontract on December 9, 2003.
- 9. Westside hereby revokes any waiver of rights given in advance of payment for which payment was not made.
- 10. Westside claims a lien in the total principal amount of \$1,680,873.20 together with interest at the statutory rate of ten percent (10%) per annum (a) against the Liened Portion of the Real Estate, (b) against the interest(s) of Owner in the Liened Portion of the Real Estate, and against the interest of any person claiming an interest in the Liened Portion of the Real Estate by, through, or under Owner, (c) against Midwesco, (d) against Walsh and (e) against the monies or other consideration due and become due from Owner to Walsh under any contract between Owner and Walsh relating to the Project or from Walsh to Midwesco under any contract relating to the Project between Walsh and Midwesco.

Dated: January 7, 2004.

WESTSIDE MECHANICAL, INC.

By: Cames F. Reis

President

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

Edward B. Keidan Conway & Mrowiec 20 South Clark Street Suite 750 Chicago, IL 60603 (312) 658-1100

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AFFIDAVIT

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, James F. Reiss, being first duly sworn on oath, depose and state that I am President of Westside Mechanical, Inc., am authorized as agent to execute this Subcontractor's Notice of Claim on Bond, that I have read the foregoing Subcontractor's Notice of Claim on Bond and know the contents thereof, and that the statements of fact contained therein are true.

SUBSCRIBED AND SWORN TO before me this 1th day of January, 2004 Oct County Clart's Office

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EXHIBIT A

PARCEL 1:

BLOCK 1 IN NORTLAW ESTERN UNIVERSITY SUBDIVISION, BEING A PART OF SECTION 7 AND 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUALY 13, 1875, AS DOCUMENT NO. 13935, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF LAKE MICHIGAN, LYING EAST OF AND ADJOINING THOSE PORTIONS OF FRACTIONAL SECTION 7 AND SECTION 18, TOWNSH P 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, OCCUPIED BY THE CAMPUS OF NORTHWESTERN UNIVERSITY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, BEING THE INTERSECTION OF THE SHORE LINE OF LAKE MICHIGAN AND A LINE 325 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF LINCOLN STREET, THENCE EAST ALONG A LINE PERPENDICULAR TO THE EAST LINE OF SHERIDAN ROAD TO A POINT 2500 FEET EAST OF THE EAST LINE OF SHERIDAN ROAD; THENCE SOUTH ALONG A LINE 2500 FEET EAST OF AND PARALLEL TO THE EAST LINE OF SHERIDAN ROAD; A DISTANCE OF 2700 FEET; THENCE WEST ALONG A LINE PERPENDICULAR TO THE EAST LINE OF SHERIDAN ROAD TO THE SHORE LINE OF LAKE MICHIGAN; THENCE NORTHERLY ALONG SAID SHORE LINE TO THE PO'N." OF BEGINNING, IN COOK COUNTY, C/C/A/S O/S/CO ILLINOIS.

PIN: 11-07-400-001

11-18-204-001