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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

SUBCONTRACTOR'S CLAIM FOR LIEN



Doc#: 0413339065
Eugene "Gene" Moore Fee: \$18.50
Cook County Recorder of Deeds
Date: 05/12/2004 01:52 PM Pg: 1 of 3

The Claimant, GURTZ ELECTRIC CO., an Illinois corporation, of the Village of Arlington Heights, County of Cook, State of Illinois, hereby files its claim for mechanic's lien on and against the property legally described below, and the improvements located thereon, and against all persons who and entities which have or may claim some right, title, or interest in the property described below and the improvements thereon, including, but not limited to the following: Firststar Bank N.A. as Trustee under Trust Agreement dated 10/10/01 and k/a Trust No. 7504 ("Titleholder") and St. George Hotel, L.L.C. ("Beneficiary") (hereinafter sometimes collectively referred to as "the Owner") and Pepper Construction Company, a corporation, of the City of Chicago, County of Cook, and State of Illinois (hereinafter referred to as "Contractor") and those persons and entities listed on attached Exhibit A, and states:

On August 14, 2002, and for some time prior thereto, Titleholder owned fee simple title to the property, and the improvements located thereon, if any, commonly known as 222 through 230 North Michigan Avenue, Chicago, IL ("the Property"), and legally described as:

LOTS 10, 11, 12, 13, 14 AND 15 IN BLOCK 7 IN FORT DEARBORN ADDITION TO CHICAGO IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

P.I.N.: 17-10-303-024-0000

On information and belief, on some date prior to August 14, 2002, that date being unknown to Claimant, Titleholder or Beneficiary and the Contractor entered into a Contract pursuant to which Contractor agreed to act as the Owner's Contractor to make improvements on and to the Property.

Thereafter, Contractor and Claimant entered into a Subcontract Agreement in writing dated August 14, 2002, for Claimant to provide labor, materials, and equipment for electrical work for, of, and to the Property, for which Contractor agreed to pay Claimant the sum of Four Million Twenty-Five Thousand and 00/100 Dollars (\$4,025,000.00). The Owner authorized or knowingly permitted Contractor to enter into said Subcontract Agreement.

Pursuant to the Subcontract Agreement, the Claimant provided labor, materials, and equipment for electrical work for, of and to the Property, and the Owner authorized or knowingly permitted Claimant to provide labor, materials, and equipment for electrical work, including all extras, under the Subcontract Agreement and to make improvements to the Property.

At the special instance and request of the Contractor, and with the authorization of and knowingly permitted by the Owner, Claimant furnished extras and provided additional labor, materials, and equipment for electrical work for, of and to the Property. The fair and reasonable

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value of such extra labor, material, and equipment furnished for, of and to the property by the Claimant was and now is One Million Two Hundred Ninety-Four Thousand Six Hundred Seventy-Eight and 53/100 (\$1,294,678.53) Dollars.

On February 6, 2004, Claimant substantially completed all the work and provided all labor, materials, and equipment for electrical work for, of, and to the Property required by the Subcontract with Contractor to be done, including extra and additional labor and materials pursuant to said Subcontract Agreement.

The fair and reasonable value of the labor, materials and equipment for electrical work, including extras, furnished by Claimant on, to, and for the Property is Five Million Three Hundred Nineteen Thousand Six Hundred Seventy-Eight and 53/100 (\$5,319,678.53) Dollars.

The Contractor is entitled to credits on account thereof in the sum of Four Million Five Hundred Ninety-Three Thousand Six Hundred Eleven and 99/100 (\$4,593,611.99) Dollars, leaving due, unpaid and owing to the Claimant the sum of Seventy Hundred Twenty-Six Thousand Sixty-Six and 54/100 Dollars (\$726,066.54) for which, with interest at the rate of ten (10) percent per annum, the Claimant claims a lien on the Property and on all the buildings, fixtures, and improvements located thereon and on the moneys or other consideration due or to become due from the Owner to the Contractor under the Owner's contract with the Contractor.

On April 29, 2004, Claimant gave due Notice of its Claim to the Owner, the Contractor, and the Mortgagees pursuant to and in the manner required by Section 24 of the Illinois Mechanic's Lien Act and more than ten (10) days has elapsed since said Notice was given during which Claimant has not been paid the sums due it.

Dated at Arlington Heights, Illinois this 10th day of May, 2004.

GURTZ ELECTRIC CO.

By: Abdul S. Dada

Abdul S. Dada,
Chief Executive Officer

STATE OF ILLINOIS)
)
COUNTY OF COOK)

ABDUL S. DADA, being duly sworn deposes and says that he is the duly authorized agent of Claimant; that he has read the foregoing Subcontractor's Claim for Lien, knows the contents thereof, and that the same is true to the best of his knowledge and information.

Subscribed and sworn to before me
this 10th day of May, 2004.

Abdul S. Dada

Deborah Szpytek
Notary Public



PREPARED BY AND MAIL TO:
Sidney E. Morrison, Of Counsel
BERGER, NEWMARK & FENCHEL P.C.
303 West Madison Street, 23rd Floor
Chicago, IL 60606

UNOFFICIAL COPY**EXHIBIT A**

HRH Chicago, L.L.C.
c/o Mark IV Realty Group, Inc.
1 E. Wacker Drive
Chicago, IL 60601

LaSalle Bank, N.A.
135 South LaSalle St.
Chicago, IL 6060

U.S. Bank National Association
701 Lee Street
Des Plaines, IL 60016

City of Chicago
Department of Planning and Development
121 North LaSalle Street, Room 1000
Chicago, IL 60602
Attn: Commissioner

City of Chicago
Department of Law
Finance and Economic Development
Division
121 North LaSalle Street, Room 600
Chicago, IL 60602

Mr. John Marks
c/o Mark IV Realty Group, Inc.
1 E. Wacker Drive
Chicago, IL 60601

Mark IV Realty Group, Inc.
1 E. Wacker Drive
Chicago, IL 60601

230 North Michigan, LLC
230 North Michigan
Chicago, IL 60601

Pepper Construction Co.
643 North Orleans Street
Chicago, IL 60610-3690

Becker Ventures, L.L.C.
250 Stephonson Highway
Suite 300
Troy, MI 48084

Becker – HRHC LLC
250 Stephonson Highway
Suite 300
Troy, MI 48084

Hard Rock Café International (USA), Inc.
6100 Old Park Lane
Orlando, Florida 32835

HRH Chicago Development, L.L.C.
c/o 230 North Michigan, L.L.C.
230 N. Michigan Avenue
Chicago, IL 60601

Niki Development, L.L.C.
c/o Mark IV Realty Group, Inc.
1 E. Wacker Drive
Chicago, IL 60601

Mark/McDonald Management, L.L.C.
c/o Mark IV Realty Group, Inc.
1 E. Wacker Drive
Chicago, IL 60601

HRH Tenant Chicago, L.L.C.
c/o Mark IV Realty Group, Inc.
1 E. Wacker Drive
Chicago, IL 60601

HRH Management (Chicago) LLC
6100 Old Park Lane
Orlando, Florida 32835

Chevron TCI, Inc.
575 Market Street, 32nd Floor
San Francisco, CA 94105