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0414916182

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

Doc#: 0414916182
Eugene "Gene" Moore Fee: \$18.50
Cook County Recorder of Deeds
Date: 06/28/2004 12:53 PM Pg: 1 of 4

**SUBCONTRACTOR'S
CLAIM FOR LIEN
[PRIVATE CONSTRUCTION]**

IN THE OFFICE OF THE
RECORDER OF DEEDS
COOK COUNTY, ILLINOIS

THE UNDERSIGNED LIEN CLAIMANT, HKL Cladding Systems, Inc. with offices at 3207 Labore Road, Vainais Heights, MN 55110, hereby records a claim for Mechanics Lien against Bovis Lend Lease, Inc. of Chicago, Cook County, Illinois (hereinafter referred to as "Contractor"); West Erie LLC, Oak Brook Bank, Sixty West Erie Condominium Association, Jacob Eydelman, Thomas S. Sawyer, Christopher Adas, Betsy A. Hanisch, Lisa L. Axelrod, Mark Couling, John Conaty, Bela Mongia, Chicago Title Land Trust Company, as trustee under Trust Agreement dated March 16, 2004 and known as trust no. 1112971 and Edward W. Napleton of Chicago, Cook County, Illinois (hereinafter referred to as "Owners"); Oak Brook Bank of Oak Brook, DuPage County, Illinois, Equity Mortgage Corp. of Lombard, Illinois, Countrywide Home Loans, Inc. of Chicago, Illinois, Bank One NA of Chicago, Illinois and Ronald B. Grais, Receiver of Chicago, Illinois (herein referred to as "Lender") and all other persons or entities having or claiming and interest in the below described real estate, and in support thereof states as follows:

1. On or about January 16, 2002, 60 W. Erie LLC owned the following described real estate in the County of Cook, State of Illinois, to wit:

Parcel 1:

Lot 9 in Assessor's Division of Block 26 in Wolcott's Addition to Chicago in the East ½ of the Northeast 1/4 of Section 9, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

Parcel 2:

Lot 10 in Assessor's Division of Block 26 in Wolcott's Addition to Chicago in Section 9, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

Parcel 3:

The South 1 foot of the East ½ of Lot 12, also the East ½ of Lot 5 in Block 26 in Wolcott's Addition to Chicago in Section 9, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois also known as Lot 11 in

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Assessor's Division of Block 26 in Wolcott's Addition to Chicago in Section 9, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

Parcel 4:

Lot 12 in Assessor's Division of Block 26 in Wolcott's Addition to Chicago in Section 9, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois

Commonly known as 17-09-219-012, 013, 014 and 015, which real estate has the following permanent index number: 60 W. Erie Street, Chicago, Cook County, Illinois and which is hereinafter together with all improvements referred to as the "premises."

2. On a date unknown to Lien Claimant, 60 W. Erie LLC, or one knowingly permitted by 60 W. Erie LLC, entered into a contract with Contractor wherein Contractor was to provide labor, materials and equipment for the construction of a condominium building, alterations and improvements to and for the benefit of the premises.
3. By written contract dated January 16, 2002, Contractor made a subcontract with Lien Claimant to furnish and install specially fabricated windows and metal cladding labor, material, equipment and fixtures to the premises in the amount of \$999,000.00 for said improvement.
4. In June, 2002, construction on the premises ceased due to a dispute between 60 W. Erie LLC and Oak Brook Bank. On September 5, 2002, Lien Claimant recorded its claim for mechanics lien as document no. 0020976081 in the amount of \$646,258.00.
5. Subsequently, 60 W. Erie LLC conveyed title to the premises to West Erie LLC.
6. On information and belief, West Erie LLC and Contractor entered into an agreement whereby Contractor would resume and continue construction on the premises under terms and conditions substantially similar to those between Contractor and 60 W. Erie LLC.
7. Contractor directed Lien Claimant to resume its work in connection with the premises under its existing contract.
8. The premises has subsequently been subdivided and is now legally described as:
Residential units 501, 502, 601, 701, 702, 801, 901, 902, 1001, 1002, 1101, 1102, 1201, 1202, 1301, 1302, 1401, 1402, 1501, 1502, 1601, 1701, 1801, PH and Parking units P1 through P-53 in the Sixty West Erie Condominiums as delineated on a survey attached as an exhibit to the Declaration of Condominium Ownership and By-Laws, Easements, Restrictions and Covenants for Sixty West Erie Condominium Association, which was recorded November 19, 2003 as document number 0332332044, located within the East half of the Northeast quarter of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, together with the undivided percentage interest in common elements, as amended

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from time to time in Cook County, Illinois.

9. At the special instance and request of Contractor, Lien Claimant furnished extra and additional material to and extra and additional labor for said premises in the net amount of \$101,359.43.

10. Lien Claimant substantially completed labor, material and work to the value of \$1,100,359.43.

11. Lien Claimant has received payments totaling \$1,035,752.43 and there is currently due, unpaid and owing to Lien Claimant, after allowing all credits, the sum of \$64,607.00 for which, with interest, Lien Claimant claims a lien on the premises and improvements and to monies or other considerations due or to become due from Owner under said contract between Contractor and Owner. The amount claimed due includes \$5,000.00 which has not been paid and remains due pursuant to its claim for mechanics lien recorded September 5, 2002 as document no. 0020976081.

12. As to all units, parking spaces, lots and parcels comprising the property, Claimant last furnished work pursuant to its contract with Contractor and extras on February 10, 2004. In the alternative, and without admitting allocation or apportionment is required, and only in the event allocation or apportionment is later deemed required, then Claimant alternatively allocates or apportions its claim for lien to the individual units and parking spaces in the same percentage as each units and parking spaces' ownership of common elements as defined by the Declaration of Condominium entitled "Percentage in Ownership in Common Elements" and as amended from time to time.

13. Notice has been duly given to Owner, the Lender and the Contractor as required by the Illinois Mechanics Lien Act, 770 ILCS 60/24 (West, 2000). On information and belief notice has also been given to the Owner and others pursuant to 770 ILCS 60/5 (West, 2000).

HKL Cladding Systems, Inc.

By: Tom Koehler
Tom Koehler, President

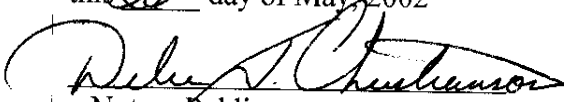
STATE OF MINNESOTA)
) SS.
COUNTY OF)

The Affiant, Tom Koehler, being first duly sworn, on oath deposes and says that he is President of HKL Cladding Systems, Inc., Lien Claimant; that he has read the foregoing claim for lien and knows the contents thereof; and that all statements therein contained are true.

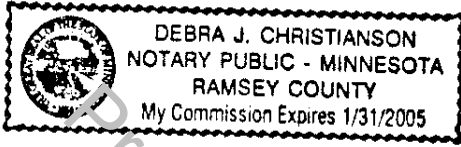
Tom Koehler
Tom Koehler, President

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Subscribed and sworn to before me
this 16th day of May, 2002


Notary Public

This document prepared by and mail to:
Jennifer A. Nielsen
Bedrava & Lyman
1301 West 22nd Street, Suite 914
Oak Brook, IL 60523
Tel: 630/575-0020



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