

# UNOFFICIAL COPY



STATE OF ILLINOIS     )  
  )     SS.  
COUNTY OF COOK        )

Doc#: 0415318042  
Eugene "Gene" Moore Fee: \$18.50  
Cook County Recorder of Deeds  
Date: 06/01/2004 10:48 AM Pg: 1 of 3

## SUBCONTRACTOR'S CLAIM FOR LIEN (PRIVATE CONSTRUCTION)

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

THE UNDERSIGNED LIEN CLAIMANT, Ascher Brothers Co., Inc., of 3033 West Fletcher Street, Chicago, Illinois 60618 hereby records a claim for Mechanics' Lien against Pepper Construction Company International, Inc., c/o Thomas M. O'Leary, registered agent, 1000 Hart Road, Suite 160, Barrington, Illinois 60010 (herein referred to as "Contractor"); Firstar Bank, N.A., as Trustee under Trust Agreement dated October 10, 2001 and known as Trust Number 7504 n/k/a U.S. Bank, N.A., c/o U.S. Bank, N.A., 425 Walnut Street, Cincinnati, Ohio 45202 (herein referred to as "Owner"); U.S. Bank, N.A., 425 Walnut Street, Cincinnati, Ohio 45202; City of Chicago, c/o Department of Planning and Development, 121 North LaSalle Street, Room 1000, Chicago, Illinois 60602 (herein referred to as "Lender"); HRH Chicago, LLC, c/o Elias N. Matsakis, registered agent, 131 South Dearborn Street, 30<sup>th</sup> Floor, Chicago, Illinois 60603; St. George Hotel, L.L.C., c/o Elias N. Matsakis, registered agent, 131 South Dearborn Street, 30<sup>th</sup> Floor, Chicago, Illinois 60603 (collectively herein referred to as "Landlord"); Hard Rock Café International (USA), Inc., c/o CT Corporation System, registered agent, 208 South LaSalle Street, Suite 814, Chicago, Illinois 60604; John B. Marks, 6615 North Leroy, Lincolnwood, Illinois 60712; Mark JV Realty Group, Inc., c/o John L. Marks, registered agent, One East Wacker Drive, Suite 3600, Chicago, Illinois 60601; China Grill-Chicago, LLC, c/o The Corporation Trust Company, registered agent, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801 (collectively herein referred to as "Owner's Tenant"), and all other persons having or claiming an interest in the below described real estate, and in support thereof states as follows:

1. On March 27, 2003, Owner owned the following described real estate in the County of Cook, State of Illinois, to wit:

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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.

Commonly known as 230 North Michigan Avenue, Chicago, Illinois 60601, and having the following permanent index number 17-10-303-024, Vol. 510, and herein together with all improvements referred to as the "premises."

2. On a date unknown to Lien Claimant, Owner, Owner's Tenant, or one knowingly permitted by the Owner to do so entered into a contract with Contractor wherein Contractor was to provide labor, materials and equipment for the construction of repairs, alterations and improvements to and for the benefit of the premises.

3. By written contract dated March 27, 2003, Contractor made a subcontract with Lien Claimant to furnish and supply painting work, labor, materials and equipment to the premises in the amount of Four Hundred Thousand Six Hundred Three and 00/100 Dollars (\$400,603.00) for said improvement.

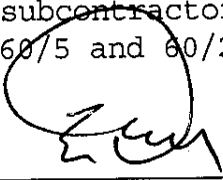
4. At the special insistence and request of said Owner and Contractor, the claimant furnished extra and additional materials and extra and additional labor on said premises of the value of Seven Hundred Eighty Eight Thousand Seven Hundred Five and 00/100 Dollars (\$788,705.00).

5. On March 5, 2004, lien claimant substantially completed all required by said contract.

6. Contractor is entitled to credits from Lien Claimant for payments of: \$680,482.50 leaving due, unpaid and owing to lien claimant, after allowing all credits, the sum of \$508,825.50 for which, with interest at ten percent (10%) per annum accruing from the date last worked and attorney's fees, 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.

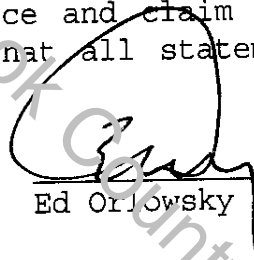
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7. Notice has been duly given to Owner, Owner's Tenant, Landlord, Contractor and Lender and persons otherwise interested in the above described real estate, as to the status of the undersigned as subcontractor as provided by The Mechanics Lien Act, 770 ILCS 60/5 and 60/24 (1992).

By:   
Ed Orlowsky  
Chief Financial Officer of  
Ascher Brothers Co., Inc.

STATE OF ILLINOIS     )  
  )     SS.  
COUNTY OF COOK     )

The affiant, Ed Orlowsky, being first duly sworn on oath, deposes and says that he is the Chief Financial Officer of Ascher Brothers Co., Inc., the lien claimant, that he has read the foregoing notice and claim for lien and knows the contents thereof, and that all statements therein contained are true.

  
Ed Orlowsky

Subscribed and Sworn to  
before me this 25 day  
of May, 2004.

  
Notary Public

My Commission expires:



This instrument prepared by and mail to:

Frank A. Moscardini, Jr.  
Evans, Loewenstein, Shimanovsky  
& Moscardini, Ltd.  
130 South Jefferson Street  
Suite 500  
Chicago, Illinois 60661  
(312) 782-1850

KAREN/NONPREPAID/FRANK/ASCHER-HARDROCKHOTEL.CLAIMFORLIEN