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Doc#: 0501815055
Eugene "Gene" Moore Fee: \$30.50
Cook County Recorder of Deeds
Date: 01/18/2005 11:39 AM Pg: 1 of 4

Law Offices of David L. Rudolph, P.C.
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November 15, 2004
Via Regular Mail and Certified Mail (Return Receipt Requested)

Mr. Gary E. Dienstag
100 W. Monroe, Suite 1300
Chicago, IL 60603

Re: G&D Excavating, Inc. v. Mikhail Loyfman; Claim for Mechanics Lien

Dear Mr. Dienstag:

Please be advised that Mikhail Loyfman has asked that I assist him in resolving the above-referenced mechanics lien claim. I am presently in possession of a copy of a mechanics lien filed by your office with the Cook County Recorder of Deeds as Document No. 0406431036.

I have spoken with Mr. Loyfman in detail regarding this matter, and he disputes the validity of the lien, and considers it a slander of title. To begin, Mr. Loyfman denies ever receiving, let alone signing, the proposal attached as Exhibit B to the lien. Rather, Mr. Loyfman explains that he had an oral agreement with Mr. Antoniou regarding the excavation project that bears absolutely no resemblance to this written proposal. Specifically, Mr. Loyfman agreed to arrange for Mr. Antoniou to obtain \$800,000 in mortgage financing for an unrelated property at a favorable interest rate. In consideration for that service, Mr. Antoniou agreed to provide Mr. Loyfman with \$100,000 worth of excavation work free of charge.

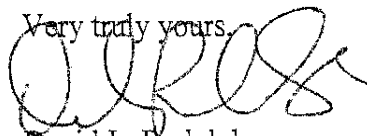
Please also note that Mr. Loyfman advanced your client more than \$10,000 for materials and supplies, and further made a personal loan to your client in the amount of \$24,021. This amount has not yet been repaid. The subject mechanics lien is also inaccurate in that no work was performed at the 70 Harbor Court property by G&D Excavating. Finally, my client was substantially damaged by more than four months delay caused G&D Excavating, which ultimately abandoned the excavation project. As a result, Mr. Loyfman was required to hire another contractor to complete the excavation.

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Pursuant to 770 ILCS 60/34, this letter shall serve a demand upon G&D Excavating, Inc. to commence proceedings within 30 days of the date of the service of this notice and demand, to enforce its alleged claim for lien as more fully described in Document No. 0406431036. If suit is not filed during this time period, the lien shall be forfeited, pursuant to the aforesaid statute.

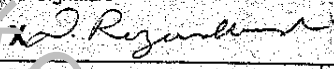
Please do not hesitate to give me a call if you wish to discuss this matter further. Otherwise please give this matter your prompt attention.

Very truly yours,



David L. Rudolph

cc: Mikhail Loyiman
Konstantinos D. Antoniou

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from label? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Mr. Gary E. Dienstag 100 W. Monroe, Suite 1300 Chicago, IL 60603</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2. Article Number

(Transfer from service label)

7004 0750 0004 3843 0676

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Sent To Mr. Gary E. Dienstag Street, Apt. No., or PO Box No. 100 W. Monroe, Ste 1300 City, State, ZIP+4 Chicago, IL 60603	

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AFFIDAVIT

1. I, David L. Rudolph, have personal knowledge of the facts set forth in the Affidavit, and I am competent to testify to the truth of such facts if called upon to do so.
2. On January 3, 2005, I performed a search of the computer database at the Circuit Court of Cook County Clerk's Office of cases pending in the Circuit Court of Cook County.
3. According to this search, as of January 3, 2005, there have been no lawsuits filed by G&J Excavating, Inc. against Mikhail Loyfman in the Municipal, Law or Chancery Divisions of the Circuit Court of Cook County.
4. According to this search, as of January 3, 2005, there have been no lawsuits filed by Konstantinos D. Antoniou against Mikhail Loyfman in the Municipal, Law or Chancery Divisions of the Circuit Court of Cook County.

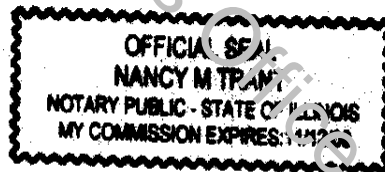
THE AFFIANT FURTHER SAYETH NOT

DL Rudolph
 David L. Rudolph

1/3/05
 Dated

SUBSCRIBED and SWORN before me
 this 3rd day of January, 2005.

Nancy M. Tran
 Notary Public



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Address: 60 Harbor Court, Glencoe, Illinois
 P.I.N.: 05-08-314-029

LEGAL DESCRIPTION**PARCEL 1:**

THAT PART OF BLOCK 9 (EXCEPT THE SOUTHWESTERLY 50.0 FEET THEREOF) AND THE NORTHERLY HALF OF VACATED 20.0 FEET ALLEY SOUTH OF AND ADJOINING SAID PREMISES IN TAYLORSPOUT, A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF BLOCK 9, THENCE N 89°59'08" E ALONG THE NORTH LINE OF SAID BLOCK 9, A DISTANCE OF 75.00 FEET, THENCE S 00°04'27" W, PARALLEL WITH THE WEST LINE OF SAID BLOCK 9, A DISTANCE OF 109.30 FEET, THENCE N 89°59'08" E PARALLEL WITH THE NORTH LINE OF SAID BLOCK 9, A DISTANCE OF 165.42 FEET TO THE EAST LINE OF SAID BLOCK 9, THENCE S 01°06'31" W ALONG THE EAST LINE OF SAID BLOCK 9, A DISTANCE OF 75.07 FEET, THENCE N 89°58'27" W, A DISTANCE OF 239.07 FEET TO THE WEST LINE OF SAID BLOCK 9, THENCE N 00°04'27" E, ALONG THE WEST LINE OF AFORESAID BLOCK 9, A DISTANCE OF 184.31 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THAT PART OF THE SOUTHEAST FRACTIONAL 1/4 OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES WESTERLY OF LAKE MICHIGAN, EASTERLY OF THE EASTERLY LINE OF BLOCK 9 OF TAYLORSPOUT, BEING A SUBDIVISION OF THE SOUTHWEST FRACTIONAL 1/4 OF THE AFORESAID SECTION 8, LYING NORTHERLY OF A LINE 184.24 FEET NORTHWESTERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF WENTWORTH STREET, EXTENDED EASTERLY TO LAKE MICHIGAN AND LYING SOUTHERLY OF A LINE 109.30 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF BLOCK 9, EXTENDED EASTERLY TO LAKE MICHIGAN, IN COOK COUNTY, ILLINOIS, TOGETHER WITH ALL RIPARIAN RIGHTS THEREUNTO APPERTAINING OR BELONGING.

EXHIBIT A