# **UNOFFICIAL COPY**

This instrument was prepared by and after recording return to:
Marc W. O'Brien, Esq.
Bronson & Kahn LLC
150 North Wacker Drive

Suite 1400

Chicago, Illinois 60606



Doc#: 0516034082

Eugene "Gene" Moore Fee: \$18.50 Cook County Recorder of Deeds Date: 06/09/2005 02:31 PM Pg: 1 of 4

[Space Above This Line For Recorder's Use Only]

STATE OF ILLINOIS

COUNTY OF COOK

ORIGINAL CONTRACTOR'S CLAIM FOR LIEN

(PR(VATE CONSTRUCTION)

The undersigned Lien Claimant, Kifer baum Construction Corporation, an Illinois corporation, of the 790 Estate Drive, Deerfield, County of Lake, State of Illinois, hereby files a claim for Mechanics Lien against JJJ Properties, Inc., an Illinois corporation, o 3024 West Devon, Suite 200, the City of Lincolnwood, County of Cook, State of Illinois (hereing first referred to as "Owner") and Republic Bank of Chicago, of 2720 West Devon Avenue, Chicago, County of Cook, State of Illinois (hereinafter 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 September 19, 2003 and thereafter, Owner owned the following described real estate in the County of Cook, State of Illinois, to wit:

See attached Exhibit A

commonly known as 5978 North Lincoln Avenue, Chicago, Illinois, which real estate not the following permanent index numbers, 13-01-303-002-0000, 13-01-303-0000, 13-01-303-004-0000 and 13-01-303-005-0000, and which is hereinafter together with all improvements referred to as the "F13 nises."

- 2. By contract dated September 19, 2003, Claimant made a written contract with owner to construct and erect a building on the premises for the sum of Five Million, One Hundred Ninety Thousand, Five Hundred Ninety, and No/100 Dollars (\$5,195,590.00).
- 3. At the special instance and request of Owner, Lien Claimant furnished extra and additional materials and extra and additional labor for the Premises, as follows:
  - a. Extra and additional materials and labor ordered by Owner and confirmed by Owner in writing in the net amount of \$459,574.00.

# **UNOFFICIAL COPY**

- b. Extra and additional materials and labor ordered by Owner which are still pending but not yet confirmed by Owner in writing in the net amount of \$283,373.00.
- c. Extra and additional costs for materials and labor and extra and additional labor due to delays caused by (i) acts or omissions of Owner; (ii) changes in the work ordered by Owner; (iii) concealed conditions; and (iv) weather conditions. Lien Claimant has not yet determined the amount of the costs attributable to the extra and additional costs for materials and labor and extra and additional labor due to delays in the project, but estimates the amount of the delay damages will not exceed \$388,760.00. Upon computation of the amount of the extra and additional costs for materials and labor and extra and additional labor due to delays, Lien .!ai nant intends to amend this Claim for Lien.
- 4. Lieb Claimant has completed work at the Premises having a value of \$6,238,338.00<sup>a</sup>. \$388,760.00 of this appear is attributable to Lien Claimant's estimate of the amount of extra and additional costs for materials and labor due to delays.
- 5. Lien Claimant last supplied labor and material to the project on June 6, 2005, at which time the Owner prevented Lien C'a mant from completing work under the Contract.
- 6. The owner is entitled to receive credits on account of the above as follows, to wit: payments in the amount of \$4,939,369.00
- 7. The balance due and owing Lien Claimant, is the sum of \$1,298,969.00, for which, with interest, Lien Claimant hereby claims a Mechanics Lien on the Premises and all improvements thereon. \$388,760.00 of the amount due and owing Lien Claimant is attributable to Lien Claimant's estimate of the amount of extra and additional costs for materials and labor due to delays.

Dated: June 7, 2005

KIFERBAUM CONSTRUCTION CORPORATION

Its: President

<sup>&</sup>lt;sup>a</sup> This amount provides credits for the value of contract work not yet completed by Lien Claimant, but which the Owner prevented Lien Claimant from performing in the amount of \$18,385.00. Lien Claimant also provides credits for open "punch list" items which the Owner prevented Lien Claimant from performing in the amount of \$70,574.00.

0516034082 Page: 3 of 4

# **UNOFFICIAL COPY**

STATE OF ILLINOIS COUNTY OF COOK	) ) ss. )	
	a, being first duly sworn on oath, dep ction Corporation, that he is authorize going Contractor's Claim For Lien and therein are true.	
SUBSCRIBED and SWOPN to		na, President
Before me this 7 day of June.  Notary Public	chwarte	
	OFFICIAL SEAL FLOS HASCHWARTZ NOTARY FUP IC - STATE OF ILLINOIS MY COMMISS ION EXPIRES: 02-03-07	
		Cotto
		OFF.

# **UNOFFICIAL COPY**

Common Address: 5978 North Lincoln Avenue, Chicago, Illinois

## Additional Tax Numbers:

13-01-303-002-0000

13-01-303-003-0000

13-01-303-004-0000

13-01-303-005-0000

## Legal Description:

### PARCEL 1:

LOT 2 IN BLOCK 26 IN W.F. KAISER AND COMPANY'S PETERSON WOOD ADDICTION TO ARCADIA TERRACE IN THE SOUTHWE'T 1/4 OF SECTION 1, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPATAT PART OF LOT 2 IN BLOCK 38, LYING BETWEEN THE SOUTH WESTERLY LINE OF LINCOLN AVENUE AND A LINE 17 FEET SOUTH WESTERLY THEREOF MEASURED AT RIGHT ANGLES THERETO AND PARALLEL WITH THE SOUTH WESTERLY LINE OF LINCOLN AVENUE) IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

LOT 3 IN BLOCK 38 IN W.F. KAISER AND COMPANY'S PETERSON WOOD ADDITION TO ARCADIA TERRACE IN THE SOUTHWEST 1/4 OF SECTION 1, TOWN, HIP 40 NORTH, RANGE 13, EAST OF THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF LOT 3 IN BLOCK 38 LYING BETWEEN THE SOUTH WESTERLY LINE OF LINCOLN AVENUE AND A LINE 17 FEET SOUTH WESTERLY THEREOF MEASURED AT RIGHT ANGLES THERETO AND PARALLEL WITH THW SOUTHWESTERLY LINE OF LINCOLN AVENUE) IN COOK COUNTY, ILLINOIS.

#### PARCEL 3:

LOT 4 IN BLOCK 38 (EXCEPT THAT PART LYING BETWEEN THE SOUTH WEST LINE OF LINCOLN AVENUE AND A LINE 17 FEET SOUTHWEST THEREOF TAKEN FOR WIDENING OF LINCOLN AVENUE) IN KAISER AND COMPANY'S PETERSON'S WOODS ADDITION TO ARCADIA TERRACE IN SECTION 1, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 4:

LOT 5 IN BLOCK 38 (EXCEPT THAT PART CONVEYED TO CITY OF CHICAGO BY DEED RECORDED AUGUST 11, 1937 AS DOCUMENT 12039234) IN W.F. KAISER AND COMPANY'S PETERSON WOOD'S ADDITION TO ARCADIA TERRACE IN THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 7, 1915 AS DOCUMENT 5557707, IN COOK COUNTY, ILLINOIS.