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Doc#: 0524418086 Fee: \$20.50  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 09/01/2005 01:06 PM Pg: 1 of 6

THIS INSTRUMENT WAS PREPARED BY AND  
AFTER RECORDING SHOULD BE RETURNED  
TO:

John S. Mrowiec  
Conway & Mrowiec  
20 South Clark Street  
Suite 750  
Chicago, Illinois 60603  
(312) 658-1100

**SUBCONTRACTOR'S CLAIM FOR MECHANICS LIEN**

STATE OF INDIANA )  
 ) ss.  
COUNTY OF WHITE )

The Claimant, Cives Corporation, d/b/a Cives Steel Company, Midwest Division ("Cives"), a corporation with an office at 337 N 700W, Wolcott, Indiana 47995, hereby files its Subcontractor's Claim for Mechanics Lien on the Real Estate (as hereinafter described) and against the interest(s) of One South Dearborn, LLC ("Owner") and Turner Construction Company ("Turner") and against the interest of any person claiming an interest in the Real Estate (as hereinafter described), by, through or under Owner or Turner;

Cives states as follows:

1. Since September 29, 2003, Owner owned interest(s) as fee simple owner and, possibly otherwise, in the Real Estate commonly known as One South Dearborn Street, Chicago, Illinois and legally described as follows ("Real Estate"):

Parcel 1:

Lots 9 through 19, both inclusive, in Block 142 in School Section Addition to Chicago in the Northeast 1/4 of Section 16, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2:

All of the 15 foot North-South Alley lying South of the North Line of Lot 11 aforesaid extended Westerly to the Northeast Corner of Lot 12 aforesaid, and lying

PIN Numbers: 17-16-206-007-0000 and 17-16-206-008-0000

Address: One South Dearborn Street, Chicago, Illinois

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North of the South line of Lot 11 aforesaid extended Westerly to the Southeast  
Corner of Lot 19 aforesaid, in Cook County, Illinois.

The P.I.N. numbers of the Real Estate are: 17-16-206-007 and 17-16-206-008.

2. On information and belief, Turner entered into a contract with Owner, Owner's agent or one authorized or knowingly permitted to contract for construction of a 1,040,000 square foot, forty story high-rise office building on the Real Estate.

3. As of November 3, 2003 Cives entered into a written subcontract with Turner under which Cives agreed to fabricate and install structural steel for construction of the building to be erected by Turner on the Real Estate in exchange for payment of the original subcontract price of Thirteen Million Two Hundred Sixty-Four Thousand Seven Hundred Fifty-Five Dollars (\$13,264,755) subject to increase for additional or changed work or differing site conditions (the "Cives Subcontract").

4. Cives contends the adjusted Cives Subcontract price (excluding CCIP amounts) should be \$15,823,613.

5. The Subcontract was entered into by Turner and Cives' work including extra work ("Cives Work") was performed by Cives with the knowledge and consent of Owner. Alternatively, Owner or Owner's agent authorized Turner to enter into subcontracts to improve the Real Estate.

6. Cives completed the last of Cives' Work for which this mechanics lien is claimed on May 6, 2005. (Cives made an additional delivery thereafter.)

7. As of August 31, 2005, and prior, there was and is due to Cives, after allowing all credits, the principal amount of **Three Million Six Hundred Thirty-Four Thousand Five Hundred Fifty-Six Dollars (\$3,634,556)** ("Amount Due") for which, with statutory interest, Cives claims a mechanics lien against the Real Estate and also against all the money due or to become due from Owner or Owner's agent to Turner..

8. On August 3, 2005, Cives served Cives' Subcontractor's 770 ILCS §§ 60/21, 24 & 28 Notice of Mechanics Lien to those persons listed on the Affidavit of Service attached to this Cives' Subcontractor's Mechanics Lien Claim.

9. Cives does not waive, but expressly reserves, the conditions to payment to subcontractors or suppliers or other defense of Cives under the sub-subcontracts or purchase orders for the Project.

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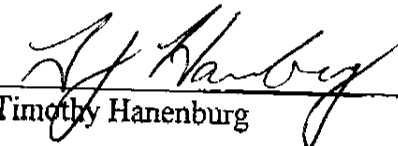
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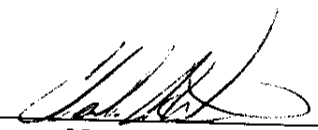
STATE OF INDIANA )  
 ) ss.  
COUNTY OF WHITE )

**AFFIDAVIT**

I, Timothy Hanenburg, being first duly sworn on oath, depose and state that I am General Manager of Claimant, am authorized as agent to execute this Subcontractor's Claim for Mechanics Lien on behalf of Claimant, that I have read the foregoing Subcontractor's Claim for Mechanics Lien and know the contents thereof, and that the statements contained therein are true.

  
Timothy Hanenburg

SUBSCRIBED AND SWORN TO  
before me this 31st day of August, 2005.

  
Notary Public

THIS INSTRUMENT WAS PREPARED BY  
AND AFTER RECORDING SHOULD BE RETURNED TO:

John S. Mrowiec  
Conway & Mrowiec  
20 South Clark Street  
Suite 750  
Chicago, Illinois 60603  
(312) 658-1100

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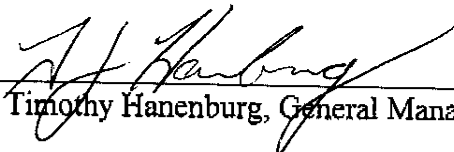
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10. Cives revokes any waiver of rights given in advance of payment for which payment was not made. Cives reserves all of Cives' rights and remedies for amounts due under the Cives Subcontract.

Dated: August 31, 2005

CIVES CORPORATION, d/b/a CIVES STEEL COMPANY, MIDWEST DIVISION

By:   
Timothy Hanenburg, General Manager

Property of Cook County Clerk's Office

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## AFFIDAVIT OF SERVICE

STATE OF ILLINOIS        )  
   ) SS  
 COUNTY OF COOK         )

I, John S. Mrowiec, being first duly sworn, on oath, depose and state that on September 1, 2005, I caused to be served the attached Subcontractor's Mechanics Lien Claim by sending a duplicate original thereof to each person and entity listed on the Notice by certified mail, return receipt requested:

**Owner:**

One South Dearborn, L.L.C.  
 c/o Hines Interests Limited Partnership  
 Three First National Plaza  
 70 West Madison Street  
 Suite 440  
 Chicago, Illinois 60602  
 Attn: Brad Soderwall

One South Dearborn, L.L.C.  
 c/o Hines Interests Limited Partnership  
 c/o Hines Holdings, Inc.  
 2800 Post Oak Boulevard  
 Suite 5000  
 Houston, Texas 77056  
 Attn: C. Kevin Shannahan  
 Executive Vice President

One South Dearborn, L.L.C.  
 c/o Hines Interests Limited Partnership  
 Three First National Plaza  
 70 West Madison Street  
 Suite 440  
 Chicago, Illinois 60602  
 Attn: Gregory P. VanSchaak

**General Contractor:**

Turner Construction Company  
 c/o CT Corporation System  
 208 South LaSalle Street  
 Suite 814  
 Chicago, Illinois 60604-1101  
 Attn: Registered Agent

One Dearborn South L.L.C.  
 c/o Hines Interests Limited Partnership  
 c/o CT Corporation System  
 208 South LaSalle Street  
 Suite 814  
 Chicago, Illinois 60604-1101  
 Attn: Registered Agent

Turner Construction Company  
 55 East Monroe Street  
 Suite 3100  
 Chicago, Illinois 60603  
 Attn: Stephen W. Fort  
 General Manager and Vice President

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**Lender:**

Bank One, N.A.  
Commercial Real Estate Division  
1 Bank One Plaza  
Mail Code IL 1-0958  
Chicago, Illinois 60670  
Attn: Michael J. Melind

Bank One, N.A.  
10 South Dearborn Street  
Chicago, Illinois 60670  
Attn: Joan Guggenheimer, Secretary

By: 

John S. Mrowiec  
Conway & Mrowiec  
20 South Clark, Suite 750  
Chicago, Illinois 60603  
(312) 658-1100

Subscribed and Sworn to  
before me this 15<sup>th</sup> day of  
September, 2005.



Notary Public



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