

UNOFFICIAL COPY



Doc#: 0701139118 Fee: \$30.50
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 01/11/2007 12:10 PM Pg: 1 of 4

BOND NO. 104733688
Premium: \$1,331.00

RELEASE OF LIEN BOND

KNOW ALL MEN BY THESE PRESENTS, That we, Powers & Sons Constuction Company, Inc., an Indiana corporation, as Principals (Hereinafter called "Principals") and TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Connecticut, with an office in Indiana, 6081 East 82nd Street, Indianapolis 46250, as Surety (Hereinafter called "Surety"), are held and firmly bound unto Flo, Inc. (Owner), Chicago Title Land Trust Co., J.C. Penney Properties, Inc, Imperial Realty Company and Wal-Mart Real Estate Business Trust (Lessee), as Obligee(s) (Hereinafter called "Obligee"), in the principal sum One Hundred Seventy-Two Thousand Eighth Hundred Thiry and 00/xx (\$172,830) Dollars of lawful money of the United States of America for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

SIGNED, SEALED AND DATED this 11th day of January, 2007 A.D., .

WHEREAS, the Principals did enter into an agreement with ERC Commercial, Inc. of Elgin, Illinois 60120 which has filed Notices of Liens in the aggregate amount of \$115,220.00 in connection with to furnish materials, apparatus, fixtures, machinery and/or labor for the project known as the Wal-Mart, Niles, Illinois.

AND WHEREAS, The Obligee is willing to release payment to Powers & Sons Construction Company, Inc., provided a bond of indemnity be given to protect it;

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bounden Principal shall indemnify, save and keep harmless said Obligee from any and all claims, costs, expenses, including attorney's fees, damages and judgments and court costs incurred in or arising out of any action predicated upon any possible future lien or upon the failure of the Obligee to honor said lien, which the Obligee may sustain by reason of said possible notice of a claim of lien, then this obligation to be void; otherwise to remain in full force and effect.

ATTEST:

Jamie Bodd

Powers & Sons Construction Company, Inc.

BY: Mamon Powers, Jr.

Mamon Powers, Jr. - President

WITNESS:

Leslie L. Leslie

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

BY: Roosevelt Haywood III

Roosevelt Haywood III, ATTORNEY-IN-FACT

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER
UNOFFICIAL COPY
POWER OF ATTORNEY



Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 215652

Certificate No. 000310808

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Roosevelt Haywood, III, Kiana L. Player, and Arvella J. Swaync

of the City of Gary, State of Indiana, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 13th day of April, 2006

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: George W. Thompson
George W. Thompson, Senior Vice President

On this the 13th day of April, 2006, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2006.



Marie C. Tetreault
Marie C. Tetreault, Notary Public

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER
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This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or undertaking to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 10th day of JANUARY, 2007.


Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.stpaultravelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

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LEGAL DESCRIPTION WAL-MART, NILES, ILLINOIS

THAT PART OF LOT 1 IN HARBOR TREES SUBDIVISION, A SUBDIVISION OF PART OF LOT 4 IN OWNER'S SUBDIVISION OF PART OF SECTION 11, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 16, 1971 AS DOCUMENT NUMBER 21759070, DESCRIBED AS FOLLOWS: BEGINNING AT NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG EAST LINE OF SAID LOT 1, SOUTH 02 DEGREES 28 MINUTES 44 SECONDS WEST (ASSUMED), 347.24 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 1, ALSO BEING A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF GOLF ROAD; THENCE SOUTH 80 DEGREES 01 MINUTES 28 SECONDS WEST, 74.20 FEET ALONG SOUTH LINE OF SAID LOT 1, TO THE SOUTHEAST CORNER OF PARCEL OF LAND DESCRIBED ON EXHIBIT A OF DOCUMENT NUMBER 22752208, RECORDED JUNE 17, 1974; THENCE ALONG THE EASTERLY, NORTHERLY AND WESTERLY BOUNDARY LINES OF SAID LAND FOR THE NEXT 7 COURSES, NORTH 01 DEGREE 58 MINUTES 32 SECONDS WEST, 10.00 FEET; THENCE NORTH 80 DEGREES 01 MINUTES 28 SECONDS EAST, 18.00 FEET; THENCE NORTH 01 DEGREE 58 MINUTES 32 SECONDS WEST, 114.88 FEET, TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE SOUTH 80 DEGREES 01 MINUTES 28 SECONDS WEST, ALONG THE NORTH LINE OF SAID LAND, 325.00 FEET, TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 01 DEGREE 58 MINUTES 32 SECONDS EAST, 114.88 FEET ALONG WESTERLY BOUNDARY OF SAID LAND; THENCE NORTH 80 DEGREE 01 MINUTES 28 SECONDS EAST, 18.00 FEET; TO THE SOUTHWEST CORNER OF SAID LAND, ALSO BEING A POINT ON SAID NORTHERLY RIGHT OF WAY LINE OF GOLF ROAD; THENCE SOUTH 88 DEGREE 01 MINUTES 28 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 101.00 FEET, TO THE SOUTHEAST CORNER OF PARCEL A, AS DESCRIBED IN DOCUMENT NUMBER 0312234182, RECORDED MAY 7, 2003; THENCE NORTH 01 DEGREE 58 MINUTES 32 SECONDS WEST, ALONG EASTERLY BOUNDARY OF SAID PARCEL B FOR THIS COURSE AND THE NEXT 2 COURSES, 181.00 FEET; THENCE NORTH 80 DEGREE 01 MINUTES 28 SECONDS EAST, 18.00 FEET; THENCE NORTH 01 DEGREE 58 MINUTES 32 SECONDS WEST, 115.00 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL A; THENCE ALONG THE NORTH LINE OF SAID PARCEL B AND THE NORTH LINES OF PARCELS C AND D AS DESCRIBED IN DOCUMENT NUMBER 0312234181, SOUTH 80 DEGREE 01 MINUTES 28 SECONDS WEST, 54.83 FEET; THENCE ALONG THE NORTHEASTERLY LINES OF PARCELS D AND E AS DESCRIBED IN SAID DOCUMENT NUMBER 0312234181, NORTH 38 DEGREE 08 MINUTES 02 SECONDS WEST, 184.19 FEET; THENCE NORTH 01 DEGREE 58 MINUTES 32 SECONDS WEST, ALONG THE EAST LINE OF SAID PARCEL E, 102.21 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG A SOUTHERLY LINE OF THAT INDETERMINATE EASEMENT DESCRIBED IN DOCUMENT 06074534, NORTH 63 DEGREE 54 MINUTES 00 SECONDS EAST, 64.17 FEET; THENCE ALONG THE SOUTH LINE OF SAID EASEMENT AND THE EASTERLY EXTENSION THEREOF, NORTH 04 DEGREE 01 MINUTES 28 SECONDS EAST, 187.35 FEET; THENCE NORTH 01 DEGREE 58 MINUTES 32 SECONDS WEST, 132.52 FEET; THENCE SOUTH 80 DEGREE 01 MINUTES 28 SECONDS WEST, 18.01 FEET; THENCE NORTH 01 DEGREE 58 MINUTES 32 SECONDS WEST, 2.02 FEET; THENCE SOUTH 87 DEGREE 48 MINUTES 58 SECONDS WEST, 137.78 FEET; THENCE NORTH 01 DEGREE 47 MINUTES 56 SECONDS WEST, 54.08 FEET; THENCE SOUTH 01 DEGREE 12 MINUTES 56 SECONDS WEST, 31.36 FEET;

20070905 73832234181 Wal-Mart Legal Description Addressed Newford CO Area 27

THENCE NORTH 01 DEGREE 57 MINUTES 30 SECONDS WEST, 211.64 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE NORTH 88 DEGREE 01 MINUTES 28 SECONDS EAST, ALONG SAID NORTH LINE, 701.00 FEET, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

CONTAINING 361,285 SQUARE FEET, (12.69 ACRES) MORE OR LESS.

Office

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lc/dn //

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