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Doc#: 0720503117 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 07/24/2007 03:17 PM Pg: 1 of 11

Lis Pendens Notice (Rev. 2/09/04)
CCG 0066

IN THE CIRCUIT COURT OF
COOK COUNTY, ILLINOIS

Howard E. Johnson, et al

Plaintiff

v.

Marjorie E. Johnson, et al

Defendant

No. 07CH 19502

LIS PENDENS NOTICE

I, the undersigned, do hereby certify that the above entitled cause was filed in the Circuit Court of Cook County on the
24 day of July, 2007 and is now pending in the Court and that the

property affected by the cause is described as follows:

Address of Real Estate: 28-30 Main Street
Park Ridge, IL 60068

Permanent Real Estate Index Number: 09-35-202-003-0000

Legal Description: Lot 4 in block 5 in L. Hodges Addition to
Park Ridge in Section 35, Township 41
North, Range 12, East of the Third
Principal Meridian,

in Cook County, Illinois.

Atty. No.: 25663

Name: Edwin J. Belz

Atty. for: Howard E. Johnson and Howard E. Johnson II

Address: 4407 N. Elston Ave.

City/State/Zip: Chicago, IL 60630

Telephone: 773-282-9129

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION

HOWARD E. JOHNSON, and)
HOWARD E. JOHNSON II,)
Plaintiffs)

vs.)

Case No. **07CH 19502**

MARJORIE E. JOHNSON,)
MARJORIE'S OF PARK RIDGE, INC.,)
and)
THE JOHNSON PARTNERS, LLC,)
Defendants.)

COMPLAINT

Plaintiffs, Howard E. Johnson and Howard E. Johnson II, state the following causes of action against the Defendants, Marjorie E. Johnson, Marjorie's of Park Ridge, Inc., and The Johnson Partners, LLC:

COUNT I BREACH OF CONTRACT

1. At all times relevant herein, the Plaintiff, Howard E. Johnson, has resided in Murphy, Texas.
2. At all times relevant herein, the Plaintiff, Howard E. Johnson II, has resided in Houston, Texas.
3. At all times relevant herein, the Defendant, Marjorie E. Johnson, has resided within the jurisdiction of the Circuit Court of Cook County, Illinois.
4. On or about July 2006, in Cook County, Illinois, Defendant offered to form a business entity with Plaintiffs for the purpose of opening a restaurant, El Famous Burrito Grill and Tapas Bar, in Park Ridge, Illinois.

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5. Defendant offered that if Plaintiffs accepted her proposal, the Plaintiffs would own 50% of the business and 50% of the real estate of the business located at 28-30 West Main Street, Park Ridge, Illinois.
6. On or about July 2006, in Cook County, Illinois, Plaintiffs accepted Defendant's offer and the Plaintiffs contributed capital to the business.
7. Plaintiffs have done and performed all Plaintiffs' requirements under the contract.
8. Defendant, though often requested, has refused to perform her terms of the contract. Defendant has failed to convey to Plaintiffs their 50% ownership interest in the real estate described above.
9. Because of Defendant's refusal to perform the contract, Plaintiffs have sustained great damage in that they have been deprived of any benefits derived from ownership of the real estate.

Wherefore, Plaintiffs Howard E. Johnson and Howard E. Johnson II pray for judgment in their favor and against the Defendant Marjorie E. Johnson and request that this Court:

1. compensate Plaintiffs Howard E. Johnson and Howard E. Johnson II in the amount of \$1,400,000.00;
2. compensate Plaintiffs Howard E. Johnson and Howard E. Johnson II for all attorney's fees and costs of this action; and
3. grant any further relief that this Court deems just and proper.

COUNT II
FRAUD

1. At all times relevant herein, the Plaintiff, Howard E. Johnson, has resided in Murphy, Texas.
2. At all times relevant herein, the Plaintiff, Howard E. Johnson II, has resided in Houston, Texas.

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3. At all times relevant herein, the Defendant, Marjorie E. Johnson, has resided within the jurisdiction of the Circuit Court of Cook County, Illinois.
4. Beginning on or about July 2006, in Cook County, Illinois, Plaintiffs paid money to the Defendant.
5. The money was procured from Plaintiffs by fraud on the part of Defendant, in that Defendant represented to Plaintiffs that, by giving money to the Defendant, Plaintiffs would become 50% owners of the business real estate located at 28-30 West Main Street, Park Ridge, Illinois.
6. The representation was false. Defendant made the representation with knowledge of its falsity, with the intent that Plaintiffs should believe it, and should rely and act on it, and should be deceived and defrauded.
7. Plaintiffs believed and relied on the misrepresentation, and, so believing and relying, were induced to, and did, pay the money to Defendant, which Plaintiffs would not have done had they known that the representation was false.
8. As a direct and proximate result of Defendant's conduct as described above, Plaintiffs have been damaged in the amount of \$1,400,000.00.
9. As a result of Defendant's false and fraudulent representations, Plaintiffs should be awarded punitive damages.

Wherefore, Plaintiffs Howard E. Johnson and Howard E. Johnson II pray for judgment in their favor and against the Defendant Marjorie E. Johnson and request that this Court:

1. grant Plaintiffs Howard E. Johnson and Howard E. Johnson II compensatory damages in the amount of \$1,400,000.00;
2. grant Plaintiffs Howard E. Johnson and Howard E. Johnson II punitive damages in the amount of \$1,400,000.00;

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3. compensate Plaintiffs for all attorney's fees and costs of this action; and
4. grant any further relief that this Court deems just and proper.

COUNT III CONSTRUCTIVE TRUST

1. At all times relevant herein, the Plaintiff, Howard E. Johnson, has resided in Murphy, Texas.
2. At all times relevant herein, the Plaintiff, Howard E. Johnson II, has resided in Houston, Texas.
3. At all times relevant herein, the Defendant, Marjorie E. Johnson, has resided within the jurisdiction of the Circuit Court of Cook County, Illinois.
4. At all times relevant herein, the Defendant, Marjorie's of Park Ridge, Inc., was an Illinois corporation doing business within Cook County.
5. At all times relevant herein, the Defendant, The Johnson Partners, LLC, was an Illinois limited liability company doing business within Cook County.
6. The subject matter of this cause involves real estate and, as such, unique in its character, wherein an action for damages at law would be insufficient to redress Plaintiffs' damages.
7. Plaintiffs adopt and reallege paragraphs 4 through 7 of Count II as paragraphs 7 through 10 of Count III.
11. As a result of Defendants fraudulently inducing Plaintiffs to contribute capital and then Defendants failing to give Plaintiffs an ownership interest in the above described property, Defendants have been unjustly enriched.

Wherefore, Plaintiffs Howard E. Johnson and Howard E. Johnson II pray for judgment in their favor and against the Defendants Marjorie E. Johnson, Marjorie's of Park Ridge, Inc., and The Johnson Partners, LLC and request that this Court:

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1. declare that Defendants Marjorie E. Johnson, Marjorie's of Park Ridge, Inc., and The Johnson Partners, LLC are holding title to the real estate in question as trustees for the benefit of Plaintiffs Howard E. Johnson and Howard E. Johnson II;
2. compensate Plaintiffs Howard E. Johnson and Howard E. Johnson II compensatory damages of \$1,400,000.00;
3. compensate Plaintiffs Howard E. Johnson and Howard E. Johnson II for all attorney's fees and costs of this action; and
4. grant any further relief that this Court deems just and proper.

COUNT IV ACCOUNTING

1. At all times relevant herein, the Plaintiff, Howard E. Johnson, has resided in Murphy, Texas.
2. At all times relevant herein, the Plaintiff, Howard E. Johnson II, has resided in Houston, Texas.
3. At all times relevant herein, the Defendant, Marjorie E. Johnson, has resided within the jurisdiction of the Circuit Court of Cook County, Illinois.
4. At all times relevant herein, the Defendant, Marjorie's of Park Ridge, Inc., was an Illinois corporation doing business within Cook County.
5. At all times relevant herein, the Defendant, The Johnson Partners, LLC, was an Illinois limited liability company doing business within Cook County.
6. The subject matter of this cause involves real estate and, as such, unique in its character, wherein an action for damages at law would be insufficient to redress Plaintiffs' damages.
7. Plaintiffs adopt and reallege paragraphs 4 through 7 of Count II as paragraphs 7 through 10 of Count IV.

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Wherefore, Plaintiffs Howard E. Johnson and Howard E. Johnson II pray for judgment in their favor and against the Defendants Marjorie E. Johnson, Marjorie's of Park Ridge, Inc., and The Johnson Partners, LLC and request that this Court:

1. order Defendants Marjorie E. Johnson, Marjorie's of Park Ridge, Inc., and The Johnson Partners, LLC to account to Plaintiffs Howard E. Johnson and Howard E. Johnson II for all money and property received by Defendants under the agreement;
2. order Defendants Marjorie E. Johnson, Marjorie's of Park Ridge, Inc., and The Johnson Partners, LLC to pay Plaintiffs Howard E. Johnson and Howard E. Johnson II any sums found to be due Plaintiffs from Defendants;
3. order that Defendants Marjorie E. Johnson, Marjorie's of Park Ridge, Inc., and The Johnson Partners, LLC and their agents and employees, be restrained from disposing of any of the property or any assets now in their hands pending the further order of this Court;
4. compensate Plaintiffs Howard E. Johnson and Howard E. Johnson II for all attorney's fees and costs of this action; and
5. grant any further relief that this Court deems just and proper.

COUNT V
DECLARATORY RELIEF

1. At all times relevant herein, the Plaintiff, Howard E. Johnson, has resided in Murphy, Texas.
2. At all times relevant herein, the Plaintiff, Howard E. Johnson II, has resided in Houston, Texas.
3. At all times relevant herein, the Defendant, Marjorie E. Johnson, has resided within the jurisdiction of the Circuit Court of Cook County, Illinois.


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4. At all times relevant herein, the Defendant, Marjorie's of Park Ridge, Inc., was an Illinois corporation doing business within Cook County.
5. At all times relevant herein, the Defendant, The Johnson Partners, LLC, was an Illinois limited liability company doing business within Cook County.
6. The subject matter of this cause involves real estate and, as such, unique in its character, wherein an action for damages at law would be insufficient to redress Plaintiffs' damages.
7. Plaintiffs adopt and reallege paragraphs 4 through 9 of Count I as paragraphs 7 through 12 of Count V.
13. An actual controversy has arisen and now exists between Plaintiffs and Defendants concerning their respective rights and duties, in that Plaintiffs contend they are entitled to 50% ownership in the real estate described above. Defendants dispute this contention and contend that Plaintiffs are 50% owners in the business only and not owners in the real estate.
14. Plaintiffs desire a judicial determination of their rights and duties, and a declaration as to the Plaintiffs' ownership interest in the real property.
15. A judicial declaration is necessary and appropriate at this time under the circumstances in order that Plaintiffs may ascertain their rights and duties under the agreement.

Wherefore, Plaintiffs Howard E. Johnson and Howard E. Johnson II pray for judgment in their favor and against the Defendants Marjorie E. Johnson, Marjorie's of Park Ridge, Inc., and The Johnson Partners, LLC and request that this Court:

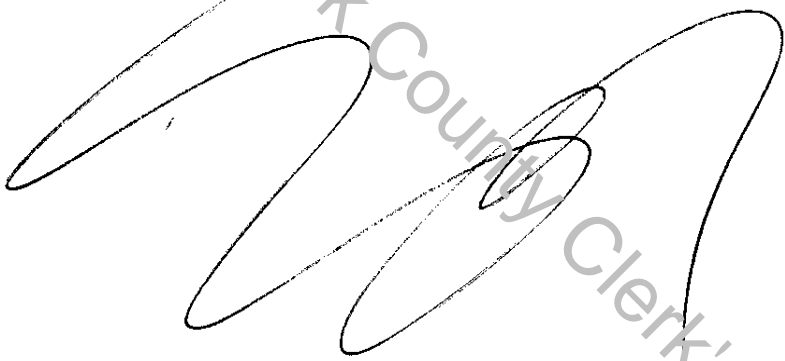
1. declare the rights of the parties in the real estate pursuant to their agreement;
2. compensate Plaintiffs Howard E. Johnson and Howard E. Johnson II for all attorney's fees and costs of this action; and
3. grant any further relief that this Court deems just and proper.

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Edwin J. Belz

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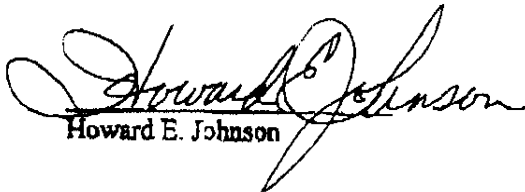
Edwin J. Belz
4407 N. Elston Ave.
Chicago, IL 60630
773-282-9129
Atty. No. 25663

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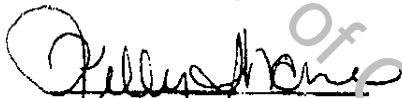
VERIFICATION

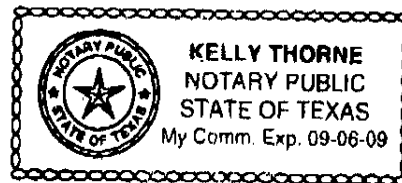
The State of Illinois
County of Cook

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies that he verily believes the same to be true.


Howard E. Johnson

Subscribed and sworn to before me on
this 24th day of July, 2007


Notary Public



Edwin J. Belz
4407 N. Elston Ave.
Chicago, IL 60630
773-282-9129
Atty. No. 25663

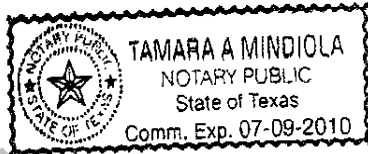
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VERIFICATION

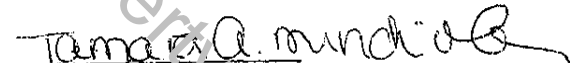
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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies that he verily believes the same to be true.




Howard E. Johnson II

Subscribed and sworn to before me on
this 24 day of July, 2007


Notary Public

Edwin J. Belz
4407 N. Elston Ave.
Chicago, IL 60630
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Atty. No. 25663

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