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Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 08/28/2008 02:25 PM Pg: 1 of 4

SUB-CONTRACTORS NOTICE & CLAIM FOR MECHANICS LIEN

STATE OF ILLINOIS }
 } SS
COUNTY OF DUPAGE }

IN THE OFFICE OF THE
RECORDER OF DEEDS
OF COOK COUNTY

CHICAGO MASONRY CONSTRUCTION, INC.
CLAIMANT

-VS-

36 SOUTH L.L.C., a/k/a: 36 South LLC
BREANNE, INC.
FIFTH THIRD BANK (CHICAGO)
CONSTRUCTION DESIGN SERVICES, LTD.
UNKNOWN OWNERS
NON-RECORD CLAIMANTS
DEFENDANT

The claimant, CHICAGO MASONRY CONSTRUCTION, INC., an Illinois Corporation ("Claimant"), with an address at 841 N. Addison Ave., Elmhurst, Illinois 60126, hereby files its Subcontractor's Notice and Claim for Mechanics Lien on the Real Estate (as hereinafter described) and on all funds held in connection with the improvements constructed on the Real Estate, and against 36 South L.L.C., a/k/a: 36 South LLC ("Owner") c/o Jose Barrutia, Jr., 604 B Country Club Drive, Fontana, Wisconsin 53125, Breanne, Inc. ("Tenant") c/o James J. Riebandt, 1237 S. Arlington Heights Rd., Arlington Heights, Illinois 60005, and Fifth Third Bank (Chicago) ("Lender") 222 S. Riverside Plaza, 32nd Floor, Chicago, Illinois 60606, and Construction Design Services, Ltd. ("General Contractor") c/o Henry M. Morris, One IBM Plaza, Suite 3000, Chicago, Illinois 60611, Unknown Owners and Non-Record Claimants, and against the interest of any person claiming an interest in the Real Estate (as hereinafter described) by, through or under Owner.

Claimant states as follows:

1. On or about September 24, 2007, Owner(s) owned title to the real estate (including all land and improvements thereon) (the "Real Estate") in Cook County, Illinois, located at 42 S. Northwest Highway, Palatine, Illinois 60074, and legally described as follows:

LOTS 14 TO 26 IN BLOCK 1 IN PRAIRIE VIEW ADDITION TO PALATINE, BEING A SUBDIVISION OF THAT PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO AND NORTH WESTERN RAILROAD, EXCEPT THE WEST 7 ACRES THEREOF, IN COOK COUNTY, ILLINOIS.

PERMANENT REAL ESTATE INDEX NO.(s): 02-23-103-019, 02-23-103-020, 02-23-103-021, 02-23-103-022, 02-23-103-023, 02-23-103-024, 02-23-103-025, and 02-23-103-034

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2. That to the best of Claimants knowledge and belief Construction Design Services, Ltd., ("Construction Design") was Owner and, or Tenants General Contractor for the improvements at the Real Estate.

3. That "Construction Design", entered into a written Contract with Chicago Masonry Construction, Inc., ("Chicago Masonry") whereby Claimant agreed to furnish masonry material and labor to "Construction Design" in exchange for payment in the original contract amount of Four-Hundred and One Thousand, Seven-Hundred and Sixty Eight Dollars & 00/100, (\$401,768.00).

4. That the Subcontract was entered into between "Construction Design" and "Chicago Masonry" with the full knowledge and consent of the Owner and, or Tenant. Alternatively, the Owner and, or Tenant specifically authorized "Construction Design" to enter into Contracts for, and in said improvement of the Real Estate. Alternatively, the Owner and, or Tenant did knowingly permit "Construction Design" to enter into Contracts for, and in said improvement of the Real Estate.

5. At the special instance and request of "Construction Design" and with the full knowledge and express consent or acquiescence of the Owner and, or Tenant, Claimant furnished extra and additional materials and extra and additional labor on the Real Estate to the value of \$5,290.00. Claimant completed providing the additional materials and labor at various times.

6. That on May 9, 2008, Claimant completed and delivered substantially all material and labor to be performed under the Contract.

7. That deletions were made to the original contract in the amount of \$893.00.

8. That "Construction Design" is entitled to credits for payments totaling \$365,452.00.

9. As of the date hereof, there is due, unpaid and owing to Claimant, after allowing credits for payments by "Construction Design", the balance of Forty Thousand, Seven-Hundred and Thirteen Dollars & 00/100, (\$40,713.00), for which with interest, Claimant claims a lien on the Real Estate and on the monies or other considerations due, or to become due from the Owner and, or Tenant to Construction Design Services, Ltd.

Dated: August 04, 2008

CHICAGO MASONRY CONSTRUCTION, INC.

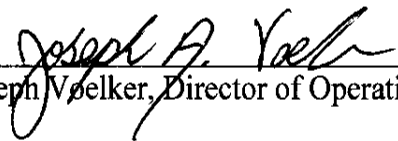
By: Joseph A. Voelker
Joseph Voelker, Director of Operations

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VERIFICATION

State of Illinois }
 } SS.
 County of Dupage }

I, Joseph Voelker, being first duly sworn on oath, depose and state that I am Director of Operations for Claimant, Chicago Masonry Construction, Inc., an Illinois corporation, that I am authorized to execute this Subcontractors Notice and Claim of Mechanics Lien on behalf of Claimant, that I have read the foregoing Subcontractors Notice and Claim for Mechanics Lien and know the contents thereof, and the statements contained therein are true.



 Joseph Voelker, Director of Operations

Subscribed and Sworn to
 before me this 4th day
 of August, 2008.

Chamene Mazur

 Notary Public



My Commission Expires: 08/15/10

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

Mr. Joseph Voelker
 Chicago Masonry Construction, Inc.
 841 N. Addison Ave.
 Elmhurst, Illinois 60126

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SERVICE LIST

36 South L.L.C.
a/k/a: 36 South LLC
c/o Jose Barrutia, Jr.
604 B Country Club Drive
Fontana, Wisconsin 53125
CERTIFIED MAIL, RETURN RECEIPT, R/D

36 South L.L.C.
a/k/a: 36 South LLC
c/o Jose Barrutia, Jr.
245 Northwest Highway
Palatine, Illinois 60074
CERTIFIED MAIL, RETURN RECEIPT, R/D

Breanne, Inc.
c/o James J. Riebandt
1237 S. Arlington Heights Rd.
Arlington Heights, Illinois 60005
CERTIFIED MAIL, RETURN RECEIPT, R/D

Fifth Third Bank (Chicago)
Attention: Ms. Jeanne Reynolds
222 South Riverside Plaza
32nd Floor
Chicago, Illinois 60606
CERTIFIED MAIL, RETURN RECEIPT, R/D

Construction Design Services, Ltd.
c/o Henry M. Morris
One IBM Plaza, Suite 3000
Chicago, Illinois 60611
CERTIFIED MAIL, RETURN RECEIPT, R/D