



Doc#: 0826734092 Fee: \$30.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 09/23/2008 03:10 PM Pg: 1 of 4

SUBCONTRACTOR'S NOTICE AND CLAIM FOR LIEN OF LEASEHOLD IMPROVEMENT

STATE of ILLINOIS) ss:
COUNTY of COOK)

Claimant, **A Zahner Company c/o Pete Cole, 1400 E. 9th Street, Kansas City, MO 64106 of Jackson County, State of Missouri**, hereby files a notice and claim for lien against **900 North Michigan LLC**, 900 North Michigan Ave., Suite 1400, Chicago, IL 60611, Owner, **Diesel USA, Inc.**, 770 Lexington Ave., Floor 9, New York, NY 10065-8165, Lessee and **Michilli Construction, Inc.**, New York, NY 10013, Contractor, and states:

That on **April 9, 2008**, the owner(s) owned the following described land in the County of **Cook**, State of Illinois to wit:

LD PIN 17-03-211-024-0000, See attached legal description.

Commonly known as: Deisel USA Inc., 923 N. Rush St., Chicago, IL 60611.


That on **April 9, 2008**, said contractor made a subcontract with claimant to furnish and provide **Fabrication and installation of architectural metal products, related materials and/or labor**, for said improvement and that on **June 18, 2008** claimant completed delivery of materials and/or labor to the value of **\$515,056.00**.

That said contractor is entitled to credits on account as follows: **\$456,022.40.**

leaving a balance due, unpaid and owing to claimant and, after allowing all credits, the sum of **\$59,033.60** for which, with interest, claimant claims a lien on said land and improvement and on the monies or other considerations due or to become due from the owner under said contract against said contractor and owner(s).

A Zahner Company

BY:



ALLAN R. POPPER, of Lianguard, Inc., Agent for
A Zahner Company
c/o Pete Cole
1400 E. 9th Street
Kansas City, MO 64106

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STATE of ILLINOIS) ss.
COUNTY of DuPAGE)

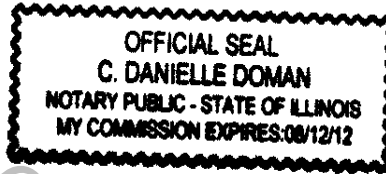
Affiant, Allan R. Popper, being first duly sworn, on oath deposes and says that he is the agent of claimant, and that he has read the foregoing notice and claim for lien and knows the contents thereof; and that all statements therein contained are true.

ALLAN R. POPPER of Lienguard, Inc., Agent for
A Zahner Company
c/o Pete Cole
1400 E. 9th Street
Kansas City, MO 64106

SUBSCRIBED AND SWORN to before me
on September 22, 2008.

C. Danielle Doman

C. DANIELLE DOMAN, Notary Public



File No: **84040-8-1**

Prepared by: Allan R. Popper
Lienguard, Inc.
1000 Jorie Blvd., Ste. 270
Oak Brook IL 60523

Mail to: **Lienguard, Inc.**
1000 Jorie Blvd., Ste. 270
Oak Brook, IL 60523

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5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

PARCEL 1:

LOT 2, IN 900 NORTH MICHIGAN, BEING A RESUBDIVISION OF THE LAND, PROPERTY AND SPACE OF PART OF BLOCK 13 AND THE ACCRETIONS THERETO IN CANAL TRUSTEES' SUBDIVISION OF THE SOUTH FRACTIONAL 1/4 OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 9, 1989 AS DOCUMENT 89208433, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

PERPETUAL EASEMENTS AND OTHER EASEMENT RIGHTS FOR THE BENEFIT OF PARCEL 1 AS DECLARED AND CREATED BY THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS MADE BY LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST NUMBER 107701 AND LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST NUMBER 113495 DATED AS OF APRIL 20, 1989 AND RECORDED MAY 9, 1989 AS DOCUMENT 89208434, SAID EASEMENTS BEING OVER LOTS 4 AND 5 IN 900 NORTH MICHIGAN, BEING A RESUBDIVISION OF THE LAND, PROPERTY AND SPACE OF PART OF BLOCK 13 AND THE ACCRETIONS THERETO IN CANAL TRUSTEES' SUBDIVISION OF THE SOUTH FRACTIONAL 1/4 OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 9, 1989 AS DOCUMENT 89208433, IN COOK COUNTY, ILLINOIS.

AS FURTHER DESCRIBED IN THE ASSIGNMENT AND ASSUMPTION OF RIGHTS AND OBLIGATIONS IN DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS DATED AS OF APRIL 27, 2005 AND RECORDED APRIL 28, 2005 AS DOCUMENT NUMBER 0511845085 AND RE-RECORDED MAY 29, 2008 AS DOCUMENT 0815041119, BY AND BETWEEN 900 TOWER, LLC AND 900 NORTH MICHIGAN, LLC.

PARCEL 3:

EASEMENTS IN FAVOR OF PARCEL 1 AS CREATED BY EASEMENT AGREEMENT MADE BY AND BETWEEN 900 TOWER, LLC AND 900 NORTH MICHIGAN, LLC, DATED APRIL 27, 2005 AND RECORDED APRIL 28, 2005 AS DOCUMENT NUMBER 0511845100 AND RERECORDED MAY 29, 2008 AS DOCUMENT 0815041120 FOR THE FOLLOWING PURPOSES: (1) INGRESS AND EGRESS OVER, ON AND ACROSS THE "21-28 PROPERTY" AS DEFINED THEREIN; (2) IN AND TO ALL STRUCTURAL MEMBERS, FOOTINGS, CAISSONS, FOUNDATIONS, COLUMNS, AND BEAMS AND OTHER SUPPORTING COMPONENTS LOCATED WITHIN OR CONSTITUTING A PART OF THE "21-28 PROPERTY" AS DEFINED THEREIN; (3) THE USE FOR THEIR INTENDED PURPOSES OF ALL FACILITIES AT ANY TIME LOCATED IN THE "ROP PROPERTY" AS DEFINED THEREIN AND CONNECTED FACILITIES AT ANY TIME LOCATED IN THE "21-28 PROPERTY" AS DEFINED THEREIN WHICH PROVIDE OR SHALL BE NECESSARY TO PROVIDE THE INSURED LAND WITH ANY UTILITIES OR OTHER SERVICES OR WHICH OTHERWISE MAY BE NECESSARY TO THE OPERATION OF THE INSURED LAND; (4) TO MAINTAIN ENCROACHMENTS; (5) FOR INGRESS AND EGRESS OVER, ON, ACROSS, AND THROUGH THOSE SECTIONS OF THE COMMON OR FIRE STAIRWAYS LOCATED IN THE "21-28 PROPERTY" AS DEFINED THEREIN; AND (6) USE OF THE TRUCKING

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5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS (CONTINUED):

CONCOURSE AND LOADING DOCK LOCATED ON LOWER LEVEL OF THE "21-28 PROPERTY" AS DEFINED THEREIN.

AS AMENDED BY AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS RESTRICTIONS AND EASEMENTS DATED AUGUST 27, 2007 AND RECORDED AUGUST 27, 2007 AS DOCUMENT NUMBER 0723960081 AND RE-RECORDED MAY 29, 2008 AS DOCUMENT 0815041121 MADE BY LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 2, 1987 AND KNOWN AS TRUST NO. 111150, 900 TOWER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, 900 NORTH MICHIGAN, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND THE 132 EAST DELAWARE PLACE CONDOMINIUM ASSOCIATION.

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