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## ORIGINAL CONTRACTOR'S CLAIM FOR MECHANICS LIEN - AMENDMENT NO. 1

STATE OF ILLINOIS     )  
  )     SS  
COUNTY OF COOK     )

The lien claimant, Walsh Construction Company ("Lien Claimant"), of Chicago, County of Cook, State of Illinois, hereby files a Claim for Mechanics Lien on October 24, 2008, against Dellisart - Chicago B, LLC ("Owner"), of Chicago, County of Cook, State of Illinois, who owned the Premises described below as a fee simple interest(s) and possibly otherwise, against any other person or entity claiming any interest in the Premises, and against the real property and all appurtenances, fixtures and improvements thereto, of the following described premises ("Premises"):

Commonly known as Staybridge Suites, 127 West Huron Street, Chicago, Illinois 60610, as delineated, defined and legally described in Exhibit A, including all ownership interests, which Premises relate to the Property Identification Numbers: 17-09-218-018, 17-09-218-019 and 17-09-218-020.



**Doc#: 0829831104 Fee: \$30.00**  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 10/24/2008 03:42 PM Pg: 1 of 4

On November 27, 2006, the Lien Claimant entered into a written contract with Owner to furnish construction labor, material and services for the construction of the shell and core improvements at the Premises. The Lien Claimant has performed extra work and incurred additional costs at the order of and with the knowledge and consent of Owner. The Lien Claimant last performed work required by the contract or extra work on the Premises on or after June 27, 2008, in the values indicated below and Lien Claimant was excused by law from performing the remainder of the work under the contract by virtue of Owner's failure to pay Lien Claimant amounts due and Owner's other breaches of the contract. The Lien Claimant has filed the Original Contractor's Claim for Mechanics Lien -Amendment No. 1 within 4 months of last performing work required by the contract or extra work on the Premises.

As of the date hereof, there is due, owing and unpaid to the Lien Claimant, for base contract work, extra work and other costs of the work, after allowing all credits for unperformed work and payments received by Lien Claimant, the principal balance calculated below:

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Original Contract Amount	\$29,290,994	
<u>Executed Change Orders</u>	<u>(\$ 1,596)</u>	
Adjusted Contract Amount	\$29,289,398	
<u>Credit for Work not Performed</u>	<u>(\$ 7,888,180)</u>	
Adjusted Billed Amount	\$21,401,218	\$21,401,218
Extra Work with Pending Change Requests	\$ 1,805,255	
Demobilization Costs	\$ 60,361	
Additional Rental & Storage Costs	\$ 85,353	
Additional Crane Costs	\$ 121,458	
<u>Other Subcontractor Claim Amounts</u>	<u>\$ 260,333</u>	
<u>Extras, Additional Costs and Claims<sup>1</sup></u>	<u>\$ 2,332,760</u>	<u>\$ 2,332,760</u>
Contract Amount, Extras, Additional Costs and Claims in the Lien Amount		\$23,733,978
<u>Total Payments Received by Lien Claimant</u>	<u>(\$15,228,686)</u>	<u>(\$15,228,686)</u>
<b>Current Lien Amount</b>		<b>\$ 8,505,292</b>

The Lien Claimant claims a lien on the Premises (including all land and all appurtenances, fixtures and improvements thereon) and against all parties with any interest therein, in the principal amount of **\$ 8,505,292, which amends document number 0829631097 recorded October 22, 2008**, for work performed, plus interest at the rate provided by statute from the dates the amounts first became due through the date of payment, and attorneys fees and costs that have been or may be incurred. The Lien Claimant reserves its right to record amendments to this Claim for Mechanics Lien.

  
 \_\_\_\_\_  
 Walsh Construction Company

By: Peter T. Glimco

Title: General Counsel

This document was prepared by and should be returned after recording to:  
 Jeffrey L. Hamera  
 DUANE MORRIS LLP  
 190 S. LaSalle Street, Suite 3700  
 Chicago, Illinois 60603  
 (312) 499-6700

<sup>1</sup> Lien Claimant has incurred additional costs and is due additional amounts that are not included in its lien calculation but reserves all rights under the contract, law and equity to be reimbursed for those amounts.

PIN: 17-09-218-018, 17-09-218-019 and 17-09-218-020

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## EXHIBIT A

### Parcel 1:

A tract of land bounded by a line described as follows: Beginning on the North line of Sub-lot 1 in Assessor's Division of Lots 4, 5, 6, 7, 10 and 11 in Block 27 in Wolcott's Addition to Chicago, in Section 9, Township 39 North, Range 14, East of the Third Principal Meridian, said line being also the South line of present Huron Street at a point 25 feet East of the Northwest corner of said sub-lot; running thence West along the North line of said sub-lot extended being also the South line of said Huron Street to a point 14 feet East of Original West Line of Lot 9 in Block 27 aforesaid (as said lot appears on plat of Wolcott's Addition recorded August 15, 1836 in Book "h", Page 94) said point being also the East line of present LaSalle Street, as widened pursuant to Condemnation Suit Case 53227 County Court of Cook County, Illinois; thence South along the East line of LaSalle Street as so widened to a point on the South line of said Lot 9, being also the center line of an 18 foot alley, thence East along the South line of Lot 9 extended, being also the center line of said alley to a point 25 feet East of the Southwest corner of said Sub-lot 1; thence North to the place of beginning, in Cook County, Illinois.

### Parcel 2:

Lot 1, (except the West 25 feet in Assessor's Division of Lots 4, 5, 6, 7, 10 and 11 in Block 27 in Wolcott's Addition to Chicago in the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 9, Township 39 North, Range 14, East of the Third Principal Meridian, according to the plat recorded on October 6, 1869 in Book 170, Page 179, as Document 28064; also Lots 12 and 13 in Block 27 in Wolcott's Addition to Chicago in the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 9, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Common Address: Southeast corner of LaSalle Street and Huron Street, Chicago, Illinois

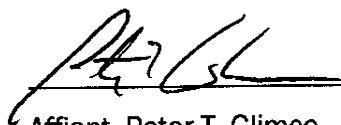
PIN: 17-09-218-018  
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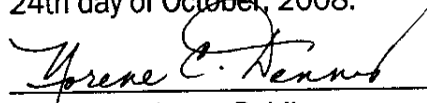
## AFFIDAVIT

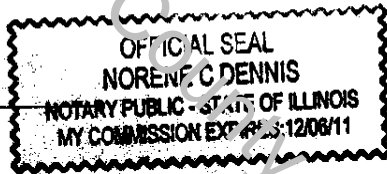
STATE OF ILLINOIS                    )  
   ) SS  
 COUNTY OF COOK                    )

This affiant, Peter T. Glimco, being first duly sworn on oath, deposes and states, that he is General Counsel of Walsh Construction Company, the Lien Claimant, that he has read the above and foregoing Original Contractor's Claim for Mechanics Lien, has knowledge of the contents thereof, and that the same is true.

  
 \_\_\_\_\_  
 Affiant, Peter T. Glimco ,  
 General Counsel

Subscribed and sworn to before me this  
 24th day of October, 2008.

  
 \_\_\_\_\_  
 Notary Public



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