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SUBCONTRACTOR'S NOTICE AND CLAIM FOR LIEN



Doc#: 0833603087 Fee: \$32.00 Eugene "Gene" Moore RHSP Fee: \$10.00 Cook County Recorder of Deeds

Date: 12/01/2008 04:30 PM Pg: 1 of 6

STATE OF ILLINOIS)
SS
COUNTY OF COOK)

The CI AIMANT, CEMENT MASONS' LOCAL UNION 803 FRINGE BENEFIT FUNDS of the City of Villa Park, County of DuPage, State of Illinois (the "Funds"), hereby files Notice and Claim for Lien against MILLENNIUM CONCRETE CONSTRUCTION, LLC a domestic corporation (SUBCONTRACTOR), of the City of Chicago, County of Cook, State of Illinois, EVANS CONSTRUCTION SERVICES (110 WEST SUPERIOR PROJECT), LLC of the City of Chicago, County of Cook, State of Illinois and/or EVANS CONSTRUCTION CO. of the City of Springfield, County of Sangamon, State of Illinois (CONTRACTOR) of the City of Chicago, County of Cook, and 110 WEST SUPERIOR, LLC (OWNER), of the City of Chicago, County of Cook, State of Illinois, and states:

- Since an uncertain date prior to January 1, 2008, the **OWNER** owned the following described land in the County of Cook, State of Illinois: [see attached legal description], **Permanent Real Estate Index Numbers**: 17-09-204-022-0000 and 17-09-204-023-0000 **Address of Premises**: 110 West Superior, LLC, Chicago, Illinois.
- OWNER made a contract with CONTRACTOR for improvement of the premises and CONTRACTOR thereafter made a subcontract with SUBCONTRACTOR for the Cement Masonry portion of that work; at the time of making of the subcontract, SUBCONTRACTOR was bound by collective bargaining agreements to pay wages at the prevailing rate of wages to its employees performing covered work and to contribute to the Funds fringe benefits as and for a component of the wages of those employees, all as and for labor in connection with the work for and in said improvement of the premises;

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and on or about November 1, 2008 the employees and through them the Funds, as their assignee by

operation of law and representative, completed the furnishing of such labor, and

3) There is, on information and belief, unpaid and owing to the Funds, from

SUBCONTRACTOR, the sum of Four Thousand, Eight Hundred Ninety-Eight and 50/100 Dollars

(\$4,898.50)* (consisting of the amounts due pursuant to applicable labor agreements for unpaid net wages,

delinquent fringe benefit contributions, and 10% liquidated damages) for which, with interest at the rate of

10% per annum**, the Funds claim a lien on said land and improvements and on the monies or other

considerations due or to become due from the OWNER and/or CONTRACTOR under said contract

against said SUBCONTKACTOR, CONTRACTOR and OWNER. Ox Coop

*Subject to revision on completion of audit of SUBCONTRACTOR's books and records.

**Plus attorneys' fees and costs as due under applicable agreements as a component of bargained-for

By: 6

employee wages.

CEMENT MASONS' LOCAL UNION 803

FRINGE BENEFIZ FUNDS,

Donald D. Schwartz, Attorney and Agent

Donald D. Schwartz ARNOLD AND KADJAN 19 W. Jackson Boulevard Chicago, IL 60604

(312) 236-0415

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STATE OF ILLINOIS)) SS COUNTY OF COOK)

The affiant, Tours D. THWART, being first duly sworn, on oath deposes and says that he is the attorney and agent for the CLAIMANT; that he has read the foregoing Subcontractor's Notice and Claim for Lien and knows the contents thereof; and that all the statements therein contained are true and correct to the best of his knowledge, information and belief.

_day of _ ⊅€C.

Notary Public

Clark's Office

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PROOF OF SERVICE

The undersigned, duly sworn, on oath states that a copy of the attached SUBCONTRACTOR's Notice and Claim for Lien was served upon:

> MILLENNIUM CONCRETE CONSTRUCTION, LLC c/o Herbert Molitsky 455 E. Illinois Street, Ste. 260 Chicago, IL 60610

EVANS CONSTRUCTION SERVICES (110 WEST SUPERIOR PROJECT), LLC Michael Bonn 363 3. Wacker Dr., Ste. 1000 Chicago, 17, 60606

EVANS CONSTRUCTION CO. Donald H. Evans 1900 E. Washington Springfield, IL 62703

110 WEST SUPERIOR, LLC 111 E. Wacker Dr., Ste. 2800 Chicago, IL 60601

MB FINANCIAL BANK 2 South LaSalle St. Chicago, IL 60603

NATIONAL CITY BANK One North Franklin Chicago, IL 60606

RR (SUPERIOR) INC. 4 International Dr., Ste. 230 Rye Brook, NY 10573-7015

County Clark's Office by placing same in an envelope, properly addressed as set out above, by mailing by U.S. Mail certified, return receipt requested, and depositing it in the mail box located at Jackson and State Streets, Chicago, IL 60604 on DEC. 1, 2008 at or before 5:00 p.m.

SUBSCRIBED AND SWORN TO before me this 25 day of DC.

Notary Public

OFFICIAL SEAL DAWN M DE WITT NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:06/11/11

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LEGAL DESCRIPTION

Permanent Real Estate Index Number: 17-09-204-022-0000 and 17-09-204-023-0000

Address of Premises: 110 West Superior, Chicago, IL Legal Description:

Clark's Office

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TRACT INDEX SEARCH

Additional Tax Numbers:

Order No.: 1404 S9647253 ss

Legal Description:

LOTS 12 TO 15 BOTH INCLUSIVE, AND THE SOUTH 1/2 OF THE VACATED 18 FOOT ALLEY LYING NORTH OF AND ADJOINING LCTS 12 TO 15 AND SOUTH OF AND ADJOINING LOTS 16 AND 17, IN OGDEN AND OTHER'S SUBDIVISION OF BLOCK 35 IN WOLCOTT'S ADDITION TO CHICAGO IN THE EAST 1/2 OF THE NORTHEAST OF COOK COUNTY CLERK'S OFFICE 1/4 OF SECTION 9, TOW/SHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK