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STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)

SUBCONTRACTOR'S NOTICE AND CLAIM FOR MECHANICS LIEN



Doc#: 0834331106 Fee: \$33.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 12/08/2008 03:09 PM Pg: 1 of 7 Y

DEEKE CONSTRUCTION SERVICES, INC.

("Claimant"),

3929 WESTERN, LLC, 3935 WESTERN, LLC, I & M CONSTRUCTION I CORP.,
CINTERRA CAPITAL PARTNERS FUND I, LLC, GEORGE WASHINGTON SAVINGS
BANK, and Unknown Owners and Non-Record Claimants.

Claimant DEEKE CONSTRUCTION SERVICES, INC., an Illinois corporation, located at 1012 West Diversey Parkway, Chicago, Illinois 60614 ("Claimant"), being a subcontractor to provide and furnish labor and material for masonry work for a construction project located at 3929 North Western Avenue, Chicago, Illinois 60618 and 3935 North Western Avenue, Chicago, Illinois 60615 (the "Project") on the real estate described below (the "Property"), hereby files a Notice and Claim for Mechanics Lien against the Property and on all funds held in connection with the improvements constructed on the Property, and against the respective owners of the Property as described on Exhibit A hereto 3929 WESTERN, LLC, 19 South LaSalle Street, Suite 900, Chicago, Illinois 60603 and 3935 WESTERN, LLC, 19 South LaSalle Street, Suite 900, Chicago, Illinois 60603 (collectively the "Owners"), the general contractor of the Project I & M CONSTRUCTION I CORP., 19 South LaSalle Street, Suite 900, Chicago, Illinois 60603 (the "Contractor"), the lenders/mortgagees of the Property CINTERRA CAPITAL PARTNERS FUND I, LLC, 10 South Wacker Drive, 40th Floor, Chicago, Illinois 60606 and GEORGE WASHINGTON SAVINGS BANK, 14701 South LaGrange, Orland Park, Illinois 60462 (collectively the "Mortgagees") and Unknown Owners and Non-Record Claimants and against the interest of any person claiming an interest in the Property by, through, or under the Owners, stating as follows:

1. At all times relevant hereto and continuing to the present, Owners owned the following described land in the County of Cook, State of Illinois, to wit:

Legal Description: SEE ATTACHED EXHIBIT A FOR LEGAL
DESCRIPTIONS (3929 North Western Avenue,

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Chicago, Illinois and 3935 North Western Avenue, Chicago, Illinois are hereinafter collectively referred to as the "Property").

P.I.N.s: 14-19-100-029-0000
 14-19-100-030-0000
 14-19-100-027-0000
 14-19-100-028-0000

Common Address: 3929 North Western Avenue, Chicago, Illinois 60618
3935 North Western Avenue, Chicago, Illinois 60618

2. Sometime prior to August 14, 2007 Contractor entered into an agreement to act as the General Contractor for the Project and for the improvements at the Property.
3. On or about August 14, 2007, Contractor entered into a subcontract (the "Subcontract") with Claimant for Claimant to provide and furnish work and material for masonry work for the Project in exchange for payment of \$456,000 and Claimant began its work on the Project on or about August 21, 2007.
4. On information and belief, Contractor entered into the Subcontract with the full knowledge, consent, and authorization of the Owners. The Contract knowingly permitted Contractor to enter into the Subcontract with Claimant.
5. At the direction of Contractor, Claimant furnished additional and extra material and labor for the Project in addition to the work set forth in the Subcontract and outside the scope of or otherwise not included in the Subcontract (collectively the "Additional Work"), including the furnishing of materials and labor to relocate balcony doors and windows and to provide and replace damages blocks, raise commercial doors, and provide and install blocks between the buildings and utility brick at the balcony for the Project. Claimant provided the Additional Work at the request of Contractor and Owners and with the full knowledge, consent, and authorization of Contractor and Owners. The value of the Additional Work was \$26,600.00.
6. The Owners permitted Claimant to perform and complete its work for the Project at the Property, including the Additional Work, without protest prior to or during the performance of the work, including the Additional Work.
7. The Claimant substantially completed its work, including its Additional Work at the Project on May 28, 2008.
8. To date, despite due demand for payment, Claimant remains unpaid for the total amount of its work at the Project and there is no reasonable basis for

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the failure to pay Claimant.

9. In the event it is necessary to apportion the amount of work performed at the Property, the value of the work under the Subcontract and the Additional Work for the Property is apportioned as follows:

3929 North Western Avenue, Chicago, Illinois
 PINs 14-19-100-029-0000 and 14-19-100-030-0000
 Amount of work attributed to this parcel: \$19,300.00

3935 North Western Avenue, Chicago, Illinois
 PINs 14-19-100-027-0000 and 14-19-100-028-0000
 Amount of work attributed to this parcel: \$19,300.00

10. The total value of the work under the Subcontract and the Additional Work was \$482,600.00, and Claimant has received \$444,000.00 in total payments and otherwise has credited this amount against the total amount of \$482,600.00 due to it.

11. There is due and owing to Claimant, after allowing all credits of \$444,000.00, the sum of **Thirty Eight Thousand Six Hundred Dollars and 00/100 cents (\$38,600.00)**, which bears statutory interest at the rate of ten (10%) percent per annum. Claimant hereby claims a lien on the Property against the interest of the Owners, and other parties named above, in the Property, including all land and improvements thereon, and on the monies or other consideration due or to become due to Owners and from Owners under said contract for said Contractor, in the amount of **Thirty Eight Thousand Six Hundred Dollars and 00/100 cents (\$38,600.00)** plus interest.

Date: November 21, 2008

DEEKE CONSTRUCTION SERVICES, INC.
 an Illinois corporation

By: 
 Michael Deeke, President

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STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)

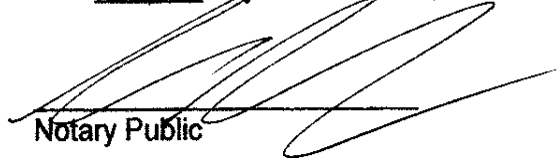
VERIFICATION

The affiant, Michael Deeke, being first duly sworn, on oath deposes and says that he is the President of Deeke Construction Services, Inc., the Claimant, that he has read the foregoing notice and claim for lien and knows the contents thereof, and that all the statements therein contained are true.

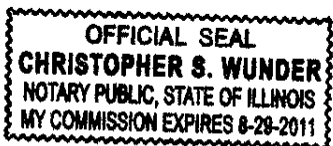


Michael Deeke

Subscribed and Sworn
This 21st day of November, 2008



Notary Public



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EXHIBIT A

LEGAL DESCRIPTION

LOTS 19 AND 20 (EXCEPT THAT PART LYING WEST OF A LINE 50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 19) IN THE SUBDIVISION OF BLOCK 9 IN THE SUBDIVISION OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ AND EXCEPT THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ AND EXCEPT THE EAST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19) IN COOK COUNTY, ILLINOIS.

PIN 14-19-100-027-0000 & 14-19-100-028-0000

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EXHIBIT A

LEGAL DESCRIPTION

LOTS 21 AND 22 (EXCEPT THAT PART LYING WEST OF A LINE 50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SECTION 19) IN THE SUBDIVISION OF BLOCK 9 IN THE SUBDIVISION OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ AND EXCEPT THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ AND EXCEPT THE EAST $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19) IN COOK COUNTY, ILLINOIS.

PIN 14-19-100-029-0000 & 14-19-100-030-0000

Property of Cook County Clerk's Office

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SERVICE LIST

VIA RESTRICTED CERTIFIED MAIL-R/R

3929 WESTERN, LLC
19 South LaSalle Street
Suite 900
Chicago, Illinois 60603

VIA RESTRICTED CERTIFIED MAIL-R/R

3935 WESTERN, LLC
19 South LaCalle Street
Suite 900
Chicago, Illinois 60603

VIA RESTRICTED CERTIFIED MAIL-R/R

I & M CONSTRUCTION CORP.
19 South LaSalle Street
Suite 900
Chicago, Illinois 60603

VIA RESTRICTED CERTIFIED MAIL-R/R

CINTERRA CAPITAL PARTNERS FUND I, LLC
10 South Wacker Drive
40th Floor
Chicago, Illinois 60606

VIA RESTRICTED CERTIFIED MAIL-R/R

GEORGE WASHINGTON SAVINGS BANK
14701 South LaGrange
Orland Park, Illinois 60462

Property of Cook County Clerk's Office