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TO:

WILLIAM J. RALPH  
BURTON & Ralph LLP  
180 N. LASALLE STREET  
SUITE 1820  
CHICAGO, ILLINOIS 60601



Doc#: 0909322089 Fee: \$44.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 04/03/2009 02:50 PM Pg: 1 of 5

Property Address:  
140 East Walton Place, Chicago, Illinois 60611

PIN:17-03-208-001

## NOTICE AND CLAIM FOR LIEN

1. The undersigned Ground Lessor/Claimant, Chicago Title Land Trust Company, successor to LaSalle National Bank, Trustee under Trust Agreement dated January 15, 1979 and known as Land Trust No. 100855 ("Landlord"), 171 North Clark Street Suite 575, Chicago, Illinois 60601, County of Cook, State of Illinois, being the Lessor under a certain Lease dated April 30, 1979, as amended ("Lease"), for the real estate described on Exhibit A, attached hereto ("Land"), hereby files a Notice and Claim for Lien against Chicago Title Land Trust Company, successor to American National Bank and Trust Company of Chicago, Trustee under Trust Agreement dated January 15, 1979, and known as Land Trust No. 45339 ("Tenant"), 171 North Clark Street Suite 575, Chicago, Illinois 60601, the Tenant under the Lease.

2. Pursuant to the terms of the Lease, Tenant is the holder of a leasehold estate in the Land for the term as specified in the Lease, and is, during the term of the Lease, the owner of the Building and various other improvements on the Land.

3. Section 18.1 of the Lease provides, as follows:

"The whole amount of the rent, and each and every installment thereof, and the amount of all taxes, assessments, water rates, insurance premiums and other charges and Impositions paid by Landlord under the provisions of this lease, and all costs, reasonable attorneys' fees and other expenses which may be incurred by Landlord in enforcing the provisions of this lease or on account of any delinquency of Tenant in carrying out any of the provisions of this lease, shall be and they are hereby declared to constitute a valid and prior lien upon the Building, including the machinery, fixtures and equipment of Tenant situated therein, and upon Tenant's Leasehold Estate, subject, however, to the prior lien of any Mortgage and to the rights herein in this lease granted by Landlord to Mortgagee,

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and may be enforced by equitable remedies including the appointment of a receiver.”

4. Landlord is entitled to receive certain rent which is delinquent under the Lease, and Landlord has incurred costs and expenses in enforcing the provisions of the Lease and on account of delinquency of Tenant in carrying out provisions of the Lease, all as more fully described on Exhibit B, attached hereto; and pursuant to Section 18.1 of the Lease such rent, costs and expenses constitute a valid and prior lien upon the Building on the Land, including the machinery, fixtures and equipment of Tenant situated therein, and upon Tenant's leasehold estate in the Land, subject to the rights of a mortgagee and the prior lien of any Mortgage, if any, as provided in Section 18.1 of the Lease.

5. This Notice and Claim for Lien shall constitute a notice and claim with respect to the amounts set forth on Exhibit B and all other and future amounts which shall, pursuant to Section 18.1 of the Lease, be a lien against the Tenant's interest as aforesaid.

6. This Notice and Claim for Lien is executed by Chicago Title Land Trust Company, successor to LaSalle National Bank, not personally, but solely as Trustee as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee, and it is expressly understood and agreed that nothing in this Notice and Claim for Lien contained shall be construed as creating any liability on said Trustee personally to pay any indebtedness accruing thereunder, or to perform any covenants, either expressed or implied, in said Notice and Claim for Lien (all such liability, if any, being expressly waived by every person now or hereafter claiming any right or security thereunder).

[Signature Page Follows On Next Page]

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**UNOFFICIAL COPY****EXHIBIT A****LEGAL DESCRIPTION****PARCEL 1:**

Lots 17 to 26, inclusive, in Fitzsimmons addition to Chicago, a subdivision of part of Block 8 in the Canal Trustees Subdivision of the south fractional 1/4 of fractional Section 3, Township 39 North, Range 14 East of the Third Principal Meridian.

Lots 16 and 27 (except that part of said lots described as follows: beginning at the north east corner of said lot 16 and running thence west along the north line of said lot a distance of 9.25 feet; thence south a distance of 24.04 feet along the easterly face of the lower stone base of the Drake Hotel building to a point 9.11 feet west of the east line of said Lot 16; thence west a distance of 0.58 feet along a line parallel with the north line of said Lot 16 to a point 9.69 feet west of the east line of said Lot 16; thence south a distance of 169.61 feet along the easterly face of a brick wall of the Drake Hotel building to a point 24 feet north of the south line and 8.65 feet west of the east line of said Lot 27; thence east a distance of 0.55 feet along a line parallel with the south line of said Lot 27 to a point 8.10 feet west of the east line of said Lot 27; thence south a distance of 24 feet along the easterly face of the lower stone base of the Drake Hotel building to a point on the south line of said Lot 27 which is 8.05 feet west of the south east corner of said Lot 27; thence east along said south line a distance of 8.05 feet to the south east corner of said Lot 27 and thence north along the east line of Lots 27 and 16 a distance of 217.65 feet to the point of beginning in Cook County, Illinois.

**PARCEL 2:**

Easement for the benefit of Parcel 1 as reserved in the deed from Whitestone Company, a corporation of Illinois to the Drake Tower Building Corporation, a corporation of Illinois recorded February 1, 1928 as Document Number 9914506 for the construction, maintenance and operation of an inclined service driveway over the south 140 feet of the west 24 feet of the following described tract: Lots 14, 15, 28 and 29 in Fitzsimmons addition to Chicago, a subdivision of part of Block 8 in Canal Trustees Subdivision of the south fractional 1/4 of fractional Section 3, Township 39 North, Range 14 East of the Third Principal Meridian.

also

That part of Lots 16 and 27 in said Fitzsimmons addition, bounded and described as follows: beginning at the north east corner of said Lot 16 and running thence west along the north line of said lot a distance of 9.25 feet; thence south a distance of 24.04 feet along the easterly face of the lower stonebase of the Drake Hotel building to a point 9.11 feet west of the east line of said Lot 16; thence west a distance of 0.58 feet along a line parallel with the north line of said Lot 16 to a point 9.69 feet west of said east lot line; thence south a distance of 169.61 feet along the easterly face of a brick wall of the Drake Hotel building to a point 24 feet north of the south line and 8.65 feet west of the east line of said Lot 27; thence east a distance of .55 feet along a line parallel with the south line of said Lot 27 to a point 8.10 feet west of said east lot line; thence south a distance of 24 feet along the easterly face of the lower stone base of the Drake Hotel Building to a point on said south line of Lot 27 which is 8.05 feet west of the south east corner of said lot; thence east on said south lot line a distance of 8.05 feet to the south east corner of said Lot 27; thence north along said east line of Lots 16 and 27 a distance of 217.65 feet to the point of beginning in Cook County, Illinois.

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## EXHIBIT B

1. Lease enforcement costs and expenses/ Rent Delinquency \$50,685.85

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