



Doc#: 1002647067 Fee: \$30.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 01/26/2010 11:44 AM Pg: 1 of 4

**ORIGINAL  
CONTRACTOR'S  
MECHANICS LIEN CLAIM  
(PRIVATE CONSTRUCTION)**

The lien claimant, Marion Hill Company, an Illinois corporation ("Claimant") of 22005 Howell Drive, Unit D, New Lenox, Illinois 60451, hereby files a claim for Mechanics' Lien against the Real Estate (as hereinafter described) and against the interest of the following entities in the Real Estate, S & T Real Estate, LLC, an Illinois limited liability company ("Owner"), Premier Bank ("Mortgagee"), and any other person claiming an interest in the Real Estate by, through, or under the Owner, Mortgagee, and Unknown Owners and parties, and states as follows:

1. On or about July, 13, 2004 and subsequently, Owner owned the following described real estate (including all land and improvements thereon) (hereinafter referred to as the "Real Estate") in the County of Cook, State of Illinois, to wit:

Legally described on the attached Exhibit A.

2. On information and belief, Owner on July 16, 2007 entered into a Standard Form of Agreement between Owner and Contractor, as amended ("Contract") with Claimant to construct a building on the Real Estate, including the related labor and materials (collectively, the "Work").

3. The Contract was entered into by the Owner and the Work was performed with the knowledge and consent of the Owner.

4. On or about November 1, 2009, the Claimant last performed its Work required to be done by the Contract and any extras or change orders, if any, including delivery of said materials and labor.

5. On or about November 27, 2009, Claimant send Owner a Seven Day Contract Termination Notice ("Notice"), terminating the Contract for cause based on the Owner's failure to comply with the terms of the Contract, as set forth in that Notice.

6. The Work was approved by the Owner and the Owner was aware of the improvements to be made by the Claimant before the Work was performed.

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7. The following amounts are due on the Contract:

Contract amount	\$3,400,000.00
Extras/Change Orders	\$502,026.00
Credits	\$(628,564.53)
Payments	<u>\$(2,384,527.45)</u>
Total Balance Due	<u>\$888,934.02</u>

8. The Total Balance Due bears interest at the statutory interest at the rate of 10% per annum, or alternatively, interest pursuant to the Contract, and reasonable attorney's fees pursuant to the Illinois Mechanics Lien Act. Claimant claims a Mechanics' Lien on the Real Estate (including all land and improvements thereon), and against the Owner, in the amount of Eight Hundred Eighty-eight Thousand Nine Hundred Thirty-four Dollars and 02/100 (\$888,934.02), plus interest and attorney's fees as set forth above.

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9. To the extent permitted by law, all waivers of lien heretofore given by Claimant, if any, in order to induce payment which have not been received are hereby revoked. Acceptance of payment by Claimant of part, but not all, of the amount claimed due hereunder shall not operate to invalidate this notice.

Dated: January 26, 2010

Marion Hill Company,  
an Illinois corporation

By:   
Name: Henry Hill-Wisniewski  
Its: President

I, Lisa Minetti, the undersigned, a Notary Public in and for the County of Will, in the State of Illinois, DO HEREBY CERTIFY that Henry Hill-Wisniewski, personally known to me to be the President of Marion Hill Company, and known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and severally acknowledge that as such President, he signed and delivered this instrument pursuant to authority given by the Board of Directors of Marion Hill Company, as their free and voluntary act, and as his free and voluntary act and deed, for the uses and purposes therein set forth.

January 26, 2010

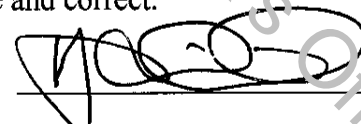
  
Notary Public

Verification




The undersigned, Henry Hill-Wisniewski, being first duly sworn, on oath deposes and states that he is the authorized representative of Marion Hill Company, that he has read the above and foregoing Original Contractor's Mechanics' Lien Claim and that to the best of his knowledge and belief the statements herein are true and correct.

Dated: January 26, 2010



Subscribed and sworn to before me this  
January 26, 2010

  
Notary Public



Prepared by and return to: David C. Birks, Law Office of David C. Birks, Ltd.  
1512 W. Wolfram, Chicago, Illinois 60657

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**ORIGINAL CONTRACTOR'S  
MECHANIC'S LIEN CLAIM  
(PRIVATE CONSTRUCTION)**

**Exhibit A**

**Legal Description**

**LOTS 18, 19 AND THE SOUTH 1 FOOT OF LOT 20 IN BLOCK 34 IN WOLCOTT'S  
ADDITION TO CHICAGO IN SECTION 9, TOWNSHIP 39 NORTH, RANGE 14 EAST  
OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

**PIN: 17-09-205-005-0000**

**Address: 747 N. Clark Street  
Chicago, IL 60610**

Cook County Clerk's Office