



Doc#: 1006729110 Fee: \$42.00  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 03/08/2010 05:08 PM Pg: 1 of 4

**AFTER RECORDING, MAIL TO:**

Thomas G. Moffitt  
Stahl Cowen Crowley Addis LLC  
55 West Monroe Street, Suite 1200  
Chicago, Illinois 60603

**NOTICE OF CLAIM FOR LIEN UNDER THE  
COMMERCIAL REAL ESTATE BROKER LIEN ACT**

STATE OF ILLINOIS            )  
  ) ss:  
COUNTY OF COOK            )

The claimant, **DARWIN REALTY & DEVELOPMENT CORPORATION**, an Illinois corporation ("Claimant"), with an address at 970 N. Oaklawn Avenue, Elmhurst, Illinois 60126, hereby files notice of lien pursuant to the Commercial Real Estate Broker Lien Act, 770 ILCS 15/1, *et seq.*, and states as follows:

**Name of Claimant:**     **DARWIN REALTY & DEVELOPMENT CORPORATION, an Illinois corporation**

**Name of Owner:**       **300 OAKLEY L.L.C., an Illinois limited liability company**

**Description of the property (the "Property"):**

See legal description on Exhibit A attached hereto.

**PIN(s):**           **17-07-301-048-0000; 17-07-301-049-0000 & 17-07-301-052-0000**

**Common Address:** **300 N. Oakley Boulevard, Chicago, Illinois 60612**

**Amount of Lien Claim:** **\$69,907.09, plus interest and reasonable attorneys' fees, in accordance with 770 ILCS 15/10(i)**

**Real Estate License Number of Broker:** **478-002042**

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Claimant states as follows:

1. On or about November 9, 2009, and subsequently, Owner owned fee simple title to the Property.
2. Claimant entered into a written agreement with Owner dated November 9, 2009 (the "Agreement"), which provided that if Claimant obtained a tenant for the Property then Owner would pay a commission to Claimant, in accordance with the terms thereof.
3. Thereafter, Claimant procured a tenant for the Property, Bird-X, Inc., an Illinois corporation ("Tenant"), and Owner entered into a lease of the Property with Tenant dated January 7, 2010, with a term that commenced on March 1, 2010.
4. The Tenant under the lease has taken possession of the Property and is open for business therein.
5. As a result of the foregoing, Claimant is owed a commission in accordance with the Agreement in the amount of \$69,907.09.
6. Claimant has demanded payment of said commission from the Owner, but the Owner has failed and/or refused to pay same.
7. Claimant claims a lien on the Property (including all land and improvements thereon) in the amount of \$69,907.09, plus interest and reasonable attorneys' fees, in accordance with 770 ILCS 15/10(I).

Dated: March 4, 2010

**DARWIN REALTY & DEVELOPMENT CORPORATION**, an Illinois corporation

By: *Richard S. Daly*  
Richard Daly, Vice President

### VERIFICATION

STATE OF ILLINOIS        )  
  ) ss:  
COUNTY OF COOK        )

Richard Daly, being first duly sworn on oath, states that he is a Vice President of Claimant, **DARWIN REALTY & DEVELOPMENT CORPORATION**, an Illinois corporation, that he is authorized to sign this verification, that he has read the foregoing Notice of Claim for Lien under the Commercial Real Estate Broker Lien Act and that the information contained therein is true and accurate to his knowledge.

*Richard S. Daly*  
Richard Daly

Subscribed and sworn to before me  
this 5<sup>th</sup> day of March, 2010.

*[Signature]*  
Notary Public

My commission expires 11-15, 2012



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## AFFIDAVIT OF SERVICE

STATE OF ILLINOIS            )  
  ) ss:  
COUNTY OF COOK            )

Thomas G. Moffitt, being duly sworn, on oath deposes and says that on the 8<sup>th</sup> day of March, 2010, he/she served the forgoing Notice of Claim for Lien under the Commercial Real Estate Broker Lien Act on the Owner by depositing same in the U.S. Mail with proper postage prepaid, certified mail, return receipt requested, addressed as follows:

300 Oakley L.L.C.  
c/o Kenneth J. Riha  
2638 Patriot Blvd., Suite 100  
Glenview, IL 60026

and

300 Oakley L.L.C.  
300 N. Oakley Boulevard  
Chicago, Illinois 60612  
Attn: Kenneth J. Riha, Registered Agent

and

Borek & Goldhirsh  
2638 Patriot Blvd.  
Glenview, IL 60025  
Attn: Sam Borek, Esq.

Thomas G. Moffitt

Subscribed and sworn to before me  
this 8<sup>th</sup> day of March, 2010.

Jamie A. Deacon  
Notary Public

My commission expires 2/18, 2012

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## EXHIBIT "A"

### LEGAL DESCRIPTION

#### PARCEL 1:

LOTS 13 TO 15, BOTH INCLUSIVE, IN I. R. DILLER'S SUBDIVISION OF BLOCK 40 IN CANAL TRUSTEES' SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 2

LOT 17 (EXCEPTING THEREFROM THAT PART OF THE SOUTH 33 FEET OF SAID LOT LYING WEST OF THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 22) IN THE RESUBDIVISION OF LOTS 17 TO 30 AND LOTS 63 TO 76 OF I. R. DILLER'S SUBDIVISION IN BLOCK 40 IN CANAL TRUSTEES' SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 3:

THAT PART OF THE NORTH AND SOUTH 18-FOOT VACATED ALLEY LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 13 IN I. R. DILLER'S SUBDIVISION AFORESAID AND LYING NORTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 33 FEET OF LOT 17 IN THE RESUBDIVISION OF LOTS 17 TO 30 AND LOTS 63 TO 76 OF I. R. DILLER'S SUBDIVISION IN BLOCK 40 IN CANAL TRUSTEES' SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 4:

LOTS 1 THROUGH 6 AND THE PRIVATE ALLEY LYING NORTH OF AND ADJOINING LOTS 3, 4 AND 5 IN THE SUBDIVISION OF LOTS 19, 20, AND 21; TOGETHER WITH THAT PART OF THE EAST AND WEST 15-FOOT VACATED ALLEY LYING NORTH OF AND ADJOINING SAID LOTS IN THE RESUBDIVISION OF LOTS 17 TO 30 AND LOTS 63 TO 76 OF I. R. DILLER'S SUBDIVISION IN BLOCK 40 IN CANAL TRUSTEES' SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### PARCEL 5:

LOT 22 TOGETHER WITH THAT PART OF THE EAST AND WEST 15-FOOT VACATED ALLEY LYING NORTH OF AND ADJOINING SAID LOT IN THE RESUBDIVISION OF LOTS 17 TO 30 AND LOTS 63 TO 76 OF I. R. DILLER'S SUBDIVISION IN BLOCK 40 IN CANAL TRUSTEES' SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.