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1030634083

Doc#: 1030634083 Fee: \$33.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 11/02/2010 01:58 PM Pg: 1 of 7

FOR RECORDER'S USE ONLY

GENERAL CONTRACTOR'S CLAIM FOR MECHANIC'S LIEN

THE CLAIMANT, **Westward Development Company, Inc.**, located at 2111 W. Belle Plaine Avenue, Suite 1, Chicago, Illinois 60618, claims a lien against the real estate, more fully described below, and against the interest of the following entities in the real estate:

As to Premises One (premises defined below)

Ten East Delaware, LLC, owner, **Talbott Associates, L.P.**, d/b/a **The Talbott Hotel**, owner, **Ten East Delaware Condominium Association**, owner, **Bice Café, LLC** d/b/a **Bice Restaurant Group ("Bice")**, tenant;

As to Premises Two (premises defined below)

Talbott Associates, L.P., d/b/a **The Talbott Hotel**, tenant, **Park National Bank**, as successor trustee to **Cosmopolitan Bank and Trust**, successor trustee to **Cosmopolitan National Bank of Chicago**, as trustee under a trust dated **January 16, 1985** dated **27362** (the "Trust"), owner, **Bice Café, LLC** d/b/a **Bice Restaurant Group ("Bice")**, sub-tenant, **Inland Bank and Trust**, mortgagee, **Laureanne L. Kromelow**, mortgagee, **AmeriMark Bank**, mortgagee,

and any other person claiming an interest in the real estate, more fully described below, through, or under the aforementioned **Owners**, stating as follows:

1. At all times relevant hereto and continuing to the present, **Talbott Associates, L.P.**, d/b/a **The Talbott Hotel**, owned the following described land in the County of Cook, State of Illinois, to wit:

PARCEL: See Exhibit A

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P.I.Ns.: 17-03-209-010 and 17-03-209-021

which property is commonly known as the Talbott Hotel, 10 E. Delaware Street, Chicago, Illinois 60601. At all times relevant hereto and continuing to the present, **Bice**, leased from **Talbott Associates, L.P., d/b/a The Talbott Hotel**, the property at 10 E. Delaware Street to operate a restaurant (which would be combined with the existing restaurant in Premises Two). The aforementioned described land leased by **Bice** at 10 E. Delaware, Chicago, Illinois, shall hereinafter be referred to as "Premises One".

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

PARCEL: LOTS 1, 2 AND 5 IN NAPER'S RESUBDIVISION OF LOTS 2, 3, 4 AND 5 IN SUPERIOR COURT PARTITION OF THE EAST 2/3 OF BLOCK 12 IN THE SUBDIVISION OF THE COMMISSIONERS OF THE ILLINOIS AND MICHIGAN CANAL OF THE SOUTH FRACTIONAL $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 17-03-209-012

which property is commonly known as the Talbott Hotel, 20 E. Delaware Street, Chicago, Illinois 60601. At all times relevant hereto and continuing to the present, **Talbott Associates, L.P., d/b/a The Talbott Hotel**, leased from the **Trust**, a portion of the property owned by the **Trust**, to operate a hotel. At all times relevant hereto and continuing to the present, **Bice**, leased from **Talbott Associates, L.P., d/b/a The Talbott Hotel**, a portion of the first floor of the property owned by the **Trust** to operate a restaurant. The portion of the aforementioned described land sub-leased by **Bice** shall hereinafter be referred to as ("Premises Two").

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3. That on or about July 3, 2010, **Bice**¹, contracted with Claimant to furnish general contracting labor and materials (including but not limited to electrical, mechanical and carpentry), for the restaurant build-out of the existing restaurant at Premises Two and the new extension of the existing restaurant at Premises One.
4. That the contract was entered into by **Bice**, as the **agent of the Owners** of Premises One and Two, and the work was performed with the knowledge and consent of the **Owners** of Premises One and Two.
5. In the alternative, the **Owners** of Premises One and Two authorized **Bice** to enter into the contract.
6. In the alternative, the **Owners** of Premises One and Two knowingly permitted **Bice** to enter into the contract for the improvement.
7. That subsequent thereto, **Bice** requested that Claimant perform additional work to Premises One and Two, under change orders.
8. That the Claimant has performed work at Premises One and Two under its contract, as modified by change orders, which entailed the delivery of said materials and labor.
9. That, as of this date, there is due, unpaid and owing to the Claimant, after allowing all credits, the aggregate principal sum of **Ninety-two Thousand Nine Hundred and Five Dollars (\$92,905.00)**, for work performed through October 18, 2010 only, which principal amount bears interest at the statutory rate of ten percent (10%) per annum. Claimant claims a lien on the real estate and against the interest of the respective **Owners** of Premises Two (including all land and improvements thereon) in the amount of **Thirty-seven Thousand One Hundred Sixty-two**

¹ The general contract indicates that the "Owner" is Bice Café LLC for which Roberto Ruggeri is signatory, and was signed by Mr. Ruggeri on behalf of BICE Restaurant Group. A subsequent change order indicates the "Owner" is BICE Restaurant Group.

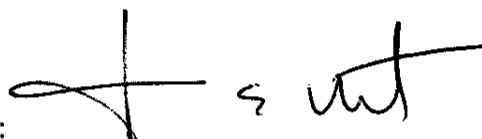
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Dollars (\$37,162.00) plus interest for work performed through October 18, 2010 only; and a lien on the real estate and against the interest of the respective **Owners** of Premises One (including all land and improvements thereon) in the amount of **Fifty-five Thousand Seven Hundred Forty-three Dollars (\$55,743.00)** plus interest for work performed through October 18, 2010 only.

10. The Claimant continues to work under its contract, as modified, with **Bice**, and reserves the right to file an additional lien against contract funds and real estate for work performed after October 18, 2010.

Westward Development Company, Inc. an Illinois corporation

By: _____



James West, Jr.
Its Secretary

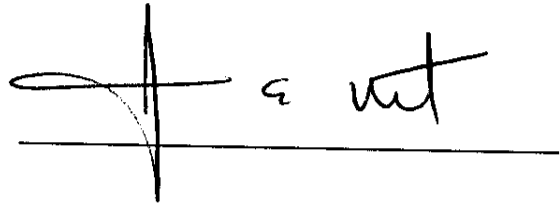
This claim was prepared by and after recording should be mailed to:

Kori M. Bazanos
Law Offices of Kori M. Bazanos
100 W. Monroe St., Ste. 2100
Chicago, Illinois 60603
(312) 578-0410

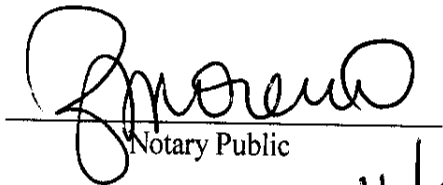
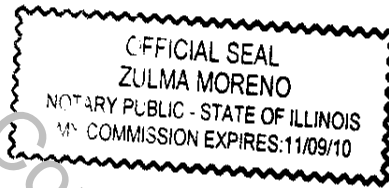
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VERIFICATION

The undersigned, James West, Jr. being first duly sworn, on oath deposes and states that he is an authorized representative of **Westward Development Company, Inc.** that he has read the above and foregoing general contractor's notice and claim for mechanic's lien and that to the best of his knowledge and belief the statements therein are true and correct.



SUBSCRIBED AND SWORN to
before me this 29 day
of October 29, 2010.


Notary Public

My commission expires: 11/9/10

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EXHIBIT A

LEGAL DESCRIPTION OF PREMISES

PARCEL 1:

THAT PART OF THE FOLLOWING DESCRIBED PROPERTY ALL TAKEN AS A TRACT; THAT PART OF THE SOUTH HALF OF THE WEST THIRD OF BLOCK 12 IN CANAL TRUSTEES' SUBDIVISION OF THE SOUTH FRACTIONAL QUARTER OF SECTION 3, AND THAT PART OF LOT 6 IN THE SUPERIOR COURT PARTITION OF THE EAST TWO THIRDS OF BLOCK 12 IN THE CANAL TRUSTEES' SUBDIVISION AFORESAID, ALL IN TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 12 AFORESAID; THENCE NORTH 00 DEGREES, 15 MINUTES, 31 SECONDS EAST, ALONG THE WEST LINE OF SAID BLOCK 12, A DISTANCE OF 88.67 FEET, SAID POINT BEING 127.41 FEET (AS MEASURED ALONG SAID WEST LINE) SOUTH OF THE NORTHWEST CORNER OF BLOCK 12 AFORESAID; THENCE SOUTH 80 DEGREES, 00 MINUTES, 00 SECONDS EAST, 102.45 FEET TO A POINT, SAID POINT BEING 88.82 FEET (AS MEASURED PERPENDICULARLY) NORTH OF THE SOUTH LINE OF BLOCK 12 AFORESAID; THENCE NORTH 72 DEGREES, 42 MINUTES, 44 SECONDS EAST, ALONG A LINE HEREINAFTER REFERRED TO "LINE A", 36.95 FEET TO THE MOST EASTERLY NORTHEAST CORNER OF LOT 6 AFORESAID; THENCE SOUTH 00 DEGREES, 19 MINUTES, 51 SECONDS WEST, ALONG THE EAST LINE OF LOT 6 AFORESAID, 99.85 FEET TO ITS SOUTHEAST CORNER THEREOF; THENCE NORTH 00 DEGREES, 54 MINUTES, 49 SECONDS WEST, ALONG THE SOUTH LINE OF BLOCK 12 AFORESAID TO THE POINT OF BEGINNING OF SAID TRACT OF LAND:

THAT PART LYING ABOVE AN ELEVATION OF 14.00 FEET CITY OF CHICAGO DATUM, BEING THE TOP OF THE CONCRETE FLOOR AND BELOW THE BOTTOM OF THE CONCRETE CEILING BEING A SLOPED SURFACE WITH AN ELEVATION AT THE SOUTHWEST CORNER OF THE FOLLOWING DESCRIPTION OF 31.73 FEET, AN ELEVATION OF 28.67 FEET AT THE NORTHWEST CORNER OF THE FOLLOWING DESCRIPTION, AN ELEVATION OF 28.26 FEET AT THE NORTHEAST CORNER OF THE FOLLOWING DESCRIPTION AND 30.62 FEET AT THE SOUTHEAST CORNER OF THE FOLLOWING DESCRIPTION, ALL ON CITY OF CHICAGO DATUM, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES, 54 MINUTES, 49 SECONDS WEST, ALONG THE SOUTH LINE OF SAID TRACT, 2.24 FEET; THENCE NORTH 00 DEGREES, 05 MINUTES, 11 SECONDS EAST, 2.53 FEET TO THE INTERIOR CORNER OF THE WALLS AND THE POINT OF BEGINNING; THENCE FOLLOWING THE INTERIOR FACES OF THE WALLS THE FOLLOWING COURSES AND DISTANCES; NORTH 89 DEGREES, 56 MINUTES, 28 SECONDS WEST 10.00 FEET, NORTH 00 DEGREES, 03 MINUTES, 32 SECONDS EAST 2.00 FEET, NORTH 89 DEGREES, 56 MINUTES, 28 SECONDS WEST 3.00 FEET, SOUTH 00 DEGREES, 03 MINUTES, 32 SECONDS WEST 2.00 FEET, NORTH 89 DEGREES, 56 MINUTES, 28 SECONDS WEST 11.60 FEET, NORTH 00 DEGREES, 03 MINUTES, 32 SECONDS EAST 1.50 FEET, NORTH 89 DEGREES, 56 MINUTES, 28 SECONDS WEST 5.82 FEET, SOUTH 00 DEGREES, 03 MINUTES, 32 SECONDS WEST 1.50 FEET, NORTH 89 DEGREES, 56 MINUTES, 28 SECONDS WEST 9.00 FEET, NORTH 00 DEGREES, 03 MINUTES, 32 SECONDS EAST 1.50 FEET, NORTH 89 DEGREES, 56 MINUTES, 28 SECONDS WEST 5.28 FEET, NORTH 00 DEGREES, 37 MINUTES, 05 SECONDS WEST 13.70 FEET, NORTH 89 DEGREES, 22 MINUTES, 55 SECONDS EAST 3.30 FEET, NORTH 00 DEGREES, 31 MINUTES, 05 SECONDS WEST 4.00 FEET, SOUTH 89 DEGREES, 22 MINUTES, 55 SECONDS WEST 3.30 FEET, NORTH 00 DEGREES, 37 MINUTES, 05 SECONDS WEST 4.52 FEET, NORTH 89 DEGREES, 22 MINUTES, 55 SECONDS EAST 5.53 FEET, NORTH 00 DEGREES, 33 MINUTES, 06 SECONDS WEST 25.97 FEET, SOUTH 89 DEGREES, 44 MINUTES, 33 SECONDS EAST 15.00 FEET.

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NORTH 00 DEGREES, 15 MINUTES, 27 SECONDS EAST, 3.35 FEET, SOUTH 89 DEGREES, 44 MINUTES, 33 SECONDS EAST 25.75 FEET, SOUTH 00 DEGREES, 23 MINUTES, 30 SECONDS WEST 49.97 FEET, NORTH 89 DEGREES, 36 MINUTES, 30 SECONDS WEST 0.76 FEET, SOUTH 00 DEGREES, 03 MINUTES, 32 SECONDS WEST 2.00 FEET, TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS AS DESCRIBED IN THE DECLARATION OF EASEMENTS AND OPERATING REQUIREMENTS DATED DECEMBER 14, 2009 AND RECORDED DECEMBER 15, 2009 AS DOCUMENT 0934910050.

P.I. NOS.: 17-03-209-010-0000
17-03-209-021-0000

ADDRESS OF PREMISES: 10 EAST DELAWARE PLACE
EAST RETAIL PARCEL (RETAIL PARCEL I)
CHICAGO, ILLINOIS 60611

Property of Cook County Clerk's Office