



Doc#: 1229731071 Fee: \$36.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 10/23/2012 12:47 PM Pg: 1 of 8

THIS INSTRUMENT WAS
PREPARED BY AND
AFTER RECORDING
SHOULD BE RETURNED
TO:

John S. Mrowiec
Conway & Mrowiec
20 South Clark Street
Suite 1000
Chicago, Illinois 60603
(312) 658-1100

**SUBCONTRACTOR TITAN ELECTRIC'S
NOTICE & CLAIM FOR MECHANICS LIEN**

STATE OF ILLINOIS)
) ss.
COUNTY OF DUPAGE)

To: See Attached Service List

The Claimant, MTS Titan Electric, LLC, a Delaware limited liability company, d/b/a Titan Electric Contracting, LLC, with an office at 401 East North Avenue, Villa Park, Illinois ("Titan"), hereby files its Subcontractor's Notice and Claim for Mechanics Lien on the Real Estate (as hereinafter described) and against the interest(s) of Wal-Mart Real Estate Business Trust, a Delaware statutory trust ("Owner"), and against the interest of any person claiming an interest in the Real Estate (as hereinafter described), by, through or under Owner including, without limitation, Novak Construction Company ("Contractor"), and on any funds owing from Owner or any agent of Owner to Contractor;

Titan states:

1. Since at least July 11, 2006, Owner has been and is record fee simple owner and, possibly owned other interests, in the Real Estate commonly known as Wal-Mart Store #2204-05 with a street address of 1300 Des Plaines Avenue, Forest Park, Illinois and legally described as follows ("Real Estate"):

PIN Numbers: 15-24-300-001; 15-24-300-005

Address: 1300 Des Plaines Avenue, Forest Park, Illinois

UNOFFICIAL COPY

See Legal Description attached as Exhibit A.

The Real Estate PIN Numbers are 15-24-300-001 and 15-24-300-005.

2. Titan entered into a written Subcontract ("Subcontract") with Contractor as of August 11, 2011. Under the Subcontract, Titan agreed to perform particular electrical systems work for renovation and expansion of an existing Wal-Mart retail store (the "Project") on the Real Estate in exchange for payment of the original Subcontract Price of One Million Two Hundred Thousand Dollars (\$1,200,000) subject to increase for changed or extra work, differing conditions, allowances, equitable adjustments or delays ("Subcontractor's Work").

3. Subcontractor's Work was part of the work Contractor was obligated to perform for, on information and belief, Walmart Stores, Inc. ("Operator") under a prime construction contract (the "Prime Contract") between Contractor and Operator for improvement of the Real Estate for the construction of the Project.

4. Contractor ordered extra work in the net amount of \$448,098.03 so that the adjusted Subcontract Price is One Million Six-Hundred Forty-Eight Thousand Ninety-Eight and 03/100 Dollars (\$1,648,098.03).

5. The Subcontract was entered into by Titan and Titan performed the Subcontractor's Work, with the knowledge and consent of Owner, Operator and Contractor. Alternatively, Owner or Operator, on behalf of Owner, authorized or knowingly permitted Contractor to enter into subcontracts to improve the Real Estate. Alternatively, Owner or Operator, on behalf of Owner, knowingly permitted Contractor or Titan or both of them to perform the Subcontractor's Work to improve the Real Estate.

6. Titan completed the last of Titan's Subcontractor's Work for which this lien is claimed on July 25, 2012.

7. As of the date hereof, there is due to Titan, after allowing all credits, the principal amount of **Three Hundred Eighty-Eight Thousand Six Hundred Fifteen and 63/100 Dollars (\$388,615.63)** (the "Principal Amount") for which Titan claims a mechanics lien against the funds due or to become due Contractor and against each of Owner's, Operator's, Contractor's, and others' interest(s) in the Real Estate, plus interest.

8. Titan reserves all of Titan's other rights and remedies for amounts due under or relating to the Subcontract or the Project.

PIN Numbers: 15-24-300-001; 15-24-300-005

Address: 1300 Des Plaines Avenue, Forest Park, Illinois

UNOFFICIAL COPY

9. Titan hereby revokes any waiver of rights or remedies for which Titan has not received payment.

NOTICE TO OWNER & OPERATOR

DO NOT PAY CONTRACTOR FOR WORK OR EXTRA WORK OR MATERIALS DELIVERED UNLESS YOU HAVE RECEIVED PRIOR SATISFACTORY EVIDENCE OF PRIOR PAYMENT TO TITAN ELECTRIC CONTRACTING, LLC.

Dated: October 18, 2012

MTS TITAN ELECTRIC, LLC, d/b/a TITAN ELECTRIC CONTRACTING, LLC

By: Jane F. Klass
Jane F. Klass, Chief Financial Officer

THIS INSTRUMENT WAS PREPARED BY
AND AFTER RECORDING SHOULD BE RETURNED TO:

John S. Mrowiec
Conway & Mrowiec
20 South Clark Street
Suite 1000
Chicago, Illinois 60603
(312) 658-1100

PIN Numbers: 15-24-300-001; 15-24-300-005

Address: 1300 Des Plaines Avenue, Forest Park, Illinois

UNOFFICIAL COPY**EXHIBIT A TO SUBCONTRACTOR'S NOTICE & CLAIM FOR MECHANICS LIEN
LEGAL DESCRIPTION****Parcel 1:**

That part of the Northwest 1/4 of Section 24, Township 39 North, Range 12 East of the Third Principal Meridian, described as commencing at the Southeast corner of said 1/4; thence North $00^{\circ}03'05''$ East along the East line of said 1/4, 1,344.43 feet to a point 1,319.20 feet South of the North line of said 1/4, thence South $89^{\circ}56'50''$ West 461.15 feet to point of beginning; thence continuing South $89^{\circ}56'50''$ West, 1,007.90 feet, to the Easterly line of the highway leading from Harlem to Kellog's Tavern so called; thence North $07^{\circ}48'00''$ East along said Easterly line, 572.26 feet; thence North $89^{\circ}56'50''$ East, 593.74 feet; thence South $30^{\circ}42'22''$ East, 658.97 feet to the point of beginning, all in Cook County, Illinois.

Parcel 2:

That part of the Northwest 1/4 of Section 24, Township 39 North, Range 12 East of the Third Principal Meridian, described as commencing at the Southeast corner of said Northwest 1/4; thence North $00^{\circ}03'05''$ East, 1,344.43 feet along the East line of said 1/4 to a point 1,319.20 feet South of the North line of said 1/4; thence South $89^{\circ}56'50''$ West (1,469.05 feet) to the Easterly line of the highway leading from Harlem to Kellog's Tavern so called; thence North $07^{\circ}48'00''$ East 572.25 feet along said Easterly line to the point of beginning; thence continuing Northeasterly 274.20 feet along the prolongation of the last described course, thence North $89^{\circ}56'50''$ East, 545.73 feet; thence South $00^{\circ}00'00''$ East 271.66 feet; thence South $89^{\circ}56'50''$ West, 582.95 feet to the point of beginning, all in Cook County, Illinois.

Parcel 3:

Exclusive, irrevocable and perpetual easement for the benefit of Parcel 1 for vehicular ingress and egress as created by Parking and Access Easement Agreement dated December 22, 1993 and recorded February 18, 1994 as Document Number 94163298 over, upon and across the following described parcel of land:

A tract of land in the Northwest 1/4 of Section 24, Township 39 North, Range 12 East of the Third Principal Meridian, described as commencing on the Easterly line of Des Plaines Avenue, 430.48 feet Southerly from the intersection of said Easterly line of Des Plaines Avenue and the South line of Roosevelt Road; thence North $89^{\circ}50'16''$ East, 20.04 feet to a place of beginning; thence North $14^{\circ}26'25''$ East, 47.79 feet; thence South $89^{\circ}59'16''$ East, 481.23 feet; thence South $35^{\circ}14'22''$ East, 56.67 feet; thence North $89^{\circ}59'16''$ West, 525.85 feet to the place of beginning, all in Cook County, Illinois.

Parcel 4:

Non-exclusive, irrevocable and perpetual easement for the benefit of Parcel 1 for ingress and egress across the Ring Road (as hereinafter described) as created by Parking and Access Easement Agreement dated December 22, 1993 and recorded February 18, 1994 as Document Number 94163298 over, upon and across the following described parcel of land:

A tract of land in the Northwest 1/4 of Section 24, Township 39 North, Range 12 East of the Third Principal Meridian, described as commencing on the Easterly line of Des Plaines Avenue, 430.48 feet Southerly from the intersection of said Easterly line of Des Plaines Avenue and the South line of Roosevelt Road; thence South $89^{\circ}59'16''$ East, 20.04 feet; thence North $14^{\circ}26'25''$ East, 47.79 feet; thence South $89^{\circ}59'16''$ East, 567.46 feet; thence North $1^{\circ}26'30''$ West, 44.90 feet; thence North $89^{\circ}59'16''$ West, 555.82 feet; thence North $64^{\circ}35'07''$ West,

PIN Numbers: 15-24-300-001; 15-24-300-005

Address: 1300 Des Plaines Avenue, Forest Park, Illinois

UNOFFICIAL COPY

31.17 feet to the Easterly line of Des Plaines Avenue; thence South $7^{\circ}48'00''$ West, 103.24 feet along said Easterly line of Des Plaines Avenue to the place of beginning, all in Cook County, Illinois.

Save and Except:

That part of the Northwest 1/4 of Section 24, Township 39 North, Range 12 East of the Third Principal Meridian, described as commencing at the Southwest corner of the Wal-Mart Property; thence North $07^{\circ}48'00''$ East, 846.46 feet along the East line of Des Plaines Avenue also being the West line of the Wal-Mart Site; thence South $89^{\circ}59'16''$ East, 15.18 feet; thence South $07^{\circ}48'00''$ West, 677.68 feet; thence North $82^{\circ}12'00''$ West 9.00 feet; thence South $07^{\circ}48'00''$ West, 170.00 feet to the South line of the Wal-Mart Site, also being the North line of the Jewish Cemetery; thence South $89^{\circ}56'50''$ West, 10.10 feet along last said South line to the place of beginning, all in Cook County, Illinois.

PIN Numbers: 15-24-300-001; 15-24-300-005

Address: 1300 Des Plaines Avenue, Forest Park, Illinois

UNOFFICIAL COPY

STATE OF ILLINOIS)
) ss.
COUNTY OF DUPAGE)

AFFIDAVIT

I, Jane F. Klass, being first duly sworn on oath, depose and state that I am Chief Financial Officer of Claimant, am authorized as agent to execute this Subcontractor's Notice and Claim for Mechanics Lien on behalf of Claimant, have read the foregoing Subcontractor's Notice and Claim for Mechanics Lien and know the contents thereof and the statements contained therein are true.

Jane F. Klass
Jane F. Klass

SUBSCRIBED AND SWORN TO
before me this 22 day of October, 2012.

Maria T. Hatton
Notary Public



THIS INSTRUMENT WAS PREPARED BY
AND AFTER RECORDING SHOULD BE RETURNED TO:

John S. Mrowiec
Conway & Mrowiec
20 South Clark Street
Suite 1000
Chicago, Illinois 60603
(312) 658-1100

PIN Numbers: 15-24-300-001; 15-24-300-005

Address: 1300 Des Plaines Avenue, Forest Park, Illinois

UNOFFICIAL COPY

AFFIDAVIT OF SERVICE

STATE OF ILLINOIS)
) ss.
COUNTY OF C O O K)

I, John S. Mrowiec, being first duly sworn on oath, depose and state that on October 22, 2012 before 5:00 p.m., I caused to be served the attached Subcontractor Titan Electric's Notice and Claim for Mechanics Lien by sending a duplicate original thereof to each person and entity listed below by certified mail, restricted delivery, return receipt requested:

Owner

Wal-Mart Real Estate Business Trust
2001 S.E. 10th Street
Bentonville, Arkansas 72712-6489
Attn: Eric S. Zorn, President

Wal-Mart Real Estate Business Trust
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801
Attn: Registered Agent

Contractor

Novak Construction Company
3423 North Drake Avenue
Second Floor
Chicago, Illinois 60618
Attn: John G. Novak, President

Novak Construction Company
c/o Kristen A. Barry
3423 North Drake Avenue
Chicago, Illinois 60618
Attn: Registered Agent

PIN Numbers: 15-24-300-001; 15-24-300-005

Address: 1300 Des Plaines Avenue, Forest Park, Illinois

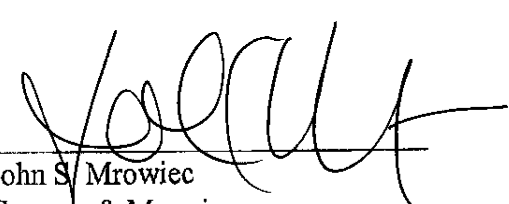
UNOFFICIAL COPY

Operator

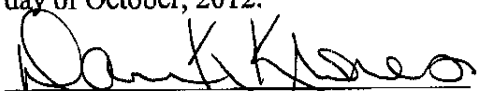
Wal-Mart Stores, Inc.
2001 S.E. 10th Street
Bentonville, Arkansas 72712-6489
Attn: Jeffrey J. Gearhart, Vice President
and General Counsel (Store #2204-05)

Wal-Mart Stores, Inc.
c/o CT Corporation System
208 South LaSalle Street
Suite 814
Chicago, Illinois 60604-1101
Attn: Registered Agent

Property of Cook County Clerk's Office

By: 
John S. Mrowiec
Conway & Mrowiec
20 South Clark Street
Suite 1000
Chicago, Illinois 60603
(312) 658-1100

Subscribed and Sworn to before me this 22nd
day of October, 2012.


Notary Public



PIN Numbers: 15-24-300-001; 15-24-300-005

Address: 1300 Des Plaines Avenue, Forest Park, Illinois