

UNOFFICIAL COPY

SWORN SUBCONTRACTOR'S NOTICE AND CLAIM FOR MECHANICS' LIEN



TO OWNER:
Thorncreek Senior Living, L.P.,
an Illinois limited partnership,
10 S. LaSalle St., Suite 3510
Chicago, IL 60603

Doc#: 1614445026 Fee: \$32.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 05/23/2016 09:32 AM Pg: 1 of 4

TO GENERAL CONTRACTOR:
DEN Construction Management, L.L.C.,
an Illinois limited liability company,
330 N. Ashland Ave.
Chicago, IL 60607

TO FIRST MORTGAGEE:
MB Financial Bank, N.A.,
a national banking association,
800 W. Madison St.
Chicago, IL 60607

TO SECOND MORTGAGEE:
Cook County, Illinois,
a body politic and corporate,
69 W. Washington St., Suite 3000
Chicago, IL 60602

TO THIRD MORTGAGEE:
Turnstone Development Corporation,
an Illinois not-for-profit corporation,
10 S. LaSalle St., Suite 3510
Chicago, IL 60603

FROM SUBCONTRACTOR:
Rocha Plumbing Incorporated,
an Illinois corporation,
2330 S. Springfield Ave., Warehouse B
Chicago, IL 60623

via certified mail.

PROJECT NAME: "Thorncreek Senior Living Project."

PROPERTY SITE DESCRIPTION: 410 (formerly 400) E. Margaret St., Thornton, IL 60476, P.I.N. 29-34-107-036-0000 and 29-34-107-023-0000, formerly P.I.N. 29-34-107-033-0000 and 29-34-107-005-0000, legally described on Exhibit A below.

Pursuant to the Illinois Mechanics Lien Act, 770 ILCS 60/0.01 *et seq.*, particularly §§ 28, 24, 21, and 7 of the Act, Lien Claimant Subcontractor Rocha Plumbing Incorporated hereby makes this sworn claim for lien against the above interested parties, i.e., Owner: Thorncreek Senior Living, L.P.; General Contractor: DEN Construction Management, LLC; First Mortgagee: MB Financial Bank, N.A.; Second Mortgagee: Cook County, Illinois; and Third Mortgagee: Turnstone Development Corporation, stating as follows:

1. Owner has owned the above-described property (the "Site") continuously since at least September 26, 2014.
2. Thereafter, Owner entered into a contract dated September 28, 2014 with General Contractor to improve the Site by erecting a five-story, 46 unit, senior living building.

UNOFFICIAL COPY

3. Thereafter, as authorized by and disclosed to Owner, on or about December 22, 2014, General Contractor entered into a Subcontractor Agreement with Lien Claimant to furnish labor and material for plumbing, sewerage, and utilities work to improve the Site at a price of \$821,496, plus extra and additional work under subsequent Change Orders.

4. Thereafter, over the period April 27, 2015 through February 4, 2016, Change Orders approved by General Contractor added a net of \$38,107 to the Subcontractor Agreement, for a total of \$859,603.

5. Lien Claimant furnished labor and material to the Site and fully and satisfactorily performed under its Subcontractor Agreement, as amended by Change Orders. It completed its work March 10, 2016.

6. To date, General Contractor has paid Lien Claimant a total of \$707,226.30. No other or further payment has been made.

7. After allowing all just credits, the balance due and owing Lien Claimant is \$152,376.70, plus interest at the rate of 10% per annum on the balance from the date due pursuant to §§ 21(a) and 1(a) of the Act, plus reasonable attorney's fees of Lien Claimant pursuant to § 17(b) of the Act.

8. The undersigned claims a lien in said amount against your interest in the Exhibit A property and also against money due from Owner to General Contractor for Lien Claimant.

9. Pursuant to §§ 21.01 and 21.02 of the Act, waivers of lien previously given by Lien Claimant in order to induce payment are void where payment promised to Lien Claimant has not been made. Acceptance of payment by Lien Claimant of part, but not all, of the amount claimed due hereunder shall not operate to invalidate this claim for lien.

Dated: May 18, 2016.

Lien Claimant
Rocha Plumbing Incorporated,
an Illinois corporation,

by 
Rene Rodriguez, President

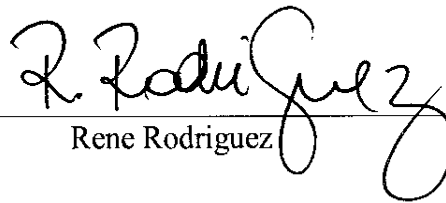
This lien was prepared by attorney
Brian J. Mc Collam
Brian J. Mc Collam & Assoc., P.C.
111 W. Washington St., Suite 1051
Chicago, IL 60602
tel. 630-960-0327
email: brian@brianmccollam.com

UNOFFICIAL COPY

STATE OF ILLINOIS)
 } s.s.
COUNTY OF COOK)

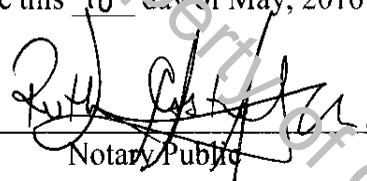
AFFIDAVIT

I, Rene Rodriguez, being first duly sworn on oath, state that I am an adult under no legal disability, am President of Lien Claimant Rocha Plumbing Incorporated, an Illinois corporation, am familiar with the matters set forth above, and am competent to testify and would testify in accord with this affidavit if called to do so. I have read the above notice and claim for mechanics' lien and know the contents thereof and all of the statements set forth above are true and correct to the best of my knowledge and belief.

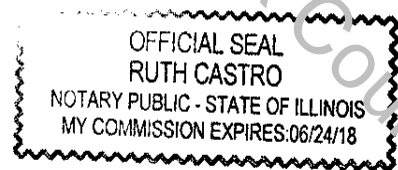


Rene Rodriguez

Subscribed and sworn to before
me this 18 day of May, 2016



Notary Public



Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT A PROPERTY DESCRIPTION

Commonly known as: 410 (formerly 400) E. Margaret St., Thornton, IL 60476

with P.I.N. 29-34-107-036-0000 and 29-34-107-023-0000, formerly P.I.N. 29-34-107-033-0000 and 29-34-107-005-0000

Legal description:

Parcel 1:

LOT 2 IN TELSHE SUBDIVISION, BEING A SUBDIVISION IN THE EAST ½ OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED SEPTEMBER 19, 2014 AS DOCUMENT NO. 1426216080, IN COOK COUNTY, ILLINOIS

and

Parcel 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR ACCESS, BOTH VEHICULAR AND PEDESTRIAN, AND PARKING, AS CREATED BY THE EASEMENT AGREEMENT DATED SEPTEMBER 26, 2014 MADE BY AND BETWEEN RIVERSIDE INVESTMENTS, LLC AND THORNCREEK SENIOR LIVING, L.P., RECORDED OCTOBER 1, 2014 AS DOCUMENT NO. 1427429062 OVER PORTIONS SPECIFIED IN SAID AGREEMENT OF THAT PART OF LOT 1 IN TELSHE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED SEPTEMBER 19, 2014 AS DOCUMENT NO. 1426216080, IN COOK COUNTY, ILLINOIS

and

Parcel 3:

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR TEMPORARY CONSTRUCTION ACCESS, AS CREATED BY THE EASEMENT AGREEMENT DATED OCTOBER 6, 2014 MADE BY AND BETWEEN THE VILLAGE OF THORNTON AND THORNCREEK SENIOR LIVING, L.P., RECORDED OCTOBER 21, 2014 AS DOCUMENT NO. 1429416067 OVER, UNDER, AND ACROSS THOSE PORTIONS OF THE SUBSERVIENT PROPERTY DESCRIBED THEREIN AS ARE REASONABLY NECESSARY TO ALLOW THE GRANTEE TO CONSTRUCT AND THEREAFTER REPAIR OR MAINTAIN THE PROJECT (AS THEREIN DEFINED)

and

Parcel 4:

EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR LANDSCAPING, AS CREATED BY THE EASEMENT AGREEMENT DATED OCTOBER 6, 2014 MADE BY AND BETWEEN THE VILLAGE OF THORNTON AND THORNCREEK SENIOR LIVING, L.P., RECORDED OCTOBER 21, 2014 AS DOCUMENT NO. 1429416067 ON THE PROPERTY SHOWN ON EXHIBIT C OF SAID AGREEMENT.