

UNOFFICIAL COPY

IN THE CIRCUIT COURT OF  
COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT,  
CHANCERY DIVISION

COLETTE M. DAILEY ELECTRICAL  
CONTRACTORS, INC.,  
d/b/a DAILEY ELECTRIC CO., INC.

Plaintiff,

v.

710 WEST FULLERTON AVENUE, LLC,  
W.E. O'NEIL CONSTRUCTION CO.;  
BMO HARRIS BANK, NA; HSRE-BV II,  
LLC; UNKNOWN OWNERS and NON-  
RECORD CLAIMANTS;

Defendants.

Case No. 2018-CH-4102



Doc# 1811706090 Fee \$52.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 04/27/2018 11:06 AM PG: 1 OF 8

### ORDER SUBSTITUTING A BOND FOR PROPERTY SUBJECT TO A LIEN CLAIM

This matter coming on to be heard on a Petition to Substitute a Bond for Property Subject to a Lien Claim pursuant to 770 ILCS 60/38.1 and a motion for entry of an order on such Petition, the Court being fully advised in the Premises, and finding that the proposed bond is in fact an eligible surety bond, IT IS HEREBY ORDERED:

(1) The eligible surety bond with W.E. O'Neil Construction Company (as Principal) and Western Surety Company (as Surety) in favor of Colette M. Dailey Electrical Contractors, Inc. d/b/a Dailey Electric Co., Inc. (as Lien Claimant), in the amount of \$455,350.00 attached hereto is hereby substituted for the property securing the lien claim under Sections 1, 9, 21, 27, and 28 of the Illinois Mechanics Lien Act;

(2) Lien Claimant's right to recover on the bond is hereby substituted for the Lien Claimant's causes of action that could be asserted by the Lien Claimant under Sections 9, 27, or 28 of the Illinois Mechanics Lien Act; and

(3) A certified copy of this order and the bond attached hereto may be recorded with the Recorder of Deeds of Cook County, Illinois to confirm that the mechanics lien claim in the amount of \$260,200.00 recorded on February 28, 2018 as Document No. 1805908095 in the Office of the Recorder of Deeds of Cook County, Illinois, filed by Colette M. Dailey Electrical Contractors, Inc. d/b/a Dailey Electric Co., Inc. is now secured by this bond and is no longer a lien on the land legally described as:

LOTS 97 THROUGH 102, BOTH INCLUSIVE, AND LOT 103 EXCEPT THE NORTH 12.52 FEET OF THE EAST 68.94 FEET THEREOF, TOGETHER WITH THE VACATED ALLEY LYING NORTH OF AND ADJOINING THE NORTH LINE OF SAID LOTS 97 THROUGH 101 AND SOUTH OF AND ADJOINING THE SOUTH LINE OF SAID LOT 102 AND LYING EAST OF THE WEST LINE OF SAID LOT 102 PRODUCED SOUTH, ALL IN JOHN T. DAVIS' SUBDIVISION, A SUBDIVISION OF THE SOUTH 836 FEET OF OUTLOT "F" IN WRIGHTWOOD, A SUBDIVISION OF

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THE SOUTH WEST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO KNOWN AS:

THAT PART OF LOTS 97 THROUGH 103, BOTH INCLUSIVE, TOGETHER WITH THE VACATED ALLEY LYING NORTH OF AND ADJOINING THE NORTH LINE OF SAID LOTS 97 THROUGH 101 AND SOUTH OF AND ADJOINING THE SOUTH LINE OF SAID LOT 102 AND LYING EAST OF THE WEST LINE OF SAID LOT 102 PRODUCED SOUTH DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 97; THENCE NORTH 00° 19'41" WEST 140.04 FEET ALONG THE WEST LINE THEREOF TO THE NORTHWEST CORNER OF SAID LOT 97; THENCE SOUTH 89° 59'33" EAST 16.76 FEET ALONG THE NORTH LINE OF SAID LOT 97 TO ITS INTERSECTION WITH THE WEST LINE OF THE AFORESAID VACATED ALLEY; THENCE NORTH 00° 15'56" WEST 71.00 FEET ALONG SAID WEST LINE AND THE WEST LINE OF LOTS 102 AND 103 AFORESAID TO THE NORTHWEST CORNER OF SAID LOT 103; THENCE SOUTH 89° 58' 57" EAST 56.95 FEET ALONG THE NORTH LINE OF SAID LOT 103 TO THE WEST LINE OF THE EAST 68.94 FEET OF LOT 103; THENCE SOUTH 00° 18'45" EAST 12.52 FEET; THENCE SOUTH 89° 58'57" EAST 68.94 FEET TO THE EAST LINE OF LOT 103; THENCE SOUTH 00° 18'45" EAST 198.48 FEET ALONG THE EAST LINE OF LOTS 101, 102, AND 103 AFORESAID TO THE SOUTHEAST CORNER OF SAID LOT 101; THENCE NORTH 90° 00'00" WEST 142.67 FEET ALONG THE SOUTH LINE OF LOTS 97 THROUGH 101 AFORESAID TO THE POINT OF BEGINNING, ALL IN JOHN T. DAVIS' SUBDIVISION OF THE SOUTH 836 FEET OF OUTLOT "F" IN WRIGHTWOOD, A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N. 14-28-312-079; 14-28-312-091

Common Address: 710 West Fullerton Avenue, Chicago, Illinois 60614

(4) Western Surety Company is hereby made a party to this proceeding as Surety, and the following parties are here by dismissed: 710 WEST FULLERTON AVENUE, LLC; BMO HARRIS BANK, NA; HSRE-BV II, LLC; UNKNOWN OWNERS and NON-RECORD CLAIMANTS.

ENTERED:

*[Handwritten Signature]* 1932

Judge

Judge's No.

Prepared by:  
THE STERLING LAW OFFICE LLC  
411 North LaSalle Street, Suite 200  
Chicago, Illinois 60654  
(312) 670-9744  
Attorney No. 33338

Judge Daniel Patrick Brennan  
APR 27 2018  
Circuit Court 1932

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Property of Cook County Clerk's Office

I hereby certify that the document to which this certification is affixed is a true copy.  
**DOROTHY BROWN**, APR 27 2018  
Date Dorothy Brown  
Dorothy Brown  
Clerk of the Circuit Court  
of Cook County, IL



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(The above space for Recorder's use only)

COLETTE M. DAILEY ELECTRICAL )  
CONTRACTORS, INC. D/B/A DAILEY )  
ELECTRIC CO., INC., an Illinois corporation, )

Plaintiff, )

v. )

Case No. 2018-CH-4102

710 WEST FULLERTON AVENUE, LLC, an )  
Illinois Limited Liability Company; W.E. O'NEIL )  
CONSTRUCTION CO., an Illinois Corporation, )  
BMO HARRIS BANK, NA, a financial institution; )  
HSRE-BV II, LLC, a Texas Limited Liability )  
Company; UNKNOWN OWNERS and )  
NON-RECORD CLAIMANTS; )

Defendants. )

## SURETY BOND IN LIEU OF MECHANICS LIEN CLAIM PURSUANT TO 770 ILCS 60/38.1

**BOND #30030798**

WHEREAS, Colette M. Dailey Electrical Contractors, Inc. d/b/a Dailey Electric Co., Inc. ("Claimant") whose address is 702 South Vermont, Palatine, Illinois 60067, on February 28, 2018 recorded a Notice and Claim for Lien ("Claim") with the Cook County Recorder of Deeds as Document Number 1805908095 against the following described property ("Property") owned by 710 West Fullerton Avenue, LLC:

LOTS 97 THROUGH 102, BOTH INCLUSIVE, AND LOT 103 EXCEPT THE NORTH 12.52 FEET OF THE EAST 68.94 FEET THEREOF, TOGETHER WITH THE VACATED ALLEY LYING NORTH OF AND ADJOINING THE NORTH LINE OF SAID LOTS 97 THROUGH 101 AND SOUTH OF AND ADJOINING THE SOUTH LINE OF SAID LOT 102 AND LYING EAST OF THE WEST LINE OF SAID LOT 102 PRODUCED SOUTH, ALL IN JOHN T. DAVIS' SUBDIVISION, A SUBDIVISION OF THE SOUTH 836 FEET OF OUTLOT "F" IN WRIGHTWOOD, A SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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ALSO KNOWN AS:

THAT PART OF LOTS 97 THROUGH 103, BOTH INCLUSIVE, TOGETHER WITH THE VACATED ALLEY LYING NORTH OF AND ADJOINING THE NORTH LINE OF SAID LOTS 97 THROUGH 101 AND SOUTH OF AND ADJOINING THE SOUTH LINE OF SAID LOT 102 AND LYING EAST OF THE WEST LINE OF SAID LOT 102 PRODUCED SOUTH DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 97; THENCE NORTH 00° 19'41" WEST 140.04 FEET ALONG THE WEST LINE THEREOF TO THE NORTHWEST CORNER OF SAID LOT 97; THENCE SOUTH 89° 59'33" EAST 16.76 FEET ALONG THE NORTH LINE OF SAID LOT 97 TO ITS INTERSECTION WITH THE WEST LINE OF THE AFORESAID VACATED ALLEY; THENCE NORTH 00° 15'56" WEST 71.00 FEET ALONG SAID WEST LINE AND THE WEST LINE OF LOTS 102 AND 103 AFORESAID TO THE NORTHWEST CORNER OF SAID LOT 103; THENCE SOUTH 89° 58' 57" EAST 56.95 FEET ALONG THE NORTH LINE OF SAID LOT 103 TO THE WEST LINE OF THE EAST 68.94 FEET OF LOT 103; THENCE SOUTH 00° 18'45" EAST 12.52 FEET; THENCE SOUTH 89° 58'57" EAST 68.94 FEET TO THE EAST LINE OF LOT 103; THENCE SOUTH 00° 18'45" EAST 198.48 FEET ALONG THE EAST LINE OF LOTS 101, 102, AND 103 AFORESAID TO THE SOUTHEAST CORNER OF SAID LOT 101; THENCE NORTH 90° 00'00" WEST 142.67 FEET ALONG THE SOUTH LINE OF LOTS 97 THROUGH 101 AFORESAID TO THE POINT OF BEGINNING, ALL IN JOHN T. DAVIS' SUBDIVISION OF THE SOUTH 836 FEET OF OUTLOT "F" IN WRIGHTWOOD, A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N. 14-28-312-079; 14-28-312-091

Common Address: 710 West Fullerton Avenue, Chicago, Illinois 60614

WHEREAS, W.E. O'Neil Construction Company, ("Principal"), whose address is 1245 West Washington Boulevard, Chicago, Illinois 60607, desires to give a bond for releasing the Claim from the Property pursuant to 770 ILCS 60/38.1; and

WHEREAS, Principal has arranged for Western Surety Company ("Surety"), whose address is CNA Surety, 333 S. Wabash Ave., 41<sup>st</sup> Floor, Chicago, IL 60604 to act as surety on this surety bond.

NOW, THEREFORE, Principal and Surety hereby bind themselves to the Claimant under the conditions prescribed by 770 ILCS 60/38.1, inclusive, in the penal sum of \$455,350.00 (175% of Claim amount), to pay the Claimant the amount which a court of competent jurisdiction may hereafter adjudge to have been secured by the Claim, including attorney's fees (if awarded) and interest, but in no event shall the liability of the Principal and Surety on this bond exceed the aforesaid penal sum of this surety bond.

The Principal and Surety submit to the jurisdiction of the court in the above entitled proceeding for the purpose of entry of a judgment against them pursuant to the conditions of 770 ILCS 60/38.1 or if there is no proceeding pending as of the date of this surety bond, the Principal and Surety agree to submit to the jurisdiction of the court in a future proceedings to enforce the Claim provided that the Principal and

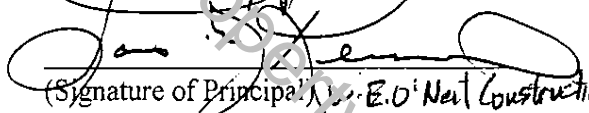
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Surety are properly named as parties defendant as prescribed by 770 ILCS 60/38.1 and timely served with notice of the complaint or counterclaim of the Claimant in said future proceeding.

Any final and not further appealable decree of lien foreclosure entered in favor of the Claimant based on the Claim covered by this surety bond constitutes a monetary judgment ("Judgment") against the Principal and Surety for the amount found due to the Claimant in said decree.

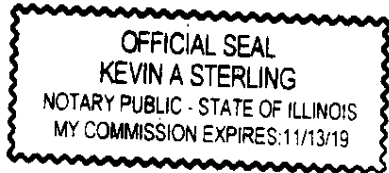
This bond shall remain in full force and effect until the first of the following occurs: (1) the Judgment is fully satisfied, (2) the entry of a final and not further appealable adjudication that the Claim is invalid or void, (3) the Claim or this bond has been released by the Claimant, or (4) the time to enforce the Claim has expired without the Claimant having taken the required action to enforce the Claim.

IN TESTIMONY WHEREOF, the Principal has executed this bond at Chicago, Illinois, on the 27<sup>th</sup> day of April of 2018.

  
(Signature of Principal) E.D. Neal Construction Company


State of Illinois )  
) SS:  
County of Cook )

I, the undersigned, a notary public of this County and State aforesaid, certify that on the 27<sup>th</sup> day of April, 2018, before me personally appeared Louis Reiner, EVP, authorized agent of the Principal, and acknowledged that he/she signed the foregoing instrument as his/her free and voluntary act and as the free and voluntary act of the Principal for the purposes therein mentioned.



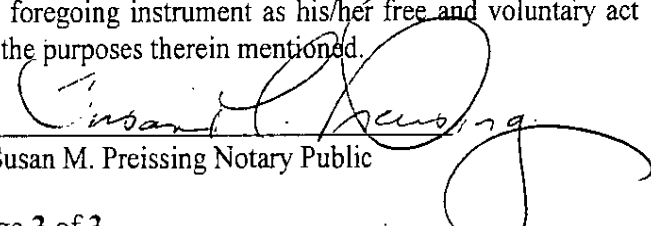
  
Notary Public

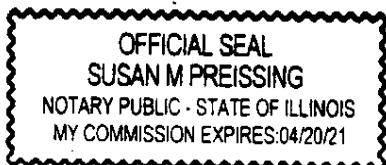
IN TESTIMONY WHEREOF, the Surety has executed this bond at Chicago, Illinois, on the 19<sup>th</sup> day of April of 2018.

(Surety) Western Surety Company  
By:   
Amy C. Homer, Attorney in Fact

State of IL )  
) SS:  
County of Cook )

I, the undersigned, a notary public of this County and State aforesaid, certify that on the 19<sup>th</sup> day of April, 2018, before me personally appeared Amy C. Homer, authorized agent of the Surety, and acknowledged that he/she signed the foregoing instrument as his/her free and voluntary act and as the free and voluntary act of the Surety for the purposes therein mentioned.

  
Susan M. Preissing Notary Public



# UNOFFICIAL COPY Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Joseph A Maderak, Robert H Walker, Patrick R O'Sullivan, David L Jennings, H Donald Peterson, Amy C Homer, Philip C Reimer, David A Kotula, Susan M Preissing, Doug P O'Neill, George F Manikas Jr, Meredith C Covelli, Individually**

of Chicago, IL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 28th day of July, 2015.

WESTERN SURETY COMPANY



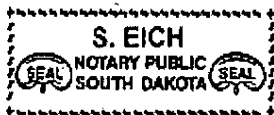
*Paul T. Bruflat*

Paul T. Bruflat, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 28th day of July, 2015, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires  
February 12, 2021



*S. Eich*

S. Eich, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 18<sup>th</sup> day of April, 2018



WESTERN SURETY COMPANY

*L. Nelson*

L. Nelson, Assistant Secretary

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## Authorizing By-Law

### ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

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