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Doc# 1812029009 Fee \$37.00

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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 04/30/2018 10:40 AM PG: 1 OF 9

Property of Cook County Clerk's Office

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION - MECHANICS LIEN SECTION**

NOVAK CONSTRUCTION COMPANY,)
)
Petitioner,)
)
)
v.)
)
ELMHURST-CHICAGO STONE CO.;)
SCHOLLE IPN CORPORATION, formerly)
known as Scholle Corporation,)
)
Respondents.)

Case No. 18 CH 2696

ORDER SUBSTITUTING BOND FOR PROPERTY SUBJECT TO A LIEN CLAIM

This matter coming on to be heard on a Petition to Substitute Surety Bond for Property Subject to a Lien Claim pursuant to 770 ILCS 60/38.1, the Court finds that the proposed bond is in fact an eligible surety bond.

IT IS HEREBY ORDERED:

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1. The eligible surety bond with Novak Construction Company and Philadelphia Indemnity Insurance Company, as surety in favor of ELMHURST-CHICAGO STONE CO. ("ECS") in the amount of \$423,995.04 (the "Bond") attached hereto is hereby substituted for the property securing ECS's lien claim under Sections 1, 9, 21, 27, and 28 of the Illinois Mechanics Lien Act;

2. ECS' right to recover on the Bond is hereby substituted for ECS' causes of action that could be asserted by ECS under Sections 9, 27, or 28 of the Illinois Mechanics Lien Act;

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 dated December 6, 2017 and recorded as Document No. 1734049247 ("Lien Claim") in Cook County, Illinois, filed by ECS is now secured by this Bond and is no longer a lien on the land legally described as:

A TRACT OR PARCEL OF LAND IN THE WEST FRACTIONAL 1/2 OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE OF THE WEST FRACTIONAL 1/2 OF SAID SECTION 31, A DISTANCE OF 300 FEET NORTH AS MEASURED ALONG SAID EAST LINE OF THE WEST FRACTIONAL 1/2 OF SAID SECTION 31 FROM ITS INTERSECTION WITH THE NORTH LINE OF NORTH AVENUE STATE BOND ISSUE ROUTE 64 AS NOW LOCATED AND ESTABLISHED AS SHOWN ON PLAT OF DEDICATION RECORDED AS DOCUMENT 10298762 IN BOOK 272 OF PLATS ON PAGES 22 AND 23 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR COOK COUNTY, ILLINOIS; THENCE NORTH ALONG THE EAST LINE OF THE WEST FRACTIONAL 1/2 OF SAID SECTION 31 A DISTANCE OF 600 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF NORTH AVENUE A DISTANCE OF 451.92 FEET TO A POINT A DISTANCE OF 100 FEET SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE MOST EASTERLY MAIN TRACK OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY AS NOW LOCATED AND ESTABLISHED; THENCE SOUTHWESTERLY PARALLEL WITH THE CENTER LINE OF SAID MAIN TRACT TO A POINT A DISTANCE OF 510.37 FEET WEST AS MEASURED ALONG A LINE PARALLEL WITH THE SAID NORTH LINE OF NORTH AVENUE FROM THE POINT OF BEGINNING; THENCE EAST

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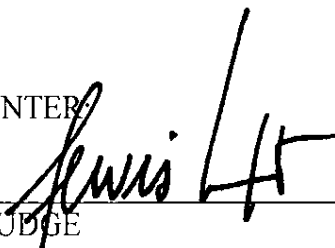
PARALLEL WITH THE SAID NORTH LINE OF NORTH AVENUE A DISTANCE OF 510.37 FEET TO THE POINT OF BEGINNING (EXCEPT THEREFROM THE EAST 40.5 FEET THEREOF) IN COOK COUNTY, ILLINOIS.

Parcel Identification Number: 12-31-301-013-0000

Common Address: 200 West North Avenue, Northlake, Illinois 60164

4. The Subject Property is discharged as security for ECS' Lien Claim.

5. Defendant, SCHOLLE IPN CORPORATION, formerly known as Scholle Corporation, is hereby dismissed from this matter with respect to any claims asserted by ECS under the Illinois Mechanics Lien Act.

ENTER


JUDGE

JUDGE LEWIS NIXON

APR 30 2018

Circuit Court - 1840

Adam C. Toosley
FREEBORN & PETERS LLP
311 South Wacker Drive - Suite 3000
Chicago, Illinois 60606-6677
Telephone: 312.360.6000
Fax: 312.360.6520
Attorney Id.: 71182

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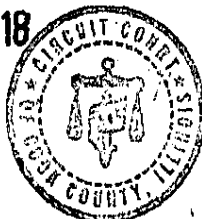
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I hereby certify that the document to which this certification is affixed is a true copy.

DOROTHY BROWN APR 30 2018

Date *Dorothy Brown*

Dorothy Brown
Clerk of the Circuit Court
of Cook County, IL



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BOND NO. PB00436900149

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION - MECHANICS LIEN SECTION.**

NOVAK CONSTRUCTION COMPANY,)
)
 Petitioner,)
)
 v.)
)
 ELMHURST-CHICAGO STONE CO.;)
 SCHOLLE IPN CORPORATION, formerly)
 known as Scholle Corporation,)
)
 Respondents.)

Case No. *18 CH 2696*

**SURETY BOND IN LIEU OF MECHANIC LIEN CLAIM
PURSUANT TO 770 ILCS 60/38.1**

WHEREAS, ELMHURST-CHICAGO STONE CO. ("Claimant") whose address is 400 W 1st St, Elmhurst, IL 60126, on December 6, 2017 recorded a Claim for Lien ("Claim") with the Cook County Recorder of Deeds as Document Number 1734049247 against the following described property ("Property") owned by Scholle IPN Corporation, formerly known as Scholle Corporation, whose address is 200 West North Avenue, Northlake, Illinois 60164:

A TRACT OR PARCEL OF LAND IN THE WEST FRACTIONAL 1/2 OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE OF THE WEST FRACTIONAL 1/2 OF SAID SECTION 31, A DISTANCE OF 300 FEET NORTH AS MEASURED ALONG SAID EAST LINE OF THE WEST FRACTIONAL 1/2 OF SAID SECTION 31 FROM ITS INTERSECTION WITH THE NORTH LINE OF NORTH AVENUE STATE BOND ISSUE ROUTE 64 AS NOW LOCATED AND ESTABLISHED AN SHOWN ON PLAT OF DEDICATION RECORDED AS DOCUMENT 10298762 IN BOOK 272 OF PLATS ON PAGES 22 AND 23 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR COOK COUNTY, ILLINOIS; THENCE NORTH ALONG THE EAST LINE OF THE WEST FRACTIONAL 1/2 OF SAID SECTION 31 A DISTANCE OF 600 FEET; THENCE WEST PARALLEL WITH THE SAID NORTH LINE OF NORTH AVENUE A DISTANCE OF 451.92 FEET TO A POINT A DISTANCE OF 100 FEET SOUTHEASTERLY MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE MOST EASTERLY MAIN TRACK OF THE CHICAGO AND

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NORTHWESTERN RAILWAY COMPANY AS NOW LOCATED AND ESTABLISHED; THENCE SOUTHWESTERLY PARALLEL WITH THE CENTER LINE OF SAID MAIN TRACT TO A POINT A DISTANCE OF 510.37 FEET WEST AS MEASURED ALONG A LINE PARALLEL WITH THE SAID NORTH LINE OF NORTH AVENUE FROM THE POINT OF BEGINNING; THENCE EAST PARALLEL WITH THE SAID NORTH LINE OF NORTH AVENUE A DISTANCE OF 510.37 FEET TO THE POINT OF BEGINNING (EXCEPT THEREFROM THE EAST 40.5 FEET THEREOF) IN COOK COUNTY, ILLINOIS.

Parcel Identification Number: 12-31-301-013-0000

Common Address: 200 West North Avenue, Northlake, Illinois 60164

WHEREAS, NOVAK CONSTRUCTION COMPANY ("Principal"), whose address is 3423 N. Drake Avenue, Chicago, IL 60618, 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 Philadelphia Indemnity Insurance Company ("Surety"), duly licensed as a surety in Illinois, 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 \$423,995.04 (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 pending, 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 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

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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 WITNESS WHEREOF, the Principal and Surety have executed this bond at Chicago, Illinois, on the 21st day of February 2018.

PRINCIPAL:

NOVAK CONSTRUCTION COMPANY

Michael W. Kanyle
By: Michael W. Kanzen
Its: CEO

SURETY:

Philadelphia Indemnity Insurance Company

By: William Reidinger
Its: William Reidinger, Attorney-In-Fact

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State of ... Illinois
County of ... Cook ss.:

Surety
Company
Acknowledgment:

On this 21st day of February 2018., before me personally appeared William Reidinger, to be known, whom being by me duly sworn, did depose and say: that he/she resides at Schaumburg, IL, that he/she is the Attorney In Fact of Philadelphia Indemnity Insurance Company, the corporation described in and which executed the annexed instrument; that he/she knows the corporate seal of said corporation that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said corporation; that he/she signed his/her name thereto by like order; and that the liabilities of said corporation do not exceed its assets as ascertained in the manner provided by law.

Daryl Correa
.....
Notary Public in and for the above County and State.
My commission expires 7/21/2020



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PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Donna M. Tyler, William Reidinger, Matthew V. Buol, Thomas Green, Rebecca R. Alves, Karen E. Bogard, Hina Azam and Joseph Halleran of Assurance Agency, Ltd., its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$25,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

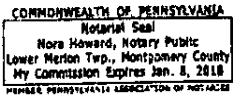
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICER THIS 14TH DAY OF NOVEMBER, 2016.



(Seal)

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 14th day of November, 2016, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public:

residing at:

Bala Cynwyd, PA

My commission expires:

January 8, 2018

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 14th day of November, 2016 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 21ST day of February, 20 18



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY