

# UNOFFICIAL COPY



Doc# 1902234044 Fee \$48.00

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

EDWARD H. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 01/22/2019 01:17 PM PG: 1 OF 6

(The above space for Recorder's use only)

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT – CHANCERY DIVISION  
MORTGAGE FORECLOSURE/MECHANICS LIEN SECTION**

BWIP MPG Owner, LLC, an Illinois Limited Liability Corporation,

Petitioner,

v.

Archon Construction Company, Inc, an Illinois Corporation

Lien Claimant.

)  
)  
)  
) No. 2018 CH 15379  
)  
) Calendar 52  
)  
) Judge Kyriakopolous  
)  
) Bond No. 60062129  
)  
)

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

WHEREAS, Archon Construction Company, Inc. (name of lien claimant) ("Claimant") whose address is 1700 W. Armitage Court, Addison IL 60101, on February 14, 2018 recorded a Notice and Claim for Lien ("Claim") with the Cook County Recorder of Deeds as Document Number 1804519013 against the following described property ("Property") owned by BWIP MPG Owner LLC (name(s) of owner(s) ("Owner(s)"))

LEGAL DESCRIPTION: See Exhibit A

Common address: 1958-2036 West Algonquin Road, Mount Prospect, IL 60056

Permanent tax number: 08-015-400-069-1001; 08-015-400-069-1002; 08-015-400-069-1003; 08-015-400-069-1004; 08-015-400-069-1005; 08-015-400-069-1006; 08-015-400-069-1007; 08-015-400-069-1008; 08-015-400-069-1009; 08-015-400-069-1010; 08-015-400-069-1011; 08-015-400-069-1012; 08-015-400-069-1013; 08-015-400-069-1014

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Whereas, BWIP MPG Owner LLC (insert name of Principal) ("Principal"), whose address is 25825 Science Park Drive, Suite 150, Beachwood, Ohio 44122, desires to give a surety bond for releasing the Claim from the Property pursuant to 770 ILCS 60/38.1, *et seq.*; and

Whereas, Principal has arranged for Capitol Indemnity Corporation ("Surety"), whose address is P.O. Box 5900, Madison, WI 53705 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 Two Hundred Thirty Five Thousand Two Hundred Eighty Nine and 95/100 (insert typed sum) (\$235,289.95)(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 surety 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 of 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 proceeding 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.

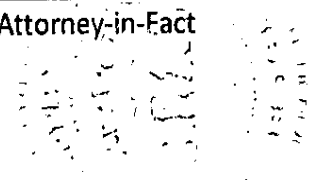
Any final and not further appealable decree of lien foreclosure entered in favor of Claimant based on the Claim covered by this surety bond constitutes a monetary judgment ("Judgment") against the Principal and Surety for the amount found due to the Claimant in said decree.

This bond shall remain in 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 and Surety have executed this bond at Orange Village, Ohio and Chicago, Illinois, on this 5<sup>th</sup> day of November, 2018.

(Principal's Name)  
BWIP MPG Owner LLC.  
By: [Signature]  
Title: \_\_\_\_\_

(Surety Name)  
Capitol Indemnity Corporation  
By: [Signature]  
Debra Kohlman, Attorney-in-Fact



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## EXHIBIT A - LEGAL DESCRIPTION

UNIT NUMBERS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, AND 14 IN THE PROSPECT COMMONS CONDOMINIUM, AS DELINEATED ON A SURVEY OF PART OF LOT 2 IN EDWARD BUSSE'S DIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 15 AND THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM FILED AS DOCUMENT LR 3048014, AND AS AMENDED BY THE AMENDMENT TO BY-LAWS RECORDED AUGUST 10, 2001 AS DOCUMENT NO. 0010737030; TOGETHER WITH THEIR UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, IN COOK COUNTY ILLINOIS.

ALSO KNOWN AS:

### PARCEL "A"

ALL THAT PART OF LOT 2 IN EDWARD BUSSE'S DIVISION OF PART OF THE SOUTHWEST 1/4 OF THE SECTION 15 AND THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE 3<sup>rd</sup> PRINCIPAL MERIDIAN AS PER THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS, DECEMBER 17, 1919 AS DOCUMENT NO. 6696216 LYING EAST OF THE WEST 692.45 FEET THEREOF (AS MEASURED ON THE NORTH LINE OF SAID LOT 2), LYING SOUTH OF THE NORTH 759.54 FEET THEREOF (AS MEASURED ON THE EAST AND WEST LINES OF SAID LOT 2) AND LYING WEST OF THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 15 AND LYING NORTH OF A LINE DRAWN FROM A POINT ON SAID WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 15, 335.56 FEET NORTH OF THE SOUTHWEST CORNER OF THE EAST 1/2 OF SAID SOUTHWEST 1/4 TO A POINT ON THE EAST LINE OF SAID LOT 2, 539.80 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 15 (AS MEASURED ALONG THE EAST LINE OF SAID LOT 2); ALSO

### PARCEL "B"

THE WEST 515.62 FEET OF THE EAST 1097.62 FEET, BOTH MEASURED AT RIGHT ANGLES TO THE EAST LINE THEREOF, OF THAT PART OF LOT 2 IN EDWARD BUSSE'S DIVISION OF PART OF THE SOUTHWEST 1/4 OF THE SECTION 15 AND THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE 3<sup>rd</sup> PRINCIPAL MERIDIAN AS PER THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS, DECEMBER 17, 1919 AS DOCUMENT NO. 6696216 LYING SOUTH OF THE NORTH 759.54 FEET THEREOF (AS MEASURED ON THE EAST AND WEST LINES OF SAID LOT 2) AND LYING NORTHERLY OF A LINE DRAWN FROM A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 15, 335.56 FEET NORTH OF THE SOUTHWEST CORNER OF SAID EAST 1/2 OF THE SOUTHWEST 1/4 TO A POINT ON THE EAST LINE OF SAID LOT 2, 539.80 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 15 (AS MEASURED ALONG THE EAST LINE OF SAID LOT 2), IN COOK COUNTY ILLINOIS.

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## ACKNOWLEDGMENT (Surety)

STATE OF Illinois

COUNTY OF Will

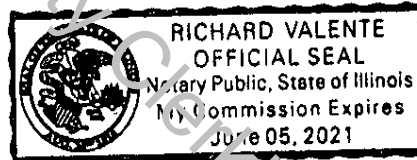
On November 5, 2018, before me, Richard Valente

Personally appeared Debra Kohlman, Attorney-In-Fact for  
Capitol Indemnity Corporation

Who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the persons(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature *RV*



(Seal)



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CAPITOL INDEMNITY CORPORATION  
POWER OF ATTORNEY

60062130

KNOW ALL MEN BY THESE PRESENTS: That the CAPITOL INDEMNITY CORPORATION, a corporation of the State of Wisconsin, having its principal offices in the City of Middleton, Wisconsin, does make, constitute and appoint

THOMAS PLUSS, CHRISTINE MAROTTA, DEBRA KOHLMAN

its true and lawful Attorney(s)-in-fact, to make, execute, seal and deliver for and on its behalf, as surety, and as its act and deed, any and all bonds, undertakings and contracts of suretyship, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

ALL WRITTEN INSTRUMENTS IN AN AMOUNT NOT TO EXCEED: \$4,000,000.00

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 CAPITOL INDEMNITY CORPORATION at a meeting duly called and held on the 15th day of May, 2002.

"RESOLVED, that the President, Executive Vice President, Vice President, Secretary or Treasurer, acting individually or otherwise, be and they hereby are granted the power and authorization to appoint by a Power of Attorney for the purposes only of executing and attesting bonds and undertakings, and other writings obligatory in the nature thereof, one or more resident vice-presidents, assistant secretaries and attorney(s)-in-fact, each appointee to have the powers and duties usual to such officers to the business of this company; the signature of such officers and seal of the Company may be affixed to any such power of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company, and any such power 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 or other writing obligatory in the nature thereof to which it is attached. Any such appointment may be revoked, for cause, or without cause, by any of said officers, at any time."

IN WITNESS WHEREOF, the CAPITOL INDEMNITY CORPORATION has caused these presents to be signed by its officer undersigned and its corporate seal to be hereto affixed duly attested, this 1st day of January, 2007.

Attest:

CAPITOL INDEMNITY CORPORATION

*David F. Pauly*

David F. Pauly  
Chairman & CEO



*James J. McIntyre*

James J. McIntyre  
President & COO

STATE OF WISCONSIN }  
COUNTY OF DANE } S.S.:

On the 1st day of January, 2007 before me personally came James J. McIntyre, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Dane, State of Wisconsin; that he is President of CAPITOL INDEMNITY CORPORATION, the corporation described in and which executed the above instrument; that he knows the seal of the 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 and that he signed his name thereto by like order.



*Daniel W. Krueger*

Daniel W. Krueger  
Notary Public, Dane Co., WI  
My Commission Is Permanent

STATE OF WISCONSIN }  
COUNTY OF DANE } S.S.:

I, the undersigned, duly elected to the office stated below, now the incumbent in CAPITOL INDEMNITY CORPORATION, a Wisconsin Corporation, authorized to make this certificate, DO HEREBY CERTIFY that the foregoing attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolution of the Board of Directors, set forth in the Power of Attorney is now in force.

NOV 05 2018

Signed and sealed at the City of Middleton, State of Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_



*Alan S. Ogilvie*

Alan S. Ogilvie  
Secretary

THIS DOCUMENT IS NOT VALID UNLESS PRINTED ON GRAY SHADED BACKGROUND WITH A RED SERIAL NUMBER IN THE UPPER RIGHT HAND CORNER. IF YOU HAVE ANY QUESTIONS CONCERNING THE AUTHENTICITY OF THIS DOCUMENT CALL 800-475-4450.

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## ACKNOWLEDGMENT (Principal)

STATE OF OHIO

COUNTY OF CUYAHOGA

On November 5, 2018, before me, Keith Booth

Personally appeared Paul Kiebler, Authorized  
Signatory for BWIP MP6 Owner LLC  
of Wilminton, OH

Who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the persons(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Keith A Booth

(Seal)



Keith A. Booth  
Notary Public, State of Ohio  
Comm. Expires May 13, 2022