

# UNOFFICIAL COPY

Doc#: 2113307097 Fee: \$60.00  
Karen A. Yarbrough  
Cook County Clerk  
Date: 05/13/2021 07:36 AM Pg: 1 of 9

FILED DATE: 2/26/2021 3:41 PM 2021CH00951

(The above space for Recorder's use)

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

Bond No. 107360145

No. \_\_\_\_\_

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

WHEREAS, Bernhard Woodwork Ltd., (name of lien claimant) ("Claimant") whose address is 3670 Woodhead Drive, Northbrook, Illinois 6006, on January 29<sup>th</sup>, 2021 recorded a Mechanic's Lien Claim ("Claim") with the Cook County Recorder of Deeds as Document Number 2102919007 against the following described property ("Property") owned by Chicago Title Land Trust Company, Trust #111150, successor to LaSalle Bank National Association f/k/a LaSalle National Bank, Chicago, IL 60603; 900 HDP, LLC, Chicago, IL 60611; Chicago Title Land Trust Company, Trust # 111151, successor to LaSalle Bank National Association f/k/a LaSalle National Bank (Lessee) Chicago, IL 60603; 900 Hotel Venture, LLC (Lessee) Chicago, IL 60611; Four Seasons Hotels Limited (Operator) Chicago, IL 60611 are collectively hereinafter referred to as "Owners" (name(s) of owner(s)) and Massachusetts Mutual Life Insurance Company, Hartford CT 06103 (Lender); and any persons claiming an interest in the premises.

(SEE ATTACHED- Exhibit A)

Common address: Four Seasons Hotel, 120 E. Delaware Place, Chicago, IL 60611, referred to as "Subject Property" and Parcel number(s): 17-03-211-034.

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WHEREAS, James McHugh Construction Co., (name of principal) ("Principal"), whose address is 1737 S. Michigan Avenue, Chicago, IL 60616 (address of principal), 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 Travelers Casualty and Surety Company of America ("Surety"), whose address is One Tower Square, Hartford, CT 06183 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 Four Hundred Fifty Three Thousand Seven Hundred Ninety Four and 34/100 (\$453,794.34) (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 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 entered in a proceeding 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, including interest and attorneys' fees, limited as to the Principal and Surety to the full amount of the bond.

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 and Surety have executed this bond at Chicago, Illinois, on the 16<sup>th</sup> day of February, 2021.

James McHugh Construction Co.  
(Principal)

(Signature of Principal)

Travelers Casualty and Surety Company of America  
(Surety)


By: David C. Banks  
David C. Banks, Attorney in Fact

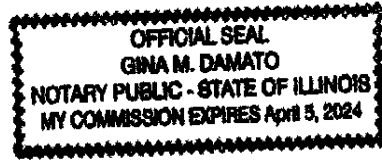
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## SURETY NOTARY ACKNOWLEDGEMENT

State of Illinois                    )  
   ) SS  
 County of Kendall                )

I, the undersigned, a notary public of this County and State aforesaid, certify that on the 16<sup>th</sup> day of February, 2021, before me personally appeared David C. Banks, attorney in fact for the Surety, and acknowledged that they sign the foregoing instrument as their free and voluntary act and as the free and voluntary act of the Surety for the uses purposes mentioned.

  
 \_\_\_\_\_  
 Notary Public  
 Commission expires: 4/5/2024



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**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**

HARTFORD, CONNECTICUT 06183

FINANCIAL STATEMENT AS OF JUNE 30, 2020

CAPITAL STOCK \$ 6,480,000

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ASSETS	LIABILITIES & SURPLUS
CASH AND INVESTED CASH	UNEARNED PREMIUMS
BONDS	LOSSES
STOCKS	LOSS ADJUSTMENT EXPENSES
INVESTMENT INCOME DUE AND ACCRUED	COMMISSIONS
OTHER INVESTED ASSETS	TAXES, LICENSES AND FEES
PREMIUM BALANCES	OTHER EXPENSES
NET DEFERRED TAX ASSET	CURRENT FEDERAL AND FOREIGN INCOME TAXES
REINSURANCE RECOVERABLE	REMITTANCES AND ITEMS NOT ALLOCATED
SECURITIES LENDING REINVESTED COLLATERAL ASSETS	AMOUNTS WITHHELD / RETAINED BY COMPANY FOR OTHERS
RECEIVABLES FROM PARENT, SUBSIDIARIES AND AFFILIATES	RETROACTIVE REINSURANCE RESERVE ASSUMED
OTHER ASSETS TRI-PARTY / TAX CREDIT BONDS	POLICYHOLDER DIVIDENDS
OTHER ASSETS	PROVISION FOR REINSURANCE
	ADVANCE PREMIUM
	PAYABLE FOR SECURITIES
	PAYABLE FOR SECURITIES LENDING
	CEDED REINSURANCE NET PREMIUMS PAYABLE
	OTHER ACCRUED EXPENSES AND LIABILITIES
	TOTAL LIABILITIES
	CAPITAL STOCK
	PAID IN SURPLUS
	OTHER SURPLUS
	TOTAL SURPLUS TO POLICYHOLDERS
TOTAL ASSETS	TOTAL LIABILITIES & SURPLUS

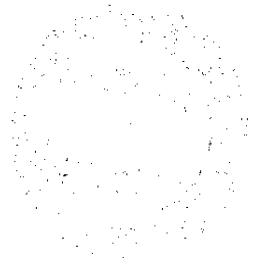
STATE OF CONNECTICUT )  
 COUNTY OF HARTFORD ) SS.  
 CITY OF HARTFORD )

MICHAEL J. DOODY, BEING DULY SWORN, SAYS THAT HE IS VICE PRESIDENT - FINANCE, OF TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, AND THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THE FOREGOING IS A TRUE AND CORRECT STATEMENT OF THE FINANCIAL CONDITION OF SAID COMPANY AS OF THE 30TH DAY OF JUNE, 2020.

VICE PRESIDENT - FINANCE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26TH DAY OF AUGUST, 2020

NOTARY PUBLIC  
**SUSAN M. WEISSLEDER**  
 Notary Public  
 My Commission Expires November 30, 2022



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**Travelers Casualty and Surety Company of America  
Travelers Casualty and Surety Company  
St. Paul Fire and Marine Insurance Company**

### POWER OF ATTORNEY

**KNOW ALL MEN BY THESE PRESENTS:** That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **David C. Banks** of Wheaton/Crestwood, Illinois, their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

**IN WITNESS WHEREOF**, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 3rd day of February, 2017.



State of Connecticut

City of Hartford ss.

By: Robert L. Raney  
Robert L. Raney, Senior Vice President

On this the 3rd day of February, 2017, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

**In Witness Whereof**, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2021



Marie C. Tetreault  
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 16th day of February 2021



Kevin E. Hughes  
Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.  
Please refer to the above-named Attorney-in-Fact and the details of the bond to which the power is attached.

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**WHEREAS,**

**Travelers Casualty and Surety Company of America**  
 located at  
 Hartford, Connecticut

has complied with all the requirements of the "*Illinois Insurance Code*" applicable to said Company:

**NOW, THEREFORE,** I the undersigned Director of Insurance of the State of Illinois, do hereby authorize the said Company to transact its appropriate business as set forth under clause(s)

(a),(b),(c),(d),(e),(f),(g),(h),(i),(j) of Class 2  
 (a),(b),(c),(d),(e),(f),(g),(h) of Class 3

of Section 4 of the "*Illinois Insurance Code*" in this State in accordance with the laws thereof, until the 1st day of July, 2021.



**IN TESTIMONY WHEREOF,** I hereto set my hand and cause to be affixed this Seal.

Done at the City of Springfield, this 1st day of July, 2020.

*Robert H. Muriel*

Robert H. Muriel  
 Director of Insurance

14300-51



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**EXHIBIT A**

Property of Cook County Clerk's Office

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## EXHIBIT "A" Legal Description

**For APN/Parcel ID(s): 17-03-211-034-0000**

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**PARCEL 1:**

LOT 5 IN 900 NORTH MICHIGAN, BEING A RESUBDIVISION OF THE LAND, PROPERTY AND SPACE OF PART OF BLOCK 13 AND THE ACCRETIONS THERETO IN CANAL TRUSTEES' SUBDIVISION OF THE SOUTH FRACTIONAL 1/4 OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 9, 1989 AS DOCUMENT 89208433, IN COOK COUNTY, ILLINOIS.

**PARCEL 2:**

PERPETUAL EASEMENTS AND OTHER EASEMENT RIGHTS FOR THE BENEFIT OF PARCEL 1 DECLARED AND CREATED BY THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED AUGUST 27, 2007 AS DOCUMENT NUMBER 0723960081 AND RE RECORDED MAY 29, 2008 AS DOCUMENT NUMBER 0815041121 SAID EASEMENTS BEING OVER LOTS 1 TO 4, 6 AND 7 IN 900 NORTH MICHIGAN, BEING A RESUBDIVISION OF THE LAND, PROPERTY AND SPACE OF PART OF BLOCK 13 AND THE ACCRETIONS THERETO IN CANAL TRUSTEES' SUBDIVISION OF THE SOUTH FRACTIONAL 1/4 OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 9, 1989 AS DOCUMENT 89208433, IN COOK COUNTY, ILLINOIS.

**PARCEL 3:**

THE LEASEHOLD ESTATE CREATED BY THE LEASE DATED OCTOBER 7, 1988, EXECUTED BY LASALLE BANK NATIONAL ASSOCIATION, F/K/A LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT NUMBER 111150 DATED JANUARY 2, 1987 AS LANDLORD, AND LASALLE BANK NATIONAL ASSOCIATION, F/K/A LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT NUMBER 111151 DATED JANUARY 2, 1987 AS TENANT, DATED OCTOBER 7, 1988, A MEMORANDUM OF WHICH LEASE WAS RECORDED OCTOBER 10, 2003 AS DOCUMENT NUMBER 0328339039, SAID LEASE DEMISES PARCELS 1 AND 2 FOR A TERM OF YEARS BEGINNING ON THE OPENING DATE OF THE HOTEL, AS DEFINED THEREIN, AND ENDING AT MIDNIGHT ON THE LAST DAY OF THE 35TH FULL LEASE YEAR WITH PROVISIONS FOR FOUR EXTENSION TERMS OF 20 YEARS EACH.

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

IN THE MATTER OF:	)	
	)	
BERNHARD WOODWORK, LTD'S	)	Case No.: 2021 CH 00951
MECHANIC'S LIEN NOTICE RECORDED AS	)	
DOCUMENT NO. 2102919007	)	

### ORDER

This matter coming before the Court on Petitioner James McHugh Construction Co.'s Motion for Entry of Order Substituting the Travelers Surety Bond for the Property Subject to Bernhard Woodwork, Ltd.'s Mechanic's Lien Notice Recorded as Document No. 2102919007 for the property located at 120 East Delaware Place, Chicago, Illinois 60611, due notice having been given, and the Court being fully advised:

#### IT IS HEREBY ORDERED THAT:

1. James McHugh Construction Co.'s Motion for Entry of Order Substituting the Travelers Surety Bond for the Property Subject to Bernhard Woodwork, Ltd.'s Mechanic's Lien Notice Recorded as Document No. 2102919007 for the property located at 120 East Delaware Place, Chicago, Illinois 60611 is granted.
2. Travelers Casualty and Surety Company of America's Surety Bond in Lieu of Mechanic Lien Claim Pursuant to 770 ILCS 60/38.1, Bond No. 107360145, a copy of which is attached hereto and incorporate herein as **Exhibit "A"**, is hereby substituted for the property subject to Bernhard Woodwork, Ltd.'s Mechanic's Lien Claim Recorded as Document No. 2102919007.
3. Bernhard Woodwork, Ltd.'s right to recover on Travelers Casualty and Surety Company of America's Surety Bond in Lieu of Mechanic Lien Claim Pursuant to 770 ILCS 60/38.1, Bond No. 107360145, **Ex. A**, is therefore substituted for Bernhard Woodwork, Ltd.'s causes of action that can be asserted under Section 9, 27, or 28 of the Mechanics Lien Act.
4. This matter is dismissed with all future dates to be stricken.
5. A copy of this Order shall be mailed to all parties named in the Petition.

Date: 4/22/21

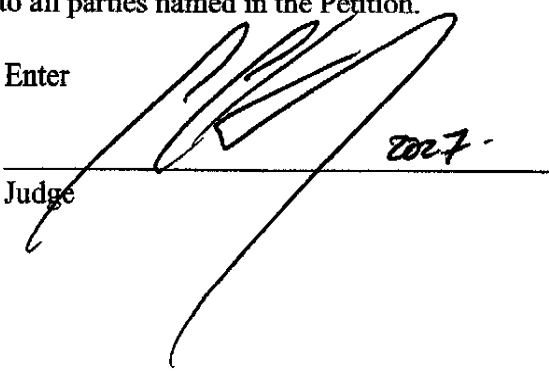
Judge Anthony C. Kymakopoulos

APR 22 2021

Circuit Court 2027

Enter

Judge



2027