

UNOFFICIAL COPY



2327822029

Doc# 2327822029 Fee \$50.00

RHSP FEE:\$18.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 10/05/2023 12:55 PM PG: 1 OF 9

OCTOBER 4, 2023 ENTERED ORDER SUBSTITUTING SURETY BOND FOR THE
PROPERTY SUBJECT TO CHICAGO OFFICE MOVERS, INC.'S AMENDED
MECHANIC'S LIEN CLAIM RECORDED AS DOCUMENT NO. 2306025048

LEGAL DESCRIPTION: Lots 1, 4, 5, 6, 12 and 13 in Park Tower Subdivision, being a
subdivision of part of the South fractional 1/4 of Section 3, Township 39 North, Range 14
East of the Third Principal Meridian in the County of Cook in the State of Illinois.

PIN#: 17-03-231-009; 17-03-231-010; 17-03-231-011; 17-03-231-012; 17-03-231-013; 17-03-
231-014; 17-03-231-015; 17-03-231-016; 17-03-231-017

Prepared by and Returned to:
Andrew C. Patton
FRANCO MORONEY BUENIK LLC
500 W. Madison Street, Suite 3900
Chicago, IL 60661
(312) 469-1000
Firm No. 62148
andrew.patton@francomoroney.com

UNOFFICIAL COPY

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

IN THE MATTER OF:)
)
CHICAGO OFFICE MOVERS, INC'S)
AMENDED MECHANICS LIEN CLAIM)
RECORDED AS DOCUMENT NO. 2306025048)

Case No.: 2023 CH 07362

ORDER

This matter coming before the Court on Petitioner Pepper Construction Company's ("Pepper") Motion for Entry of Order Substituting Surety Bond for Chicago Office Movers, Inc.'s Amended Mechanic's Lien Claim Recorded as Document No. 2306025048, due notice having been given, and the Court being fully advised:

IT IS HEREBY ORDERED THAT:

1. Pepper's Motion for Entry of Order Substituting the Liberty Mutual Surety Bond for Chicago Office Movers, Inc.'s Amended Mechanic's Lien Claim recorded as Document No. 2306025048 is granted.

2. Liberty Mutual Insurance Company Surety Bond No. 268017501 (a copy of which is attached hereto as **Exhibit A** and incorporated herein) is hereby substituted for the property subject to Chicago Office Movers, Inc.'s Amended Mechanic's Lien Claim recorded as Document No. 2306025048.

3. Chicago Officer Movers, Inc.'s right to recover on the Liberty Mutual Insurance Company Surety Bond No. 268017501 (Exhibit A) is therefore substituted for the causes of action that could be asserted by Chicago Offices Movers, Inc. under Section 9, 27, or 28 of the Illinois Mechanics Lien Act. (770 ILCS 60/9, 27 and 28).

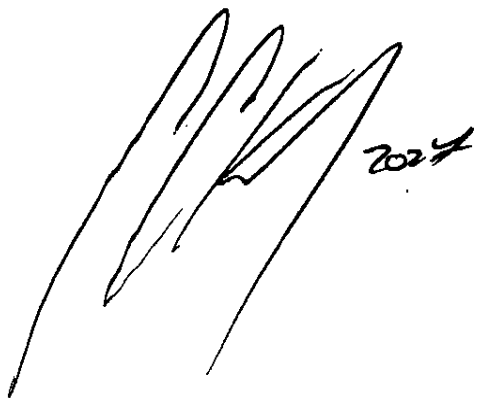
4. The protections provided by the Surety Bond (Exhibit A) shall extend to Chicago Title and Trust Company for its use and benefit against the Amended Mechanic's Lien Claim recorded as Document No. 2306025048, and Chicago Title and Trust Company shall be released from any claim arising out of Chicago Office Movers, Inc.'s Amended Mechanic's Lien Claim recorded as Document No. 2306025048.

~~5. This matter is dismissed with all future dates to be stricken.~~

ACK 10/4/23

6. A copy of this Order shall be mailed to all parties named in the Petition.

Judge Anthony C. Kyriakopoulos
OCT 04 2023
Circuit Court 2027



FILED DATE: 9/14/2023 3:25 PM 2023CH07362

UNOFFICIAL COPY

SURETY BOND IN LIEU OF MECHANIC LIEN CLAIM PURSUANT TO 770 ILCS 60/38.1
Penal Sum: Four Hundred Eighty Five Thousand Five Hundred Fifty Six and 53/100
(\$485,556.53)

FILED DATE: 9/14/2023 3:25 PM 2023CH07362

IN THE CIRCUIT COURT OF ILLINOIS
COOK COUNTY

Applicant, Pepper Construction Company

and

Lien Claimant, Chicago Office Movers, Inc.
(USA) Inc.

)
)
)
) No. 268017501
)
)
)
)

WHEREAS, Chicago Office Movers, Inc. ("Claimant") whose address is 1255 Tonne Road, Elk Grove Village, IL 60007 on January 17, 2023 issued a "Subcontractor's Claim of Lien" ("Claim") against the following described property ("Property") owned by Park Hyatt Water Tower Associates, L.L.C.

DESCRIPTION OF PROPERTY:

Common address: 800 N. Michigan Avenue, Chicago, IL 60611

WHEREAS, Pepper Construction Company ("Principal"), whose address is 643 North Orleans Street, Chicago, IL 60654 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 Liberty Mutual Insurance Company ("Surety"), whose address is 175 Berkeley Street, Boston, MA 02116 to act as surety on this surety bond.

NOW, THEREFORE, Principal and Surety hereby bind themselves to the Claimant, Chicago Office Movers, Inc. under the conditions prescribed by 770 ILCS 60/38.1, inclusive, in the penal sum of Four Hundred Eighty Five Thousand Five Hundred Fifty Six and 53/100 Dollars (\$485,556.53), (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

EXHIBIT
A

UNOFFICIAL COPY

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 and Surety have executed this bond at Uniondale, NY, on the 7th day of March of 2023.

Pepper Construction Company

[Signature]
(Signature of Principal)

Liberty Mutual Insurance Company

By: [Signature]
Susan Lupski, Attorney in Fact

State of New York)
) SS:
County of _____)

I, the undersigned, a notary public of this County and State aforesaid, certify that on the _____ day of _____, before me personally appeared _____, authorized agent of the Principal, and _____, attorney in fact for the Surety, and acknowledged that they signed the foregoing instrument as their free and voluntary act and as the free and voluntary act of the Principal and Surety for the uses purposes therein mentioned.

Notary Public

440070-000012
23492949.1

FILED DATE: 9/14/2023 3:25 PM 2023CH07362

UNOFFICIAL COPY

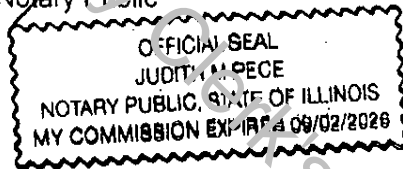
ACKNOWLEDGEMENT FOR PRINCIPAL

ACKNOWLEDGEMENT FOR PRINCIPAL IF CORPORATION

STATE OF Illinois }
COUNTY OF Cook }

ON THE 9th DAY OF MARCH, 2023 BEFORE ME
PERSONALLY APPEARED T. Scot Pepper TO ME
KNOWN AND KNOWN TO ME TO BE THE President OF
PEPPER CONSTRUCTION COMPANY DESCRIBED IN AND WHO EXECUTED THE
FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT (S)HE
EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT
(S)HE EXECUTED THE SAME AS AND FOR THE ACT AND DEED OF SAID
CORPORATION.

[Signature]
Notary Public



FILED DATE: 9/14/2023 3:25 PM 2023CH07362

UNOFFICIAL COPY

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No. 8208538-969603

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Camille Maitland, Colette R. Chisholm, Dana Granice, Desiree Cardim, George O. Brewster, Gerard S. Macholz, Ian Williams, Katherine Acosta, Lee Ferrucci, Michelle Wannamaker, Nelly Renchwich, Peter F. Jones, Robert T. Pearson, Susan Lupski, Thomas Bean, Vincent A. Walsh

all of the city of Uniondale state of NY each individually if there be more than one named, its true and lawful attorney-in-fact to make execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 3rd day of August, 2022.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 3rd day of August, 2022 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute 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 have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 18, 2025
Commission number 112644
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5 Surety Bonds and Undertakings

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 7th day of March, 2023.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

FILED DATE: 9/14/2023 3:25 PM 2023CH07362

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

UNOFFICIAL COPY

ACKNOWLEDGEMENT OF SURETY COMPANY

STATE OF NEW YORK

COUNTY OF NASSAU

On this March 7, 2023, before me personally came

Susan Lupski to me known, who, being by me duly sworn, did depose and say that he/she resides in Nassau County, State of New York that he/she is the Attorney-in-Fact of the Liberty Mutual Insurance Company

the corporation described in which executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by the Board of Directors of said corporation; and that he/she signed his/her name thereto by like order; and the affiant did further depose and say that the Superintendent of Insurance of the State of New York, has, pursuant to Section 1111 of the Insurance Law of the State of New York, issued to Liberty Mutual Insurance Company (Surety)

his/her certificate of qualification evidencing the qualification of said Company and its sufficiency under any law of the State of New York as surety and guarantor, and the propriety of accepting and approving it as such; and that such Certificate has not been revoked.


Notary Public

Melissa Saracho
Notary Public, State of New York
No. 01SA6155895
Qualified in Nassau County
Commission Expires 11/20 2026

FILED DATE: 9/14/2023 3:25 PM 2023CH07362

UNOFFICIAL COPY

LIBERTY MUTUAL INSURANCE COMPANY

FINANCIAL STATEMENT — DECEMBER 31, 2021

Assets		Liabilities	
Cash and Bank Deposits.....	\$2,234,770,744	Unearned Premiums.....	\$9,106,965,847
*Bonds -- U.S Government.....	4,250,615,811	Reserve for Claims and Claims Expense.....	25,279,158,493
*Other Bonds.....	16,983,165,862	Funds Held Under Reinsurance Treaties.....	315,537,902
*Stocks.....	20,075,458,019	Reserve for Dividends to Policyholders.....	1,726,291
Real Estate.....	182,250,567	Additional Statutory Reserve.....	139,634,000
Agents' Balances or Uncollected Premiums.....	7,607,687,836	Reserve for Commissions, Taxes and	
Accrued Interest and Rents.....	120,173,987	Other Liabilities.....	8,638,106,801
Other Admitted Assets.....	14,076,622,575	Total	\$43,481,129,334
		Special Surplus Funds.....	\$178,192,363
		Capital Stock.....	10,000,075
		Paid in Surplus.....	11,804,736,755
		Unassigned Surplus.....	10,056,686,874
		Surplus to Policyholders.....	22,049,616,067
Total Admitted Assets.....	<u>\$65,530,745,401</u>	Total Liabilities and Surplus.....	<u>\$65,530,745,401</u>



* Bonds are stated at amortized or investment value; Stocks at Association Market Values.
The foregoing financial information is taken from Liberty Mutual Insurance Company's financial statement filed with the State of Massachusetts Department of Insurance.

I, TIM MIKOLAJEWSKI, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the foregoing is a true, and correct statement of the Assets and Liabilities of said Corporation, as of December 31, 2021, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Seattle, Washington, this 8th day of March, 2022.

TAMIKOLAJEWSKI

Assistant Secretary

UNOFFICIAL COPY

LEGAL DESCRIPTION

Lots 1, 4, 5, 6, 12 and 13 in Park Tower Subdivision, being a subdivision of part of the South fractional 1/4 of Section 3, Township 39 North, Range 14 East of the Third Principal Meridian in the County of Cook in the State of Illinois.

PIN#: 17-03-231-009; 17-03-231-010; 17-03-231-011; 17-03-231-012; 17-03-231-013; 17-03-231-014; 17-03-231-015; 17-03-231-016; 17-03-231-017

Property of Cook County Clerk's Office