96312919

4/22/96 No. 90859 Liens/clark

STATE OF ILLINOIS)

SS

COUNTY OF COOK

IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS,

EARTH, INC.,

Claimant,

CLARK STREET, L.L.C., Owner; PROVIDIAN LIFE & HEALTH INSURANCE COMPANY, and PEOPLES SECURITY LIFE INSURANCE, Mortgagee; HSS REAL ESTATE, Mortgagee; FEN A. BORENSTEIN COMPANY, General Contractor; ROCKFORD FABRICATORS, INC., Claimant; ARROW CONCRETE COMPANY, INC., Claimant; CATEWAY CONCRETE FORMING SYSTEMS, INC., Claimant; and UNKNOWN OTHERS

"NOTICE TO OWNER

DO NOT PAY THE CONTRACTOR

FOR THIS WORK OR MATERIAL DELIVERED UNLESS YOU HAVE RECEIVED FROM CONTRACTOR A WAIVER OF LIEN BY, OR OTHER SATISFACTORY EVIDENCE OF PAYMENT TO SUBCONTRACTOR OR MATERIAL MAN."

Amount Claimed: \$48,247.13

DEPT-02 FILING **\$15.50** T\$0003 TRAN 6798 04/25/96 15:26:00

\$9682 \$ LTI *-96-312919 CBOK COUNTY RECORDER

DEPT-10 PENALTY

\$12.00

EARTH, INC.'S NOTICE OF MECHANIC'S LIEN

The Claimant, EARTH, INC., located at 810 Arlington Heights Road, Itasca, Illinois, Sub Contractor for the construction project of the real estate described below, hereby files a Notice and Claim for Lien against: CLARK STREET, L.L.C., Owner; PROVIDIAN LIFE & HEALTH INSURANCE COMPANY, and PEOPLES SECURITY LIFE INSURANCE, Mortgagee; HSS REAL ESTATE, Mortgagee; BEN A. LORENSTEIN COMPANY, General Contractor; ROCKFORD FABRICATORS, INC., Claimant; ARROW CONCRETE COMPANY, INC., Claimant; GATEWAY CONCRETE FORMING SYSTEMS, INC., Claimant; and UNKNOWN OTHERS. That CLARK STREET L.L.C., is the Owner for the construction project being constructed on real estate as legally described hereafter.

That on or about the 5th day of May, 1995, CLARK STREET, L.L.C., was the owner in fee simple of the following described land in Cook County, Illinois to wit:

LOTS 1 AND 2 IN BLOCK 1 IN GEHRKE AND PACEL 1: BRAUCKMANN'S SUBDIVISION OF BLOCK 1 (EXCEPT THE 4.28 ACRES IN THE NORTH PART OF SAI BLOCK WHICH LIES WEST OF GREEN BAY ROAD), IN CANAL TRUSTEE'S SUBDIVISION OF THE EAST 1/2 OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 14, EAST THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



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PARCEL 2: THOSE PARTS OF LOTS 3, 4, 5 AND 6 IN THE RESUBDIVISION OF LOT 3 IN BLOCK 1 IN GEHRKE AND BRAUKMAN'S SUBDIVISION OF OUTLOT NUMBER 1 OF CANAL TRUSTEES SUBDIVISION OF THE EAST HALF OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE NORTH 4.28 ACRES OF THAT PART OF SAID OUTLOT WHICH LIES WEST OF GREEN BAY ROAD) LYING SOUTH OF A LINE DRAWN PARALLEL WITH, AND 26.00 FEET NORTH FROM, THE SOUTH LINE (AND SAID SOUTH LINE EXTENDED WEST) OF SAID RESUBDIVISION OF LOT 3; IN COOK COUNTY, ILLINOIS.

and commonly known as 3150 North Clark Street, Chicago, Illinois, Cook Courcy, P.I.N. 14-29-205-004-0000; and Claimant, EARTH, INC., was the Owners' Sub Contractor for the improvement thereof.

That on or before the 5th day of May, 1995, BEN A. BORENSTEIN COMPANY, made a written contract with EARTH, INC., whereby Claimant furnished hauling and dumping on a time and material basis to the said improvement, and that on the 27th day of March, 1996, Claimant, EARTH, INC., completed its obligations required by its contract to be done.

That the Claimant alleges upon information and belief that a sworn statement has been suchitted to the Owner or its agent and that said sworn statements are in writing and contain the names of the persons furnishing material and labor for and in said improvement, and that the Claimant's name and the correct amount due Claimant for the work described above has not been properly included in this sworn statement.

That said EARTH, INC., pursuant to a written contract for time and material in the amount of \$262,000.00 plus extras in the amount of \$40,947.13, totalling \$302,947.13, is entitled to credits in the amount of \$254,700.00, leaving due, unpaid and owing to the Claimant the sum of \$48,247.13, for which, with interest, the Claimant claims a lien on said land and improvements, and on the monies or other consideration due or to become due from the Owners under said Contract against General/Sub Contractor, the owners and all other parties of interest.

DV.

ts Attorney and Agent

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ERIC P. FERLEGER, being first duly sworn on oath, deposes and states that he is the Attorney and agent of the Claimant; that he has read the foregoing Notice and Claim for Mechanic's Lien, knows the contents thereof and that the statements therein contained are true and that on the 25th day of April, 1996, he served this Notice and Claim for Mechanic's Lien by mailing copies thereof, certified and regular mail, return receipt requested, and depositing same in the U.S. Mail at 111 West Washington, Chicago, Illinois, Via Certified and Regular Mail to:

See Attached Service List

Subscribed and Sworn to before me this 25th day of April ... 1996

Notary Phone State of Illinois My Commission Expires Aug. 8, 1999

THIS INSTRUMENT PREPARED BY:

Ounty Clark's Office ERIC P. FERLEGER HELLER, SHAPIRO, FRISONE & FERLEGER 111 West Washington - Suite 1650 Chicago, IL 60602 312/236-3644

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SERVICE LIST

Earth, Inc. vs. RE: Clark Street, L.L.C.,

CLARK STREET, L.L.C., c/o R/A: Peter Hess 333 West Wacker Suite 1800 Chicago, IL 60606

PROVIDIAN LIFE & HEALTH INSURANCE COMPANY, c/o: Director of Insurance Illinois Department of Insurance 100 West Randelph/15th Floor/Room 100 Chicago, IL 60501

PEOPLES SECURITY LIFE INSURANCE, c/o: Director of insurance Illinois Department of Insurance 100 West Randolph/15th Floor/Room 100 20+ County Clert's Office Chicago, IL 60601

HSS REAL ESTATE, INC. c/o P/A: Mitchell Saywith 35 West Wacker/Suite 3240 Chicago, IL 60601

BEN A. BORENSTEIN COMPANY c/o R/A: Lyle S. Genin 69 West Washington/Suite 600 Chicago, IL 60602

ROCKFORD FABRICATORS, INC. c/o R/A: Ronald Heinzeroth 4963 27th Avenue Rockford, IL 61109

ARROW CONCRETE COMPANY, INC., c/o R/A: Dominic A. Casalina 228 Cardinal Bloomingdale, IL 60108

GATEWAY CONCRETE FORMING SYSTEMS, INC. c/o R/A: Fred Fitte 5117 North Mango Chicago, IL 60630

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