

President's Message A FRIEND OF CHICAGO ARCHITECTURE

The Chicago Architecture Foundation is a great friend of Chicago architecture. The CAF generates public interest in both historic and contemporary architecture and the built environment.

The programs and activities of the Foundation are impressive. The Chicago Architecture Foundation:

- Operates the ArchiCenter exhibition and lecture space and the bookstore, located in the Monadnock Building on South Dearborn Street;
- Owns and operates Glessner House, H. H. Richardson's fine 1886 building on Prairie Avenue, which is available for meetings, dinners, and social functions;
- Administers the Prairie Avenue Historic District which includes the 1836 Widow Clarke House, the 1892 Kimball House, and Glessner House;
- Conducts 43 different architecture tours;
- Runs the only university accredited docent training

program; and

- Sponsors competitions, lectures, architectural exhibitions, and receptions.

The Chicago Architecture Foundation, established in 1966, has become a major cultural institution in Chicago. In 1982, 27,000 people took CAF tours, and even more individuals visited the ArchiCenter. The Foundation clearly generates broad interest in architecture.

Morton Weisman is the executive director, and Robert Hutchins, AIA, is this year's president.

I urge Chicago Chapter, AIA members to join this important organization. An individual membership is \$20 per year, and a family membership is \$30 per year. Members enjoy a 10% discount on books purchased at the ArchiCenter bookstore. For a membership application, call Renee Folta, membership coordinator, at Glessner House, phone 326-1393, or stop in at the ArchiCenter.



COMBINED CHAPTER SUMMER SOIREE

Summertime's social scene is one characterized by lawn and water games, light fare in parks or on patios, conversations in a gazebo, tall and cool liquids sipped on a breezy porch. Summer seems to enhance the camaraderie between long-standing and favorite friends. It also is conducive to the ill-timed arrival of traveling relations, oft regarded as invaders of the season's tranquil setting. A clear, sunny day or balmy evening provides adequate excuse for entertainment.

The Northeast Illinois Chapter acted on the innate human desire for summer assemblage by suggesting that they, and their Eastern, Northern and Chicago counterparts create a summer event for the chapters' members. Result:

Dinner
at Chicago Yacht Club

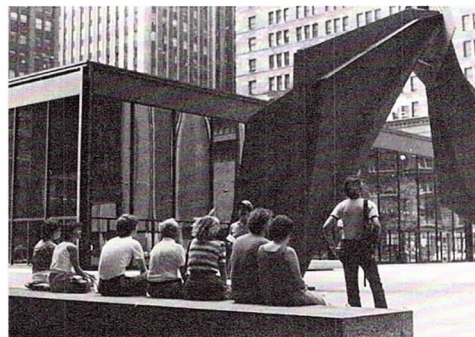
Thursday, Aug. 25

6:30 PM

Menu:
Fresh Fruit Supreme
Tossed Salad
Roast Prime Rib
Wild Rice
Carrots
Chocolate Mousse

Cost: \$25 per person
(Cash bar)

Reservations are being accepted by the Chicago Chapter, 663-4111, and must be received by August 18. The Club is located at the foot of Monroe Street. Parking is not permitted at the Club. Parking is available in the Monroe St. Garage. The Chicago Chapter will verify your reservation with a hand-drawn map (by Bill Brubaker).



Getting to know our city through CAF tours



Nearly a dozen exhibits a year are on view at ArchiCenter Gallery

THE ARCHITECT'S MECHANICS' LIEN IN ILLINOIS

By Hal A. Emalfarb
Construction Attorney
Northbrook

Today's architect plays a vital role in the average construction project, and also assumes some of the major risks. The time, expense, talent and energy that go into plans, specifications and drawings can be fruitless if a project is abandoned, substantially altered or the owner suffers financial problems or simply fails to make payment.

When an architect prepares plans for a project, he has made an investment in that project. It is essential to the success of his business that the architect protect his investment. One of the best means of protection is the preservation of an architect's mechanics' lien rights.

For over 30 years, the Illinois Mechanics' Lien Act has specifically allowed a lien for the services of an architect.¹ However, few architects are aware of how to use their lien rights, or simply fail to take advantage of them. The purpose of this article is to provide the architect with enough basic knowledge of his lien rights to enable him to determine when they should be preserved or enforced. Of course, an attorney should always be consulted concerning a particular job or situation and for legal assistance in enforcing lien rights.

The Advantages of a Lien

A mechanics' lien provides one of the most effective remedies available for nonpayment of architectural services rendered for the purpose of improving real estate. A mechanics' lien is an incumbrance which attaches to property in much the same way as a mortgage attaches. The lien is effective not only against

the owner of the property, but also, if filed at the proper time, against purchasers, lenders, I.R.S., and general creditors. The lien can be enforced through a foreclosure proceeding, in which the property is sold and the architect can be paid for his services out of the proceeds of the sale. Lien rights can be preserved by filing a claim simply as a precautionary measure. This does not involve a law suit or offend the owner. Moreover, if the project later develops serious financial catastrophes, the architect has his lien to fall back on. Once a lien is filed, the architect can choose whether to enforce it, or release it. In the meantime, he can be confident that he will be one of the first creditors paid.

Lienability of Architectural Services

Since the turn of the century, the Illinois Courts have held that an architect who has drawn plans and specifications for a building to be erected on a specified lot is entitled to a mechanics' lien for those services.² The architect has a right to a lien whether or not he superintended the construction of the building, and even if the building was not erected in strict accordance with his plans and specifications.

Furthermore, even if the plans and specifications are never used because the building project is abandoned, the architect is entitled to a mechanics' lien on the lot on which the building was to have been erected.³ There does not have to be an actual improvement on the land to which the land attaches; the only requirement is that the plans and specifications were prepared for the purpose of erecting a building.

When the Architect is Not Entitled to a Lien

There are two situations in which an architect is not entitled to a mechanics' lien for the preparation of plans and specifications. Both of these situations can be avoided by cautious architect who reads his contract.

The first situation is when the plans are drawn only for the purpose of informing the owner as to possibilities of an improvement on the lot.⁴ No lien is given because the plans were not furnished "for the purpose of making improvements." The architect's contract with the owner should make clear that the plans are being prepared for the purpose of erecting a building on a particular lot. The Standard AIA Architect's Agreement⁵ provides on the first page for a detailed description of the project location and scope. This information, if furnished in the agreement, will ensure that the purpose of the architectural services is clear and entitles him to a lien in the event of nonpayment.

The second situation in which an architect is not entitled to a mechanics' lien is when the contract provides for payment based on a percentage of the cost of construction, and the building is not completed.⁶ In this situation, the Court has no data on which to base payment to the architect and the lien will be denied. Every agreement the architect signs should provide that in the event the project is not completed within a specified time period, the architect will be paid the reasonable value of his services rendered. The Standard AIA Architect's Agreement covers this situation in just such a manner.⁷

Cont'd. on pg. 3

REPRESENTATION FOR ASSOCIATE MEMBERS

On May 13 the Illinois Council, AIA Board of Directors unanimously approved the appointment of CCAIA member Steve Moylan as new Associate Director to the ICAIA Board. The Board is comprised of the president, past president, Illinois Regional Director, four directors from the Chicago Chapter and one from each of the other six chapters.

The Council is concerned with government and legal matters surrounding the profession. Associate members represent the future of The Institute and the profession, and with the recent adoption of Council dues for associate members, the Board felt there should be representation from this member group.

Steve Moylan has been a Chicago Chapter member since 1979 and served as 1982 Chairman of the Young Architects Committee and as 1982 Associ-



Steve Moylan

ate Director to the CCAIA Board of Directors. As the first Associate Director to the ICAIA Board, Steve will be responsible for providing the Council with input on problems and concerns of the associate membership.

SCHIPPOREIT NAMED DEAN AT IIT

George Schipporeit, chairman of the Department of Architecture of IIT, was named dean of the university's College of Architecture, Planning and Design.

Schipporeit, whose association with IIT dates from 1955, is probably most widely known for his collaboration with Chicago architect John Heinrich on the design of Lake Point Tower. The 70-story, 900-apartment high-rise received both the 1969 AIA Distinguished Building Award and the Institute's Honor Award.

His most far-reaching work at IIT since his appointment as architecture chairman in 1980 has been as head of the committee that revised the university's five-year architecture program. The new curriculum emphasizes computer applications, allows a specialized area of concentration

JHLIR—OUTSTANDING PUBLIC EMPLOYEE

Edward K. Uhlir, AIA, has been awarded the 1983 Superior Public Service Award (professional category) from the City of Chicago. The award, which recognizes city employees for outstanding abilities, dedica-

tion and superior service was presented to Uhlir at the 15th Annual Superior Public Service Awards Luncheon held at the Bismarck Hotel on June 20.

As head of the Chicago Park District Architectural Division, Uhlir has supervised the design of Grant Park Music Shell, renovation of Soldier Field and the South Shore Country Club. He is currently engaged in the rehabilitation of 14 major fieldhouses. As a director of the Sheffield Neighborhood Association, he is acting as Chairman of the Historic Preservation Committee.

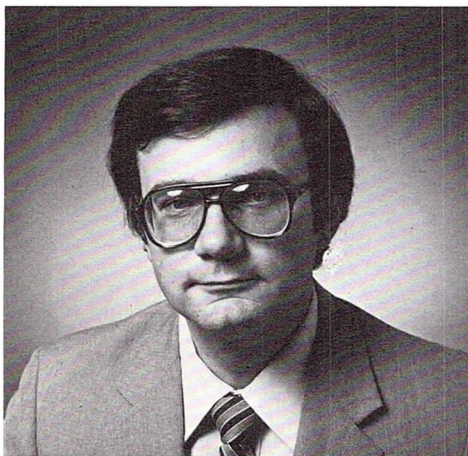
Uhlir is currently serving as vice-president on the CCAIA Board and has been active at the Chapter as Housing Committee Chairman, co-chairman of the 1980 Logan Square Competition and as chairman of the ArchiClinic at City House.



George Schipporeit

in the fourth and fifth years, and, in general, provides for more breadth of study.

In announcing the appointment, Thomas L. Martin, Jr., president of IIT, said, "George Schipporeit is a distinguished architect who will



Ed Uhlir

assure the continuation of the university's long tradition of excellence in architectural education and of respect for its heritage from Mies van der Rohe."

Schipporeit assumed his duties as dean on July 1.

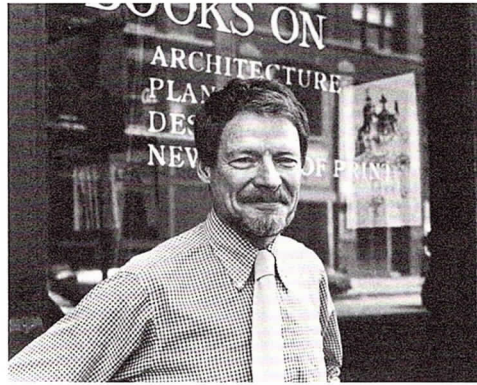
GRAHAM FOUNDATION PRIZE TO HINDS

The American Academy in Rome has awarded five Advanced Fellowships in the Design Arts for 1983/84. George Hinds, AIA, will receive the Graham Foundation Advanced Fellowship in Architecture. The prize is for study and making drawings of Italian renaissance buildings for enrichment of knowledge of the humanistic and artistic values of that architecture.

Hinds is President of HSW Limited, Architects and Planners, Professor of Architecture at U of I, Chicago, and

director of the U of I Summer European Studies Program. His firm, HSW, was awarded the 1978 Distinguished Buildings Award for the National College of Chiropractic Student Center.

Founded in 1894 by Charles F. McKim (McKim, Mead and White), the American Academy in Rome is the only national cultural institution of its kind outside the United States. Each year the Academy awards thirty Rome Prize Fellowships in twelve different fields of the arts and humanities.



George Hinds

CONTINENTAL BANK FACILITIES GROUP EXPLORED

The Architects in Government, Industry and Education Committee will meet on August 19 at the Continental Bank. The meeting will focus on why Continental Bank has a facilities group, its structure, responsibilities and future. It will be held at 200 W. Jackson, Properties Development Division, 26th floor at noon.

The former Architects in Government & Industry Committee has reactivated, under the chairmanship of Dennis Dills, AIA, University of Chicago, to include architects in education. The program development sub-committee is structuring programs to address issues that concern architects employed in these fields. Some of the major issues the committee felt should be incorporated into its plans are:

- Development of business/

management skills to communicate and survive in the corporate structure;

- The responsibilities of the corporation architect as a "people" manager rather than a "building" manager;
- Problems encountered by the corporation architect acting as a middle man between corporate executives and outside consultants;
- Creating a positive attitude from outside consultants toward the corporation architect.

The committee is scheduled to meet on the third Friday of each month at noon. Space for the August 19 meeting is limited, so please make a reservation with the Chapter office at 663-4111

KIKUCHI MEMORIAL ESTABLISHED

Joseph Casserly, City Architect, has notified the Chapter office that a memorial fund has been established at The Chicago Art Institute Burnham Library for architect Kiyoshi Kikuchi who was killed in an automobile accident on June 11. The fund, effected by his friends and co-workers at the City of Chicago, Bureau of Architecture, where Mr. Kikuchi was Chief-of-Design, will purchase permanent architectural reading materials.

Anyone wishing to donate to this fund may do so by addressing such donations to Daphne Roloff, The Art Institute of Chicago, Michigan & Adams, Chicago, 60603. Checks should be made payable to the Kiyoshi Kikuchi Memorial Fund, The Art Institute of Chicago.

PROGRAM SKETCHES RUSSIAN HOUSING

On Wednesday, August 10 Gary Berkovich will present a slide lecture on "Housing in the Soviet Union," which emphasizes the Russian experience in urban housing with integrated services. This is similar to the work of Bertrand Goldberg, FAIA, which was the subject of the June Housing Committee meeting.

Born in the U.S.S.R. in 1935, Berkovitch graduated from the Moscow Institute of Architecture in 1964 with honors. He went on to receive a Ph.D. from the Central Research & Development Institute in Housing in 1973. His dissertation topic was "Optimization of Apartment Layout." Berkovitch has been in the U.S. since 1977.

Bring your lunch and meet at noon in the CCAIA Board Room.

Warren E. Spitz, AIA

INTERIORS & CCAIA COLLABORATE ON COMPETITION



Top row: (l. to r.) Paul Hansen, Paul Curran, Gen. Mgr. of Interiors, Stan Schachne, Greg Landahl, Neil Frankel, Bob Kleinschmidt, Ken Johnson, Front row: Dennis Cahill, Associate Publisher of Interiors, Claire Peerson, Beverly Russell, Editor of Interiors

The Interior Architecture Committee, chaired by Kenneth Johnson, worked overtime in June to present not only the annual Interior Architecture Awards program (detailed in the July Focus) but also to inaugurate the NEOCON Product Display Competition.

Interiors magazine Editor-in-Chief, Beverly Russell, asked the Chapter to co-sponsor that event, an awards program initiated to promote increased service to the specifier by promoting excellence in product display.

Interior Architecture Committee member Neil Frankel, of Swanke Hayden Connell & Partners, volunteered to chair the competition. Swanke Hayden Connell's Marketing Manager, Claire Peerson, organized the program and processed the entries, which poured in from 112 Merchandise Mart showrooms

and totaled 237 separate displays.

On Tuesday, June 14, jurors Paul Hansen, AIA, Robert Kleinschmidt, Gregory Landahl, AIA and Stan Schachne, toured all 112 showrooms and decided on the 19 winners, who received awards at a ceremony at the ExpoCenter on June 17. The awards recognized innovation, provocative content, and informative quality of display. The winning showroom displays were:

Fabrics/Wallcoverings

MDC (Honor Award)
China Seas

Lighting (None)

Accessories

Smith Metal Arts
Niedermaier
AI

Workstations Systems

Hauserman
IIL (Honor Award)
Precision

Freestanding Desks & Tables

Spec'built
Metropolitan
IIL

Storage & Filing (None)

Architectural Elements

Forms & Surfaces
Formica
Ornaments & Surface

Seating

JG
Comforto

Floorcoverings

Interface
Allied
Wool Bureau

The winning displays will be fully illustrated in the August issue of Interiors.

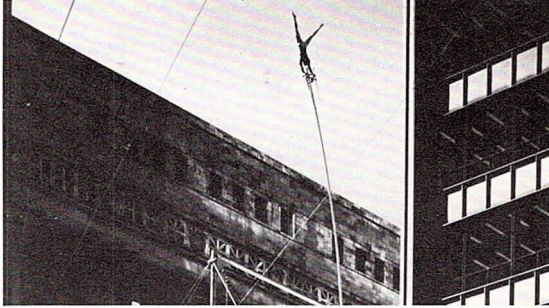

Our thanks to Neil Frankel, Claire Peerson and the jurors for their efforts, and to Beverly Russell for this opportunity to collaborate.

ASC/AIA HONORS CHICAGO CHAPTER

On Friday afternoon, June 17, the Chicago Chapter was recognized by the Association of Student Chapters. Tom Fabian, 1983 graduate of the University of Illinois at Champaign/Urbana, and ASC/AIA Regional Director for the Tri-States Region, presented the gold medal on red, white and blue ribbon to CCAIA President, C. William Brubaker. The award, given to a chapter for its special assistance to student chapters, was presented to President Brubaker at the Midwest Regional Conference Architects' Day Luncheon. The event featured Nat Owings as speaker.

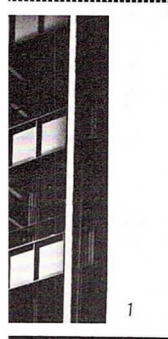
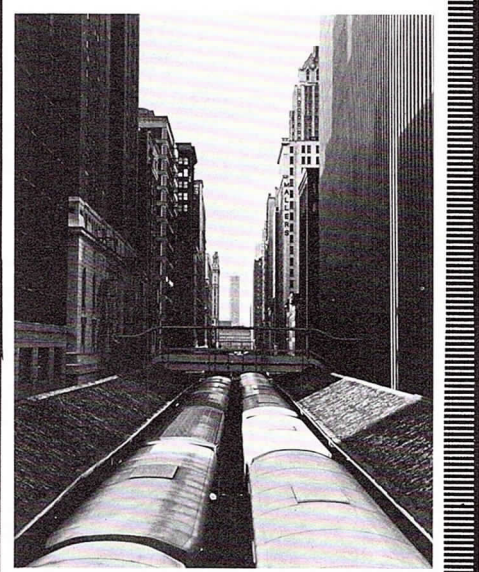
A U G

CHICAGO AIA FOCUS

	1		
7	8	9	<p>EXECUTIVE COMMITTEE MEETING: 8 AM, CCAIA Board Room</p> <p>REAL ESTATE COMMITTEE MEETING: Noon, CCAIA Board Room</p> <p>HOUSING COMMITTEE in the Soviet Union Board Room</p>
14	15	16	<p>"BEYOND INTERNATIONAL STYLE," EXHIBIT: The Art Institute Gallery 200, LAST DAY</p> <p>Aug. 15-18 - WORKSHOP ON ARCHITECTURAL TECHNOLOGIES; Acoustics, Lighting, Energy/Design & Life Safety: Roger Williams College, Bristol, R.I., 401/255-2270</p> <p>RESERVATIONS IN FOR COMBINED CHAPTER EVENT (Chicago Chapter Office)</p> <p>PUBLIC PRESENTATION ROW PROPOSAL: A</p>
		23	<p>BOARD OF DIRECTORS MEETING, Noon CCAIA Board Room</p>
28	29	30	<p>ASHRAE COMPETITION Information: Ji</p>

U S T

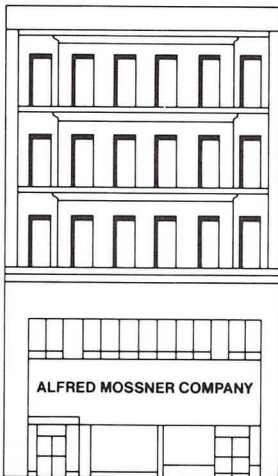
CALENDAR

 <p>1</p>	<p>4</p> <p>COMPUTER COMMITTEE MEETING: 12:30 PM, CCAIA Board Room</p>	<p>5</p> <p>FOCUS DEADLINE</p>	<p>6</p>
<p>10</p> <p>3: "Housing exon, CCAIA</p>	<p>11</p>	<p>12</p>	<p>13</p>
<p>17</p> <p>AIA THEATRE , Noon</p>	<p>18</p>	<p>19</p> <p>ARCHITECTS IN GOVERNMENT/INDUSTRY/ EDUCATION COMMITTEE MEETING , Noon, Continental Bank, 26th fl., Proper- ties Development Division</p> <p>LA/AIA 1983 DESIGN AWARDS PROGRAM ENTRY FORMS DUE , Open to AIA members with work constructed in boundaries of LA/AIA, for entry form and information: 213/659-2286</p>	 <p>3</p>
<p>24</p>	<p>25</p> <p>COMBINED CHAPTER SUMMER EVENT AT CHICAGO YACHT CLUB (See pg. 1)</p>	<p>26</p> <p>OWEN-CORNING FIBERGLAS AWARDS COMPE- TITION ENTRIES DUE: For information or entry forms: 419/248-8822</p>	
<p>31</p> <p>FORMS DUE: 312/346-1600</p>	<p>9/1</p> <p>WOOD COUNCIL COMPETITION ENTRY FORMS DUE: Information, 202/265- 7766</p>		<p>PHOTOS: From "Chicago: The Archi- tectural City," through September 18 at The Art Institute Galleries 14 & 15</p> <p>Photo 1: Chicago Loop Series, 1978 Barbara Crane</p> <p>Photo 2: Carson, Pirie, Scott, ca. 1955 Richard Nickel</p> <p>Photo 3: Chicago 1980 John Kimmich</p>

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SECOND COMPUTER SURVEY AVAILABLE

The Computer (formerly Research) Committee has completed a second annual survey of computer usage in CCAIA member firms. The most dramatic change from 1982 is in the number of firms using outside service bureaus. Also significant is the increase in the three areas of Computer-Aided Design: graphic, non-graphic and drafting.

The published survey includes reports of current firm investments, projections of future investments, summary of applications, computer staffing levels, and equipment and applications used by responding firms.

Nick Weingarten, chairman, and sub-committee heads Eric Fishhaut and Terry Poindexter designed the survey and tabulated the results on computers at Skidmore, Owings & Merrill. The report is available from the Chapter office for \$2.00, which includes tax and postage.

COMPETITIONS

Owens-Corning

Owens-Corning Fiberglas Corp. has announced its call for entries for the 12th Annual Energy Conservation Awards Program

The awards jury, which includes George Notter, FAIA, William Turnbull, and Helmut Jahn, AIA, will examine building design in six categories: commercial, governmental, industrial, institutional, residential and commercial retrofit.

The competition is open to all registered architects and professional engineers practicing in the U.S. Entries must be received by Owens-Corning by August 26, 1983. To receive a copy of the entry kit, write B.M.C. Meeks, Owens Corning Fiberglas Corp., Fiberglas Tower, T12, Toledo, Ohio 43659 or call 419/248-8822.

The FOCUS is interested in publishing articles on issues effecting today's design professionals. To be considered for the Focus Forum, articles must be submitted in typewritten form and received in the Chapter office no later than the 5th of each month.

CHAPTER PUBLISHES THEATRE ROW PROPOSAL

The Planning and Urban Affairs Committee has completed and published a proposal for a centralized entertainment district running from Clark to Wabash between Lake and Randolph. The proposal calls on the City of Chicago to strengthen its support of a Theatre Row in any future Requests for Proposals issued for the area.

Citing a need for diversifying the economic base and enlivening the street life of the North Loop, the committee suggests a mid-block pedestrian passage linking the Dearborn Street and State Street theatres, a small public square for civic activities and renovations of the Selwyn, Harris and Woods Theatres for dance, opera, dramatic and musical performances.

The committee will give a public presentation of the proposal at noon on August 17. The lecture, which is free and open to the public will be presented at the ArchiCenter at 330 S. Dearborn.

Copies of the Theatre Row proposal are available to members from the Chapter office. The cost, postpaid and tax included is \$3.00.

Cont'd. from pg. 2

How to Protect Your Lien Rights

If your contract is directly with the owner or his agent (e.g., the tenant), you must perfect your lien by filing a claim for lien in the Recorder of Deeds Office, (or, if the property is registered under Torrens, in the Registrar's Office) of the county in which the land is situated within four (4) months after comple-

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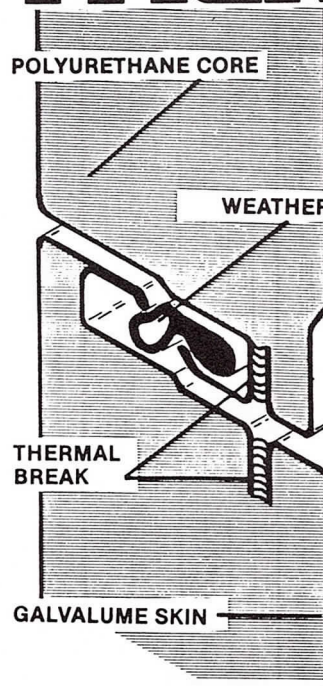
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Lien Rights *Cont'd.*

tion of your work. If you either file your lien claim or bring suit to foreclosure the lien within this period, your lien is good against the owner, and against purchasers and claims of other creditors or incumbrancers. Under either method, suit must be brought within two (2) years after completion. As to the owner alone, you can file your lien claim or suit at any time during the two (2) year period.

If your contract is with anyone other than the owner or its agent, you are, under the III. Mechanic Lien statute, a subcontractor. In addition to the filing requirements discussed above, you must also serve written notice of your claim on the owner and any lending agency involved, if known, within ninety (90) days after completion. If the property is registered under Torrens, the notice must also be filed in the Registrar's Office.

In order to comply with notice and filing requirements, the architect must be able to determine his date of "completion." This determination can be difficult for an architect. "Completion" is generally defined under the act as the last date on which you furnished services under the contract, as long as those last services were not trivial or inconsequential (e.g., they were not performed merely to extend your filing period).⁸ The terms of the contract often state when the architect's job is considered "completed," and your agreements with the owner should be drafted to consider your mechanics' lien rights to protect your valuable work product. If you are providing plans and specifications and superintending construction, your date of completion is normally the date on which you issue a certificate of approval. If you are providing plans and specifications alone, your completion date is normally the date on which you submit the final

plans to the owner. However, under either situation, if the project is abandoned before the building is either started or finished, the date of completion is the day on which the owner abandoned the project, and informed you your services were no longer required.

Conclusion

The information provided in this article is very basic, and the Illinois Mechanics' Lien Act is a very complicated and strict statute. The author strongly recommends that you contact an attorney with specialized knowledge in the field before attempting to enforce a mechanics' lien.

A mechanics' lien has been a proven and effective remedy for protecting contractors in the construction nonpayment in the construction industry. When you are having difficulty in collecting payment for your professional services, preserving your lien rights must be an important consideration.

BIBLIOGRAPHY

1 I.R.S., Ch. 82, S.1 reads in relevant part: "any person who shall by any Contract with the owner of a lot or tract of land, ... perform any services as an architect, ... in, for, on a lot or tract of land... has a lien upon ... such lot or tract of land... for the amount due to him for such... services ... and interest from the date the same is due."

2 Nimmons v. Lyon & Healy, 197 III. App. 376 (1916).

3 Crowen v. Meyer, 342 III, 46 (1930) and Freeman v Rinaker, 185 III. 172 (1900).

4 Ohrenstein v. Howell, 227 III. App. 215 (1922).

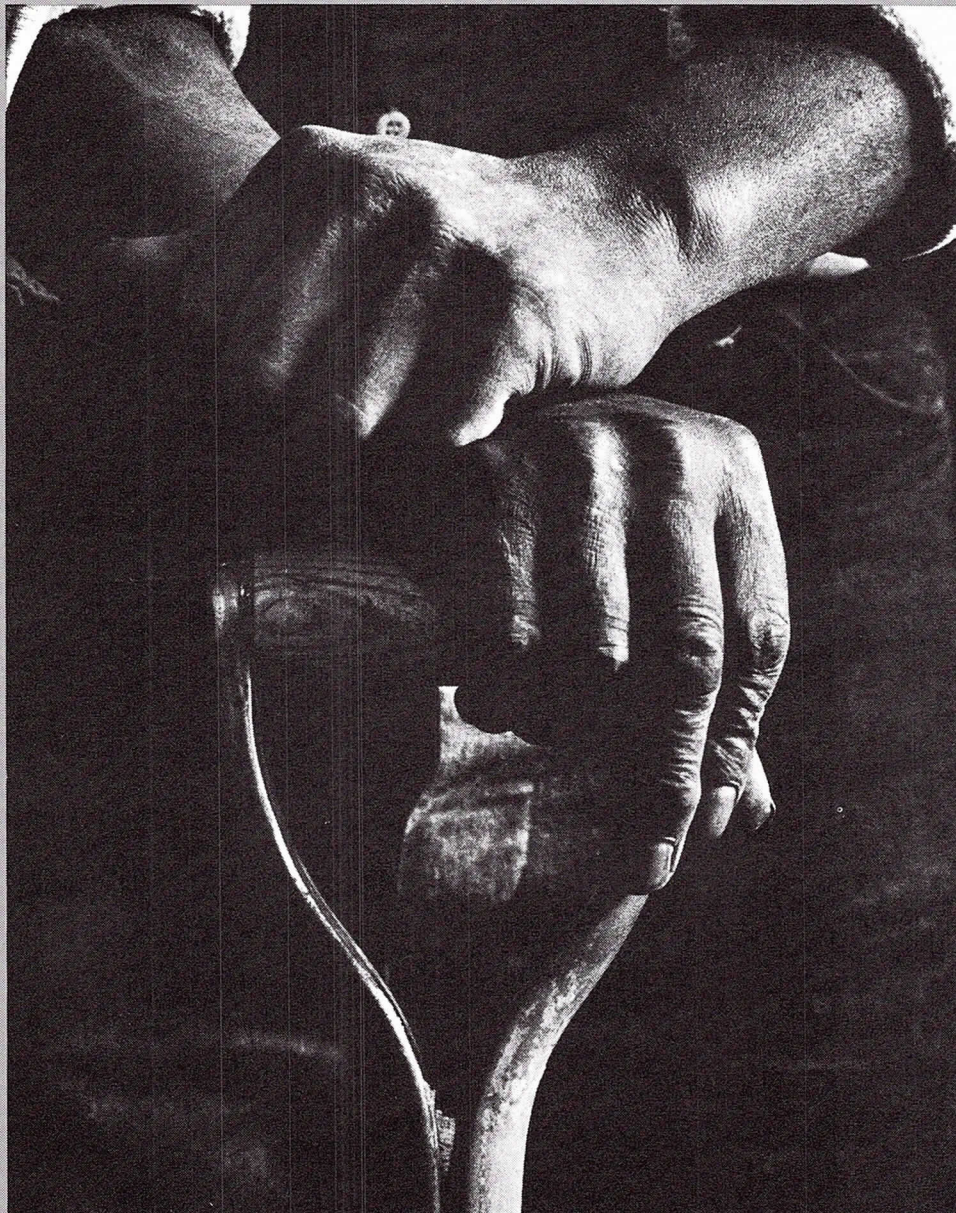
5 AIA Document B141

6 Richardson v. Central Lumber Co., 112 IA 160 (1904).

7 AIA Document B141, S6.1.4.

8 DeAnguera v. Arreguin, 92 III. App. 2d 381 (1968), Moser Lumber, Inc. v. Morgan, 106 III. App. 2d. 339 (1969).

Before we break ground, we break a rule.



Most construction companies live by one simple rule: "Never guarantee a price." That way when unanticipated costs pop up, they can be followed by equally unanticipated revised estimates.

At Jon Construction, we break the rule, by quoting a price and standing by it until a job is finished...even if the estimate was made only from a rough plan.

Estimates at Jon are not just numbers pulled from a hat, but calculated costs based on years of experience and a working knowledge of current prices. They're computed by professionals with experience as project managers, estimators, architects or civil engineers. On all kinds of projects — from new construction to high tech, rehabilitation to readaptive use.

Generally, finishing jobs in budget is not the rule in construction. But that's why, if you're considering any kind of major building project, you should know about Jon Construction.

The exception to the rule.

The way we build,
builds confidence.

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