

Facing an uncertain future

Orland Plaza merchants wonder when they'll see money to move out

BY MIKE NOLAN

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That Orland Park randomly chose next Valentine's Day to close on its purchase of the first piece of Orland Plaza is not lost on Larry Zona.

"It's one of the biggest holidays of the year for me," the owner of Bloomingfield's Florist & Gifts said.

But where his business will be when that holiday rolls around is up in the air.

While the village has agreed to spend \$7.5 million to buy the shopping center, settling a long-running legal dispute, the merchants said that does nothing to clarify their future. Still to be settled are the money they'll get from the L-shaped mall's owner, Orland Park Building Corp., for time remaining on their leases, and the payouts from the village for being booted out.

Adding to the uncertainty is the unlikely possibility that Orland Park could change its mind and walk away from the deal.

Attorneys for the plaza's tenants sought wording in the purchase agreement, committing the village to buying the property. State law gives the village the right to change its mind, but if it does, it would be on the hook for the legal expenses incurred by the landlord and tenants since Orland Park sued in September 2008 to try to get the property, 143rd Street and LaGrange Road.

"Everybody wants a guarantee, but we want a guarantee, too," Zona said. "We need some clarity."

For he and other merchants, finding a new home and getting it ready for busi-



Getting the boot: Larry Zona, of Bloomingfield's Florist, will have to be relocated from his current spot in Orland Plaza in Orland Park. | BRETT ROSEMAN - SUN-TIMES MEDIA

ness could take months.

Al Vuillaume, part-owner of Norman's Cleaners and the adjacent Norman's Formalwear, said he has large pieces of dry-cleaning equipment that need to be relocated and has been looking at properties near the plaza.

"I would like to stay on LaGrange, but I know that is going to be torn up," he said, referring to an upcoming widening project.

Not knowing how much they'll get for their current leases or when leaves the business owners unable to sign new leases.

"Part of me feels I am probably not go-

ing to get enough money to rebuild," Tom Demacopoulos, owner of Plaza Cafe, said. "I want to get enough to relocate."

Demacopoulos, who's been in Orland Plaza for six years, said he wants to stay in Orland Park and is getting great offers from developers and property owners.

The village would make the first payment, \$2.75 million, on Feb. 14, and acquire the bulk of the shopping center that month. Tenants would have to be out once the village closes on the purchase.

Attorneys William Ryan and Mike Ryan, who represent some merchants, had asked the village to consider giving tenants five or six months to move out once the village took possession.

Merchants say they don't want to commit to leases elsewhere if there are no assurances the village won't back out of the mall purchase. The village had, in settlement talks, originally agreed to back out only if some unforeseen event dramatically lowered the value of the property.

But the village reneged on that, Steve Viz, an attorney who represents several plaza tenants, said Tuesday.

"All that language was removed from the final judgment order," he said. "They (village) seemed amenable to it two weeks ago."

On Aug. 6, lawyers for the village and tenants will be in court, where the village will seek to file its settlement documents. Viz said he'll object to the filing because of Orland Park's new position on withdrawing from the agreement.

The village lawsuit currently doesn't have a judge assigned to it, and hearings haven't been scheduled on how much the plaza's owners will pay tenants, Viz said. Even if those hearings are soon, there's no guarantee a judge would rule quickly, he said.

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BURR OAK CEMETERY PERPETUA TRUST NOTICE

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
IN RE: PERPETUA-BURR OAK HOLDINGS OF ILLINOIS, LLC
CASE NO. 09-34022

NOTICE OF PERPETUA TRUST CLAIMS DEADLINE

To: All Class 7, Class 8 and Class 9 Claimants pursuant to the Debtors' Modified Second Amended Joint Plan of Liquidation

PLEASE TAKE NOTICE that the Debtors' Modified Second Amended Joint Plan of Liquidation ("Plan") became effective on June 16, 2011.¹ Pursuant to the Plan, Class 7, Class 8 and Class 9 Claims shall be distributed by the Perpetua Trust according to the terms of the Plan and supporting trust documents.

PLEASE TAKE FURTHER NOTICE that pursuant to Section 12.3 of the Plan, all Trust Claim Forms for Class 7, Class 8 and Class 9 Claimants must be received, if sent First Class Mail, by BMC Group, Inc., Attn: Perpetua Claims Processing, P.O. Box 3020, Chanhassen, MN 55317, or if sent Overnight or Hand Delivery, by BMC Group, Inc., Attn: Perpetua Claims Processing, 18750 Lake Drive East, Chanhassen, MN 55317, **no later than August 15, 2011.**

PLEASE TAKE FURTHER NOTICE that a Trust Claim Form will be deemed filed only when actually received by BMC Group, Inc. on or before August 15, 2011. A Trust Claim Form may not be delivered by facsimile or electronic mail transmission. Any facsimile or electronic mail submissions will not be accepted and will not be deemed filed until a Trust Claim Form is submitted by one of the methods described above. A Trust Claim Form which is received by BMC Group, Inc. after August 15, 2011 shall be denied and no Distribution shall be made on such late received Trust Claim Form.

PLEASE TAKE FURTHER NOTICE that failure to provide adequate support to your claim as required in the Trust Claim Form may result in the denial of your Claim. If you are unable to obtain the necessary documentation, please explain your reasons in writing on a separate piece of paper.

PLEASE TAKE FURTHER NOTICE that pursuant to Section 3.1.7(b) of the Plan, "if the aggregate amount of Allowed Class 7 Claims that elect the Automatic Payment Option exceeds the amount of the Automatic Payment Allocation, then each Distribution on account of such Allowed Class 7 Claim shall be reduced from \$100 on a Pro Rata basis." The Holder of any Allowed Class 9 Claim shall receive a Pro Rata Distribution on account of such Allowed Claim pursuant to Section 3.1.9(b) of the Plan.

PLEASE TAKE FURTHER NOTICE that to receive a copy of the Trust Claim Form, you may obtain it from the website: <http://www.bmcgroup.com/perpetua> or you may call BMC Group Inc.'s toll free number, 1-888-909-0100, to request that a Trust Claim Form be provided to you.

¹ All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Plan. To obtain a copy of the Plan and related documents, please visit <http://www.bmcgroup.com/perpetua>.

DISTRICT 218 BOARD

Regional agency may end stalemate

BY KATIE FANUKO

Correspondent

A regional school governing agency may step in to end Community High School District 218's inability to fill a vacant school board seat.

Supt. John Bryne said he sent a notice about the impasse to the The South Cook Intermediate Service Center.

Board members have not appointed a replacement to fill the vacancy created by the June 22 resignation of Ron Pratl, who was re-elected to the board in April.

School board members said Monday they were preparing to leave the seat vacant until the 2013 board election.

During a three-hour special meeting Thursday, the six board members could not agree on appointing either Linda

Flanagan Vahl, who ran as a 6th District candidate in the April election, or Don Pratl, Ron's brother, who applied for the position.

"Unfortunately, we could not come to a consensus," board president Randy Heuser said Monday.

The board's attorney, Burt Odelson, who was not present Monday, said the district would now have to notify the South Cook Intermediate Service Center about the vacancy.

When a school board member resigns, the remaining members have 45 days to appoint a new member, according to Illinois Association of School Boards. If the board does not appoint someone, the decision is left to the South Cook Intermediate Service Center director.

The service center has been handling vacant board appointments since 2010

when the Suburban Cook County Regional Office of Education was abolished following the resignation of former regional Supt. Charles Flowers, who was accused of embezzling nearly \$400,000.

South Cook Intermediate Service Center executive director Vanessa Kinder said her agency likely will fill the vacancy.

A number of residents from the 6th District said they were concerned about not having a board representative.

"I would like a full and independent board representing my interests and the interests of all students, parents and taxpayers," Oak Lawn resident Joe Murray said.

Hueser said the board would create a means for representing 6th District residents during a meeting scheduled for 6:30 p.m. Aug. 22.