



Doc#: 0326947144
Eugene "Gene" Moore Fee: \$20.00
Cook County Recorder of Deeds
Date: 09/26/2003 11:59 AM Pg: 1 of 6

FOR RECORDER'S USE ONLY

NOTICE AND CLAIM FOR MECHANICS LIEN

(AS CONTRACTOR)

TO: VIA FEDERAL EXPRESS

TOUCH AMERICA, INC.
1205 Butte Avenue
Suite 1
Helena, MT 59601

AT&T
32 Avenue of the Americas
New York, NY 10013-2412

THE CLAIMANT, Adesta, LLC, general contractor, claims a lien against the real estate, more fully described below, and against the interest of **Touch America, Inc** ("Touch") and **AT&T** ("AT&T") and any other person(s) claiming an interest in the real estate, more fully described below, stating as follows:

1. On or about February 7, 2003, Claimant received and executed "Purchase Order" Number 10885 ("Purchase Order") from Touch to furnish labor, materials, and incur expenses in developing detailed "as-built" drawings of Touch's fiber optic facilities located within or on the Land. A copy of the Purchase Order is attached hereto as **Exhibit "A"**, and is made a part hereof by this reference.

2. At all times relevant hereto and continuing to the present, the above-referenced parties held an interest in the following described land in the following counties of Cook, DeKalb, DuPage, Kane, Lee, Ogle, and Whiteside, State of Illinois, all

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of which is more particularly described in the attached **Exhibit "B,"** which is made a part hereof by this reference.

3. Touch and/or AT&T were and are now the owner(s) of the fixtures, apparatus, and appurtenances located by Claimant and for which the as-built drawings were prepared and Touch and/or AT&T maintain(s) an interest in the Land.

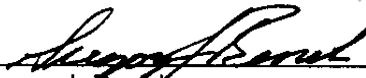
4. Claimant completed or supplied the last of Claimant's labor and materials on or about March 6, 2003.

5. Claimant served a Notice of Claim for Mechanic's Lien on Touch on July 28, 2003.

6. After allowing all just credits, deductions and setoffs, there is presently due and owing to Claimant for furnishing labor, materials, and expenses under the Purchase Order, the principal balance of **Thirty-five thousand, eight hundred eighty-five dollars and 66/100 (\$35,885.66)** together with interest.

7. Claimant claims a lien against the real estate and the interest of Touch and AT&T in the real estate (including all land and improvements thereon) and on the monies or other consideration due or to become due from or to Touch and/or AT&T in the amount of **Thirty-five thousand, eight hundred eighty-five dollars and 66/100 (\$35,885.66)** together with interest.

Dated: 9/18/03



Gregory J. Benak
Vice President and General Counsel
1200 Landmark Center, Suite 1300
Omaha, NE 68102

Attorney for the Adesta, LLC

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After recording, this Claim should be mailed,
on behalf of Adesta Communications, Inc., to:

Gregory J. Benak
Adesta, LLC
1200 Landmark Center, Suite 1300
Omaha, NE 68102
(402) 233-7729

VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)


I, Gregory J. Benak, being first duly sworn on oath, depose, and state that I am the Attorney for the Adesta, LLC, and am authorized to execute this Claim for Mechanics Lien, that I have read the foregoing Claim for Mechanics Lien and know the contents thereof, and that the statements of fact contained therein are true.



Gregory J. Benak
Vice President and General Counsel
1200 Landmark Center, Suite 1300
Omaha, NE 68102

Attorney for the Adesta, LLC

SUBSCRIBED AND SWORN TO
before me this 18 day of September, 2003.



Notary Public



My commission expires: Jan. 7, 2007

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Purchase Order

PURCHASE ORDER

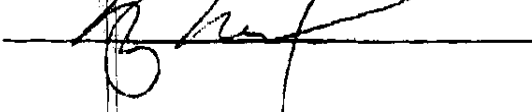
2/103	10885	1/1
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TO: Adesta Communications LLC
Attn: Jay Jorgensen
 Fax 630 739 6346
 V-110780

SHIP TO: Touch America *Marketing Co.*
 1205 Butte Ave
 Suite 1
 Helena, MT 59601

I.	N/A	Assistance to Power Engineers personnel in Illinois to field verify link 24 as built documentation along Lake Street in Chicago and I-55 Tollway, including locating the facilities, accessing handholes and depth checks and other activities relating to Touch America final as built.	Hourly	\$38,971.20
TRC	501500	6002282 2701 Link 17		\$12,990.40
"	"	6002300 2701 Link 24		\$25,980.80
			TOTAL	\$38,971.20

REQUESTED BY: Duane Wright

APPROVED BY: 

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EXHIBIT "B"

Legal Descriptions

Illinois State Toll Highway Authority ("ISTHA") right-of-way (the "Land") all within the NW¼ of the NW¼ of Section 16, T41N, R11E, in the City of Rolling Meadows, Cook County, Illinois; and the NE ¼ of the NE ¼ of Section 17, T41N, R11E, in the City of Rolling Meadows, Cook County, Illinois.

AND,

SEGMENT 7A

The right-of-way along those portions of Interstate Highway 88, approximately 9 miles long, between the Lisle Repeater to the west of the intersection of Interstate Highway 88 and Interstate Highway 355 and the boundary of DuPage County and Cook County to the west of the intersection of Interstate Highway 88 and Interstate Highway 294, all in DuPage County, Illinois.

Also described as:

The right-of-way along those portions of Interstate Highway 88, approximately 9 miles long, between the Lisle Repeater to the west of the intersection of Interstate Highway 88 and Interstate Highway 355 in Section 2, Township 38 North, Range 10 East, and continuing through the following list of Sections, Townships, and Ranges, and ending at the boundary of DuPage County and Cook County to the west of the intersection of Interstate Highway 88 and Interstate Highway 294 in Section 13, Township 39 North, Range 11 East, all in DuPage County, Illinois.

Beginning at the Lisle Repeater to the west of the intersection of Interstate Highway 88 and Interstate Highway 355 in:

Section 2, Township 38 North, Range 10 East, then to Section 1, Township 38 North, Range 10 East, then to Section 6, Township 38 North, Range 11 East, then to Section 31, Township 39 North, Range 11 East, then to Section 30 Township 39 North, Range 11 East, then to Section 29, Township 39 North, Range 11 East, then to Section 28, Township 39 North, Range 11 East, then to Section 27, Township 39 North, Range 11 East, then to Section 26, Township 39 North, Range 11 East, then to Section 23, Township 39 North, Range 11 East, then to Section 24, Township 39 North, Range 11 East, then ending in Section 13, Township 39 North, Range 11 East at the boundary of DuPage County and Cook County to the west of the intersection of Interstate Highway 88 and Interstate Highway 294.

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Also described as:

The right-of-way along those portions of Interstate Highway 88, approximately 9 miles long, between the Lisle Repeater to the west of the intersection of Interstate Highway 88 and Interstate Highway 355, Station Point 0+00, and ending at handhole #127 at the boundary of DuPage County and Cook County to the west of the intersection of Interstate Highway 88 and Interstate Highway 294, Station Point 472 + 55.

AND,

SEGMENT 7B

DUPAGE COUNTY PARCEL: The right-of way running along the north side of Interstate 88 beginning at the Lisle Repeater at the intersection of Interstate 88 and Interstate 355, running westward, and ending at the DuPage County / Kane County county line.

KANE COUNTY PARCEL: The right-of-way running along the north side of Interstate 88 beginning at the DuPage County / Kane County county line, running westward and ending near the Aurora Toll Plaza 61, 357 feet west of mile marker 118.

AND,

SEGMENT 8

KANE COUNTY PARCEL: The right-of-way running along the north side of Interstate 88 beginning near the Aurora Toll Plaza 61, 357 feet west of mile marker 118, running westward and ending at the Kane County / DeKalb County county line.

DEKALB COUNTY PARCEL: The right-of way running along the north side of Interstate 88 beginning at the Kane County / DeKalb County county line, running westward and ending at the DeKalb County / Ogle County county line.

OGLE COUNTY PARCEL: The right-of-way running along the north side of Interstate 88 beginning at DeKalb County / Ogle County county line running westward, and ending at the Ogle County / Lee County county line.

LEE COUNTY PARCEL: The right-of-way running along the north side of Interstate 88 beginning at the Lee County / Ogle County county line running westward and ending at the Lee County / Whiteside County county line.

WHITESIDE COUNTY PARCEL: The right-of-way running along the north side of Interstate 88 beginning at the Whiteside County / Ogle County county line running southwest approximately 1400 feet ending at the U.S. 30 right-of-way.