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SUBCONTRACTOR'S CLAIM FOR LIEN



State of Illinois)
) ss
County of Cook)

Doc#: 0434832042
Eugene "Gene" Moore Fee: \$20.50
Cook County Recorder of Deeds
Date: 12/13/2004 02:39 PM Pg: 1 of 6

IN THE OFFICE OF THE
RECORDER OF COOK COUNTY

A.A. Conte & Son, Inc.

Claimant

vs.

Weis Builders, Inc. and Walmart, Inc.

Defendant

NOTICE AND CLAIM FOR LIEN IN AMOUNT OF
~~\$244,435.01~~ PLUS COSTS, ATTORNEYS' FEES AND
INTEREST

The Claimant, A.A. Conte & Son, Inc. of West Chicago, County of DuPage, State of Illinois hereby files a notice and Claim for Lien against Weis Builders, Inc., Contractor, of Rolling Meadows, County of Cook, State of Illinois and Walmart, Inc. of Bentonville, State of Arkansas, states:

That on the 4th day of November, 2003, said last named person was the owner of the following described land in the County of Cook, State of Illinois to-wit:

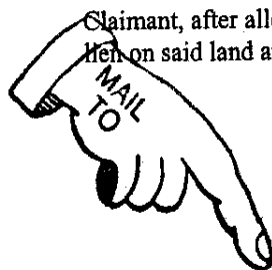
See attached Exhibit A

in Section _____, Township _____, Range _____, and the Contractor for the improvement thereof.

That on the 4th day of November, 2003, said Contractor made a subcontract with the Claimant to (1) provide earthwork, materials and services for and in said improvement, and that, on the 14th day of August, 2004, the Claimant completed thereunder (2) the above described work and materials pursuant to the subcontract, with the value of \$742,000.00.

That, at the special instance and request of said Contractor, the Claimant furnished extra and additional materials at and extra and additional labor on said premises of the value of \$214,112.67 as fully set forth in an account thereof herewith filed and made part hereof, marked Exhibit B, and did complete same on the 14th day of August, 2004..

That said Contractor is entitled to credits on account thereof as follows: \$711,657.66 leaving due, unpaid and owing to the Claimant, after allowing all credits, the sum of ~~\$244,435.01~~, for which, with interest, costs and attorneys' fees, the Claimant claims a lien on said land and improvements, against said Contractor and owner.



A.A. CONTE & SON, INC.

Signature:

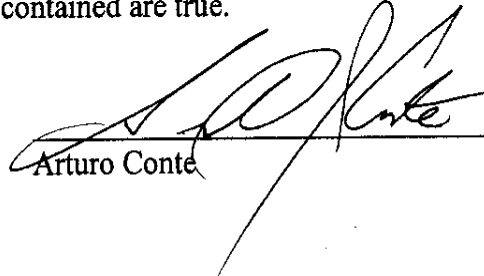
A.A. Conte & Son, Inc.
By: Arturo Conte
Its: President

This instrument prepared by:
Douglas C. Tibble
Brooks, Adams and Tarulis
101 N. Washington St.
Naperville, IL 60540
(630) 355-2101

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State of Illinois)
) ss
DuPage County)

The Affiant Arturo Conte being first duly sworn on oath deposes and says that he is President of A.A. Conte & Son, Inc., the Claimant, that he has read the foregoing notice and Claim for Lien, knows the contents thereof, and that all the statements therein contained are true.

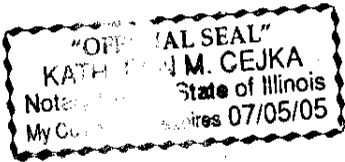


Arturo Conte

Subscribed and sworn to before me
this 24th day of November, 2004.



Notary Public



Property of Cook County Clerk's Office

UNOFFICIAL COPY**LEGAL DESCRIPTION**

THAT PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 04 MINUTES 41 SECONDS EAST, 1,486.08 FEET ALONG THE EAST LINE OF SAID NORTHWEST QUARTER TO A POINT THAT IS 397.56 FEET NORTH OF, AS MEASURED ALONG SAID EAST LINE, THE CENTERLINE OF RAND ROAD; THENCE SOUTH 89 DEGREES 55 MINUTES 19 SECONDS WEST, 197.18 FEET AT RIGHT ANGLES TO THE LAST DESCRIBED LINE; THENCE SOUTH 00 DEGREES 04 MINUTES 41 SECONDS EAST, 268.47 FEET PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER TO A POINT ON THE CENTERLINE OF RAND ROAD; THENCE NORTHWESTERLY, 371.54 FEET, ALONG SAID CENTERLINE, BEING A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2,604.51 FEET, A CHORD BEARING NORTH 50 DEGREES 11 MINUTES 02 SECONDS WEST, AND A CHORD DISTANCE OF 371.22 FEET TO A POINT OF TANGENCY; THENCE NORTH 46 DEGREES 05 MINUTES 50 SECONDS WEST, 755.40 FEET ALONG SAID CENTERLINE; THENCE NORTH 43 DEGREES 54 MINUTES 10 SECONDS EAST, 50.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 46 DEGREES 05 MINUTES 50 SECONDS WEST, 430.68 FEET ALONG A LINE 50.00 FEET NORTHEASTERLY OF AND PARALLEL WITH SAID CENTERLINE; THENCE NORTH 36 DEGREES 42 MINUTES 00 SECONDS EAST, 231.34 FEET ALONG SAID SOUTHEASTERLY LINE; THENCE NORTH 00 DEGREES 11 MINUTES 23 SECONDS WEST, 148.06 FEET; THENCE NORTH 32 DEGREES 45 MINUTES 44 SECONDS EAST, 120.83 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 25 SECONDS EAST, 521.96 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 35 SECONDS EAST, 733.94 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 25 SECONDS WEST, 415.78 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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Telephone (630) 231-3292 FAX (630) 231-8550

A.A. CONTE & SON, INC.

Excavating and Site Development Contractors

31W007 North Avenue

West Chicago, Illinois 60185-6409

STATEMENT OF ACCOUNT

December 9, 2004

Re: **Wal Mart Store #6276**
Southeast Corner of Dundee Rd and Rand Rd
Palatine, IL

Date	Inv/Check No.	Description	Gross Invoice	Retention	Payment	Balance
11/20/03	27064	First Draw	311,000.00	31,100.00		279,900.00
11/30/04	27041	CCO 4520: Demuck Pier Holes	14,192.21			294,092.21
11/30/04	27042	CCO 4591: Dry Subgrade	5,032.00			299,124.21
12/31/04	27077	CCO 4594: Dry Subgrade	1,290.00			300,414.21
12/31/04	27082	CCO 3784: Over Frost EDP Room	2,040.50			302,454.71
1/31/04	27115	Second Draw	116,625.00	11,863.00		407,416.71
1/31/04	27126	CCO 3787: Repair Wrt Wa	5,997.00			413,413.71
2/27/04	27148	CCO 3788: Sewer Spoils	7,500.00			420,913.71
3/18/04	27172	Labor: Overtime	816.00			421,729.71
3/31/04	27196	CCO 4167: Subgrade Prep	760.95			422,490.66
3/31/04	27197	CCO 3788: Sewer Spoils	12,800.00			435,090.66
3/31/04	27199	CCO 4180: Haul Rd for Bricklayer	4,989.62			440,080.58
4/30/04	27227	Third Draw	163,675.00	16,368.00		587,367.58
4/30/04	27242	CCO 4565: Undercut Footings	561.63			587,949.21
4/30/04	27243	CCO 4171: Excavate for Shoring	450.00			588,399.21
4/30/04	27244	CCO 3788: Sewer Spoils	3,300.00			591,699.21
5/31/04	27257	Fourth Draw	52,550.00	5,256.00		638,983.21
5/31/04	27269	CCO 4176: Pump Water	288.00			639,281.21
5/31/04	27270	CCO 3788: Sewer Spoils	633.00			639,914.21
5/31/04	27271	CCO 4175: Uninstall Lawn Hydrant	2,635.00			642,434.21
5/31/04	27272	CCO 4302: Overtime	2,230.00			644,664.21
5/31/04	27273	CCO 4173: Rework Fence	2,114.00			646,778.21
6/30/04	27285	Fifth Draw	32,700.00	3,270.00		676,208.21
6/30/04	27304	CCO 4305: Clean-up Site	4,862.00			681,070.21
6/30/04	27305	CCO 4178: Triple Basin	2,600.00			683,670.21
6/30/04	27307	CCO 4203: Undercut Pkg Lots	2,760.00			686,430.21
6/30/04	27308	CCO 4204: Repair Pipe	140.00			686,580.21
6/30/04	27309	CCO 4205: Archon	700.00			687,280.21
6/30/04	27313	CCO 4203: Undercut Pkg Lot	2,400.00			689,680.21
7/22/04	380651	Cash Received			(279,800.00)	409,780.21
7/28/04	381183	Cash Received			(104,962.00)	304,828.21
7/31/04	27342	Sixth Draw	114,182.66			419,010.87
7/31/04	27360	CCO 4173: Rework Fence	548.00			419,558.87
8/17/04	382573	Cash Received			(224,032.00)	195,526.87
8/31/04	27404	CCP 4265: Repair Bobcat	1,032.80			196,559.67
9/30/04	27422	Seventh Draw	73,478.00			270,037.67
10/5/04	385977	Cash Received			(102,783.66)	167,274.01
		Change Order No. 1	9,075.00	(67,657.00)		244,006.01
		Change Order No. 5	(1,511.00)			242,495.01
		AWA M04-016: EDC Pad	1,940.00			244,435.01
		Column Totals	956,092.67	-	(711,657.66)	244,435.01
		Total Balance Due				244,435.01

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A.A. CONTE & SON, INC.

Excavating and Site Development Contractors

31W007 North Avenue

West Chicago, Illinois 60185-6409

STATEMENT OF EXTRAS NOT IN CONTRACT

December 9, 2004

Re: **Wal Mart Store #6276**
Southeast Corner of Dundee Rd and Rand Rd
Palatine, IL

Date	Inv/Check No.	Description	Gross Invoice	Retention	Payment	Balance
11/30/04	27041	CCO 4590: Demuck Pier Holes	14,192.21			14,192.21
11/30/04	27042	CCO 4590: Dry Subgrade	5,032.00			19,224.21
12/31/04	27077	CCO 4590: Dry Subgrade	1,290.00			20,514.21
12/31/04	27082	CCO 378 : Break Frost EDP Room	2,040.50			22,554.71
1/31/04	27126	CCO 3787: Repair West Wall	5,997.00			28,551.71
2/27/04	27146	CCO 3788: Sewer Spoils	7,500.00			36,051.71
3/18/04	27172	Labor: Overtime	816.00			36,867.71
3/31/04	27196	CCO 4167: Subgrad. Prep	760.95			37,628.66
3/31/04	27197	CCO 3788: Sewer Spoils	12,600.00			50,228.66
3/31/04	27199	CCO 4180:Haul Rd for Bricklay	4,999.92			55,218.58
4/30/04	27242	CCO 4595: Undercut Footings	561.63			55,780.21
4/30/04	27243	CCO 4171: Excavate for Shoring	450.00			56,230.21
4/30/04	27244	CCO 3788: Sewer Spoils	3,300.00			59,530.21
5/31/04	27269	CCO 4176: Pump Water	288.00			59,818.21
5/31/04	27270	CCO 3788: Sewer Spoils	300.00			60,118.21
5/31/04	27271	CCO 4175: Uninstall Lawn Hydrant	2,853.00			62,971.21
5/31/04	27272	CCO 4302: Overtime	2,740.00			65,201.21
5/31/04	27273	CCO 4173: Rework Fence	2,111.00			67,315.21
6/30/04	27304	CCO 4305: Clean-up Site	4,862.00			72,177.21
6/30/04	27305	CCO 4179: Triple Basin	2,900.00			74,777.21
6/30/04	27307	CCO 4203: Undercut Pkg Lots	2,780.00			77,557.21
6/30/04	27308	CCO 4204: Repair Pipe	140.00			77,697.21
6/30/04	27309	CCO 4205: Archon	700.00			78,397.21
6/30/04	27313	CCO 4203: Undercut Pkg Lot	2,400.00			80,797.21
7/31/04	27360	CCO 4173: Rework Fence	548.00			81,345.21
8/31/04	27404	CCP 4265: Repair Bobcat	1,032.80			82,378.01
		AWA M04-016: EDC Pad	1,940.00			84,318.01

Total Balance Due for Extras

84,318.01

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FAX (630) 231-8550

**A.A. CONTE
& SON, INC***Excavating and Site Development Contractors*

31W007 North Avenue

West Chicago, Illinois 60185-6409

STATEMENT OF CONTRACT

December 9, 2004

Re:

Wal Mart Store #6276
Southeast Corner of Dundee Rd and Rand Rd
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4/30/04	27227	Third Draw	163,875.00	16,388.00		532,169.00
5/31/04	27257	Fourth Draw	52,550.00	5,256.00		579,463.00
6/30/04	27285	Fifth Draw	32,700.00	3,270.00		606,893.00
7/22/04	380651	Cash Received			(279,900.00)	328,993.00
7/28/04	381183	Cash Received			(104,962.00)	224,031.00
7/31/04	27342	Sixth Draw	114,182.66			338,213.66
8/17/04	382573	Cash Received			(224,032.00)	114,181.66
9/30/04	27422	Seventh Draw	73,478.00			187,659.66
10/5/04	385977	Cash Received			(102,763.66)	84,896.00
		Change Order No. 1	9,075.00	(67,657.00)		161,628.00
		Change Order No. 5	(1,511.00)			160,117.00
TOTAL BALANCE DUE ON CONTRACT		Column Totals	871,774.66	-	(711,657.66)	160,117.00