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THIS INSTRUMENT WAS PREPARED BY AND AFTER RECORDING SHOULD BE RETURNED TO:

Peter J. Bedard Stein, Ray & Harris LLP 222 West Adams Street Suite 1800 Chicago, Illinois 60606 (312) 641-3700 Doc#: 0515903134

Eugene "Gene" Moore Fee: \$18.50

Cook County Recorder of Deeds

Date: 06/08/2005 04:13 PM Pg: 1 of 4

ORIGINAL	CONTRACTO	DR'S CLAIM F	OR MECHANICS LI	<u>EN</u>
				

STATE OF ILLINOIS)	
0)	SS
COUNTY OF COOK)	

The Claimant, Capitol Construction Services, L.P. ("Capitol"), with an address at 220 North Strick Street, Suite 210, Palatine, Illinois 60067, hereby files its Original Contractor's Craim for Mechanics Lien and claims a mechanic's lien on the Real Estate (as hereinafter described) on all funds held in connection with the improvements constructed on the Real Estate and against the interest of TMK Evergreen Park Venture, LLC ("TMK"), an Illinois limited liability company, First American Bank, an Illinois banking corporation, Aldi, Inc., a Wisconsin corporation, JTJ Evergreen Park, LLC ("JTJ"), an Illinois limited liability company, The Private Bank and Trust, North Community Bank, The Huntington National Bank, as Trustee, and Walgreen Co., an Illinois corporation (conectively referred to as "Owner"), in the Real Estate and any other person or entity claiming an interest in the Real Estate (as hereinafter described).

Capitol states as follows:

1. On August 19, 2004, TMK held fee simple title to the real estate (including all land and improvements thereon) ("Real Estate") in Cook County, Illinois, commonly known as 8700 South Kedzie Avenue, Evergreen Park, Illinois, and legally described as follows:

PARCEL 1:

LOT 1 IN EVERGREEN PARK KEDZIE AVENUE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 2004 AS DOCUMENT NUMBER 0422439086, IN COOK COUNTY, ILLINOIS

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Address: 8700 S. Kedzie Ave., Evergreen Park, IL

PIN: 24-02-200-011-0000

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PARCEL 2:

LOT 2 IN EVERGREEN PARK KEDZIE AVENUE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 2004 AS DOCUMENT NUMBER 0422439086, IN COOK COUNTY, ILLINOIS

PARCEL 3:

LOT 2 IN EVERGREEN PARK KEDZIE AVENUE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/2 OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 2004 AS DOCUMENT NUMBER 0422439086, IN COOK COUNTY, ILLINOIS

PARCEL 4:

LOT 4 IN EVERGREEN PARK KEDZIE AVENUE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 2004 AS DOCUMENT NUMBER 0422439086, IN COOK COUNTY, ILLINOIS

PIN: 24-02-200-011-0000

- 2. Beginning on or about August 26, 2004, TMK conveyed the Real Estate in subdivided portions to First American Bank (Parcel 1), JTJ (Parcel 2), and Aldi, Inc. (Parcel 4). TMK retained title to Parcel 3.
- 3. Capitol entered into a contract on August 19, 2004 (the "Agreement") with TMK under which Capitol agreed to perform site work, including, but not limited to, demolition of existing structures, mass and finish grading, site utility work, site concrete, asphalt paving, parking lot striping and signage, landscaping, landscape irrigation and wood fencing, at the Property, in the amount of \$1,120,194.50, subject to additions and deductions as provided in the Agreement.
- 4. At the special insistence and request of TMK, Capitol, as of the date hereof, furnished extra and additional materials and extra and additional labor in the amount of \$268,753.10.
- 5. As of this date, Capitol continues to perform work at the Property under the Agreement.

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- 6. As of the date hereof, there is due, owing and unpaid to Capitol, after allowing all credits, the principal balance of One Hundred Sixty-Three Thousand Four Hundred Seventy-One Dollars and Thirty-Six Cents (\$163,471.36) for which Capitol claims a lien on the Real Estate (including all land and improvements thereon) plus interest at the rate of 10% from the date the amount first became due. Capitol specifically reserves its right to amend this Claim to adjust the principal amount claimed to reflect amounts that subsequently become due and owing whether under the terms of the base contract or for extra and additional materials and extra and additional labor furnished at the special insistence and request of TMK.
- 7. Capitol contends that neither apportionment nor allocation of Capitol's claim is required. To the extent that apportionment or allocation among the Parcels in the Real Estate is deemed to be required, Capitol states that the amount claimed as to each Parcel is as follows:
 - A. With respect to Parcel 1, Capitol allocates or apportions \$14,303.65, of the principal amount of its total claim.
 - B. With respect to Parcel 2, Capitol allocates or apportions \$50,763.04, of the principal smount of its total claim.
 - C. With respect to l'arcel 3, Capitol allocates or apportions \$36,308.13, of the principal amour t of its total claim.
 - D. With respect to Parcel 4. Capitol allocates or apportions \$62,096.54, of the principal amount of its total claim.

Dated: June 8, 2005

CAPITOL CONSTRUCTION SERVICES

L.P.

Matthew Gray

President

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STATE OF ILLINOIS	}	
)	SS.
COUNTY OF COOK)	

AFFIDAVIT

Matthew Gray, being first duly sworn, deposes and states that he is the President of Capitol Construction Services, L.P., that he is duly authorized to make this affidavit on its behalf; that he has read the foregoing Original Contractor's Claim for Mechanic's Lien, knows the contents thereof, and that the statements contained therein are true.

Matthew Gray

Title: President

Subscribed and sworn to before me this 8 day of June, 2005

Notary Public

OFFICIAL GEAL LESLIE B ROPINSON

NOTARY PUBLIC, STATE OF REPORT

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Peter J. Bedard Stein, Ray & Harris LLP 222 West Adams Street Suite 1800 Chicago, Illinois 60606

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