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SUBCONTRACTOR'S NOTICE AND CLAIM FOR LIEN



Doc#: 0534119061 Fee: \$22.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 12/07/2005 03:22 PM Pg: 1 of 8

Via U.S. Mail and Certified Mail, Delivery
Restricted to the Addressee Only, Return
Receipt Requested To:

Owner

Brookmere, LLC
c/o Nicholas C. Dranias, registered agent
77 W. Washington
Suite 1020
Chicago, Illinois 60602

Owner

Brookmere, LLC
1135 Mitchell Road
Aurora, Illinois 60505

Owner

Pembroke Homes, LLC
c/o Nicholas C. Dranias, registered agent
77 W. Washington
Suite 1020
Chicago, Illinois 60602

Owner

Pembroke Homes, LLC
1135 Mitchell Road
Aurora, Illinois 60505

Owner

Estates at Brookmere LLC
c/o Nicholas C. Dranias, registered agent
77 W. Washington
Suite 1020
Chicago, Illinois 60602

Owner

Estates at Brookmere LLC
1135 Mitchell Road
Aurora, Illinois 60505

Owner/Contractor

Lord & Essex Matteson LLC
c/o Nicholas C. Dranias, registered agent
77 W. Washington
Suite 1020
Chicago, Illinois 60602

Owner/Contractor

Lord & Essex Matteson LLC
1135 Mitchell Road
Aurora, Illinois 60505

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Lender

Geneva Leasing Associates, Inc.
1525 Kautz Road
Suite 100
West Chicago, Illinois 60185

Lender

Parkway Bank and Trust Co.
4800 North Harlem Avenue
Harwood Heights, Illinois 60656

Lender

USA Commercial Mortgage Co.
4484 South Pecos Road
Las Vegas, Nevada 89121

Lender

Harris Bank of Joliet NA
801 Essington Road
Joliet, Illinois 60436

Lender

State Bank of Countryside
6734 Joliet Road
Countryside, Illinois 60525

Subcontractor

Russell Construction Company of Illinois
c/o Caleb G. Russell, registered agent
1642 Paulette Street
Sandwich, Illinois 60548

1. Claimant, Water Products Company of Aurora, Inc. ("WPC"), maintains its principal place of business at 3255 East New York Street, Aurora, Illinois 60504, and hereby files a claim for lien against those with an interest in Property (defined below) identified in Exhibit A made a part hereto and incorporated herein Brookmere, LLC; Pembroke Homes LLC; Estates at Brookmere LLC; Lord & Essex Matteson LLC; Botaba Realty Company, Ltd.; A. Andrew Schwarzman & Maria T. Cotch; John J. Popp Jr./Christopher M. Smith Owners ("Owners"); the State Bank of Countryside, Geneva Leasing Associates Inc., USA Commercial Mortgage Co., Harris Bank of Joliet NA, Parkway and Bank and Trust Co. ("Lenders"); Lord & Essex Matteson LLC; and Russell Construction; and any persons claiming to be interested in the Property described herein.

2. That prior to and on May 4, 2005, Owners owned certain real property legally described as follows:

See Attached Exhibit B.

The real property is located at the common address located South of Vollmere Road, West of Cicero Avenue, in the Brookmere Subdivision, Matteson, Illinois and legally described in the attached Exhibit B attached hereto and incorporated herein (the "Property"). Upon information and belief, Lenders are lenders to certain Owners and have interest(s) in the Property.

3. Upon information and belief prior to May 4, 2005, Owners entered into a contract with Lord & Essex Matteson, LLC to provide general contracting services for the Property.

4. Upon information and belief prior to May 4, 2005, Lord & Essex Matteson, LLC entered into a contract with Russell Construction as subcontractor

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generally to provide and install miscellaneous underground utility materials, goods and wares for the use in the construction for the development of the Property.

5. On or about March 11, 2005, Russell Construction entered into a contract with WPC to furnish certain miscellaneous underground utility materials, goods and wares for the use in the construction for the development of the Property for the sum of Four Thousand Seven Hundred Sixty Five and 34/100 Dollars (\$4,765.34).

6. At the special assistance and request of Russell Construction, WPC furnished extra and additional materials, goods and wares with a value of Two Hundred Fourteen Thousand Four Hundred Sixty Four and 14/100 Dollars (\$214,464.14). The total value of materials, goods and wares that Russell Construction requested and WPC provided was Two Hundred Nineteen Thousand Two Hundred Twenty Nine and 48/100 Dollars (\$219,229.48).

7. WPC completed all that was required by Russell Construction pursuant to its contract, as well as requests for extras, on September 1, 2005.

8. After all due credits are given to Russell Construction, a balance remains due and owing to WPC in the amount of Eighteen Thousand Four Hundred Eighty Two and 61/100 Dollars (\$18,482.61).

9. There is currently due, unpaid and owing to WPC for the above described materials the sum of Eighteen Thousand Four Hundred Eighty Two and 61/100 Dollars (\$18,482.61), plus interest, attorneys' fees and court costs. WPC hereby claims a Mechanic's Lien against the Property, all improvements made to the Property and any money or other consideration due or to become due from Owners against all persons interested in the amount of Eighteen Thousand Four Hundred Eighty Two and 61/100 Dollars (\$18,482.61).

10. In the event an apportionment or allocation of claim for Mechanics Lien is required by law, WPC claims a lien for an equal portioned amount based upon the amount due on each of the purportedly subdivided lots.

Dated: November 28, 2005

Water Products Company of Aurora, Inc.

By: 

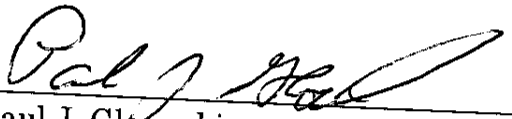
Paul Glowacki

Prepared by and mail to:
Paul Glowacki
Corporate Secretary
Water Products Company of Aurora, Inc.
3255 East New York Street
Aurora, Illinois 60504
(630) 898-3330

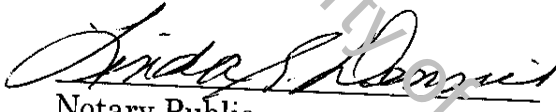
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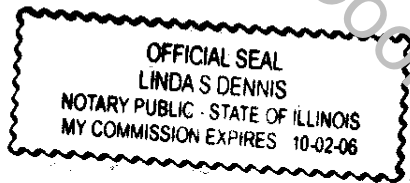
VERIFICATION

I, Paul J. Glowacki, being first duly sworn on oath, depose and state that I am the Corporate Secretary for Water Products Company of Aurora, Inc., the above mentioned claimant, and that I am duly authorized to make this Affidavit on its behalf; that I have read the above and foregoing Subcontractor's Notice and Claim for Lien and that the statements made therein are true in substance and in fact.


Paul J. Glowacki

SUBSCRIBED AND SWORN TO
before me on November 28, 2005.


Notary Public



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EXHIBIT A

INTERESTS IN PROPERTY

Estates At Brookmere, LLC
Pembrook, LLC
Lord & Essex Matteson, LLC
Brookmere, LLC
Harris Bank of Joliet, N.A.
Parkway Bank & Trust Company
Botaba Realty Company, Ltd.
Geneva Leasing Associates, Inc.
A. Andrew Schwarzman & Maria T. Cote
John J. Popp Jr./Christopher M. Smith
State Bank of Countryside
USA Commercial Mortgage Co.

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EXHIBIT B

LEGAL DESCRIPTION

LOTS 1, 1A, 2, 3, 4, 5, 6, 7, C1-A, C1-B, C1-C, C1-D, C1-E, C1-F, C1-G, C1-H, C2-A, C2-B, C2-C, C2-D, C2-E, C2-F, C3-A, C3-B, C3-C, C3-D, C4, C4-A, C4-B AND T1, THAT PORTION OF 203RD STREET LYING NORTH OF AND ADJOINING LOT T-1 AND NORTH OF AND ADJOINING LOTS C4-A AND C4-B, AND THAT PORTION OF POST AVENUE EAST OF AND ADJOINING LOT T-1 NORTH OF A LINE 275.61 FEET NORTH OF THE SOUTH LINE OF LOT T-1 IN THE PLAT OF BROOKMERE SUBDIVISION BEING A RESUBDIVISION OF PART OF MATTESON COMMONS SUBDIVISION IN THE EAST 1/2 OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF MATTESON, COOK COUNTY, ILLINOIS RECORDED AUGUST 28, 2003 AS DOCUMENT 0324019012.

AND LOT 4 ABOVE BEING FURTHER DESCRIBED AS LOTS 1 THROUGH 146, INCLUSIVE IN THE FIRST RESUBDIVISION OF LOT 4 IN BROOKMERE, ACCORDING TO THE PLAT RECORDED AUGUST 4, 2004 AS DOCUMENT NO. 0421744046 IN THE VILLAGE OF MATTESON, COOK COUNTY, ILLINOIS.

PIN No. 31-16-203-005-000

Common Address: South of Vollmere Road, West of Cicero Avenue, in the Brookmere Subdivision, Matteson, Illinois.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the true and correct copy of the **Subcontractor's Notice and Claim for Lien** was sent via first class mail, postage prepaid, and also, via certified mail, return receipt requested and delivery limited to addressee only, on this 28th day of November, 2005, to the following:

Owner

Brookmere, LLC
c/o Nicholas C. Dranias, registered agent
77 W. Washington
Suite 1020
Chicago, Illinois 60602

Owner

Brookmere, LLC
1135 Mitchell Road
Aurora, Illinois 60505

Owner

Pembroke Homes, LLC
c/o Nicholas C. Dranias, registered agent
77 W. Washington
Suite 1020
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Harwood Heights, Illinois 60656

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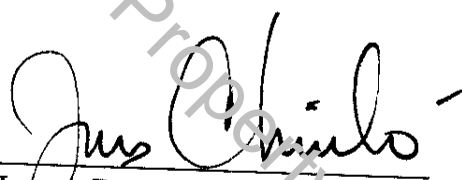
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Lender

USA Commercial Mortgage Co.
4484 South Pecos Road
Las Vegas, Nevada 89121

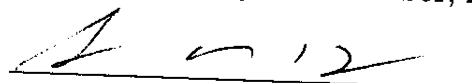
Subcontractor

Russell Construction Company of Illinois
c/o Caleb G. Russell, registered agent
1642 Paulette Street
Sandwich, Illinois 60548


James P. Chivilo
Holland & Knight LLP
One Mid America Plaza
Suite 1000
Oakbrook Terrace, IL 60181
(630) 954-2100 Phone
(630) 954-2112 Facsimile



Subscribed and sworn before
me this 28th day of November, 2005.


Notary Public

3398427_v1

AFTER RECORDING, PLEASE RETURN TO:
BOX 266

James P. Chivilo – 312-715-5895
Holland & Knight LLP
131 South Dearborn, 30th Floor
Chicago, IL 60603