



Doc#: 0803255014 Fee: \$22.50  
Eugene "Gene" Moore RHSP Fee:\$10.00  
Cook County Recorder of Deeds  
Date: 02/01/2008 12:50 PM Pg: 1 of 8

## SUB-SUBCONTRACTOR'S NOTICE AND CLAIM FOR MECHANICS LIEN

The Claimant, (Sub-Subcontractor) K-Five Construction Corp., an Illinois corporation, doing business at 12769 Main Street, Lemont, Illinois, hereby files a Notice and Claim for Mechanic's Lien on the Subject Property described herein, and against: The Coves of Olympia Fields, L.L.C., an Illinois limited liability company, having its principal office located at 4545 South Ellis, Chicago, Illinois, owner ("Owner") of the Subject Property; Commguard Construction, Inc., an Illinois corporation, having its principal office located at 1411 Weyers Court, Schaumburg, Illinois, Owner's contractor ("Contractor"); and Adcock Construction, Inc., an Illinois corporation, of 8845 Schoger Drive, Naperville, Illinois, Contractor's subcontractor ("Subcontractor"); and any entity/person including, Delaware Place Bank (lender) and MidAmerica Bank, FSB (as successor in interest to St. Francis Bank FSB) (lender), any other mortgagees/lenders, unknown owners and non-record claimants, claiming an interest in the Subject Property, by through or under either the Owner, Contractor or Subcontractor, and states:

1. The Subject Property is legally described in Exhibit "A" attached hereto and incorporated herein. ("Subject Property").
2. That on or about April 4, 2006, Owner was the owner of the Subject Property.
3. That on or about, April 4, 2006 the Claimant entered into a written subcontract ("Subcontract") with Subcontractor, pursuant to which Subcontract the Claimant agreed to

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provide all necessary labor, material, tools, and equipment to put in place the surface, binder, prime coat and tac coat for roadways, in the improvement of the Subject Property, as set forth in the Subcontract, a copy of which is attached hereto as Exhibit "B" and incorporated herein as if fully set forth. Claimant agreed to provide the aforesaid labor, material, tools and equipment for the contract amount of \$52,922.00.

4. The Subcontract was entered into and work was performed by Claimant with the knowledge and consent of Owner, Contractor and Subcontractor. Alternatively, Owner specifically authorized Contractor or its respective agents to enter into contracts for improvement of the Subject Property. Alternatively, Owner knowingly permitted Contractor or its respective agents to enter into contracts for improvement of the Subject Property.

5. Contractor authorized Subcontractor or its respective agents to enter into contracts for improvement of the Subject Property, including the Subcontract. Alternatively, Contractor knowingly permitted Subcontractor or its respective agents to enter into contracts for improvement of the Subject Property, including the Subcontract.

6. Claimant, under the Subcontract, last performed work, on September 20, 2007, which work was furnished to and used in and about the improvement and development of the Subject Property to the value of \$36,464.04. A Copy of Claimant's invoice is attached hereto as Exhibit "C."

7. Pursuant to the Subcontract Claimant provided surface, binder, prime coat and tac coat, as identified in Exhibit C. Claimant has not completed its contract, for the reason that Subcontractor has not been paid and has ceased working under its contract with Contractor and Subcontractor has not paid Claimant for its work to the date of September 20, 2007.

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8. That neither the Owner, Contractor, nor Subcontractor are entitled to any credits, leaving an amount unpaid and owing to the Claimant of \$36,464.04.

9. Claimant believes no allocation or apportionment of its claim is required. In the alternative, and without admitting allocation or apportionment is required, and only in the event allocation or apportionment is later deemed required, then Claimant states that as to all lots, comprising the Subject Property, Claimant last furnished work pursuant to its contract with Subcontractor on September 20, 2007, and alternatively allocates or apportions its claim for lien evenly among all lots.

10. That the amount now due and owing to the Claimant is the said sum of \$36,464.04, for which, with interest, attorney's fees and costs as provided under the Illinois Mechanics Lien Act, Claimant hereby claims a Mechanics Lien against the Owner, Contractor and Subcontractor, and on the Subject Property and any improvements thereon, and on the money or other consideration due or to become due from Owner under its contract with Contractor and under Contractor's contract with Subcontractor.

Signed this 29<sup>th</sup> day of January, 2008.

K-Five Construction Corporation


By: \_\_\_\_\_

  
Mark Sniogowski, Vice President/CFO

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## AFFIDAVIT

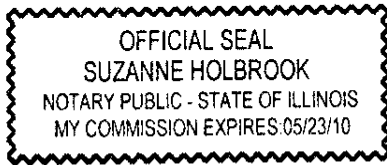
Mark Sniegowski, being first duly sworn, on oath deposes and says that he is Vice President/CFO of K-Five Construction Corporation, above mentioned claimant; that he is duly authorized to make this affidavit on its behalf; that he has read the above and foregoing Sub-Subcontractor's Notice and Claim for Mechanics Lien, knows the contents thereof, and that the statements therein contained are true.

  
\_\_\_\_\_  
Mark Sniegowski, Vice President/CFO

Subscribed and sworn to before me  
this 29 day of January 2008.

  
\_\_\_\_\_  
Notary Public

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## PROOF OF SERVICE

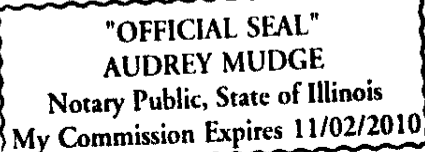
The undersigned certifies that a copy of the foregoing Sub-Subcontractor's Notice and Claim for Mechanics Lien was served upon the following Service List via Certified Mail, with return receipt requested, limited to addressee only, and Regular First Class Mail, postage prepaid, by depositing same in the U.S. Mail at the Wheaton, Illinois post office before the hour of 5:30 p.m. on January 30, 2008, addressed as follows:

*Pamela DeBoise*

\_\_\_\_\_  
Pamela DeBoise

SUBSCRIBED and SWORN to before me this 30<sup>th</sup> day of January, 2008.

*Audrey Mudge*  
\_\_\_\_\_  
Notary Public



## SERVICE LIST

The Coves of Olympia Fields, LLC  
Attn: Dwayne T. Lawrence, Manager  
4545 S. Ellis Ave.  
Chicago, IL 60653-3615

Commguard Construction, Inc.  
Attn: William Busch, President  
1411 Weyers Ct.  
Schaumburg, IL 60193

Adcock Construction, Inc.  
Attn: Mark D. Adcock, Vice President and Secretary  
8845 Schoger Dr.  
Naperville, IL 60564

Delaware Place Bank  
Attn: Andrew Schmidt, Senior VP Operations  
190 E Delaware place  
Chicago, IL 60611

MidAmerica Bank, FSB  
Attn: Mr. James West, Senior Vice President  
2650 Warrenville Rd., Ste. 500  
Downers Grove, IL 60515

**UNOFFICIAL COPY****LEGAL DESCRIPTION:**

**LOTS 1 THRU 7, LOT 8 (EXCEPT AS DESCRIBES AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 8; THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 36 MINUTES 49 SECONDS EAST, ON THE EAST LINE OF SAID LOT 8, A DISTANCE OF 25 FEET; THEN NORTH 45 DEGREES 36 MINUTES 49 SECONDS WEST, 35.36 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 8 THAT IS 25 FEET WEST OF THE NORTHEAST CORNER THEREOF, AS MEASURED ON SAID NORTH LINE; THENCE NORTH 89 DEGREES 23 MINUTES 11 SECOND EAST, ON SAID NORTH LINE, 25 FEET TO THE POINT OF BEGINNING),**

**LOT 9 (EXCEPT AS DESCRIBES AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 9; THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 36 MINUTES 49 SECONDS EAST, ON THE WEST LINE OF SAID LOT 9, A DISTANCE OF 25.00 FEET; THENCES NORTH 44 DEGREES 23 MINUTES 11 SECONDS EAST, 35.36 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 9 THAT IS 25.00 FEET EAST OF THE NORTHWEST CORNER THEREOF, AS MEASURED ON SAID NORTH LINE; THENCE SOUTH 89 DEGREES 23 MINUTES 11 SECONDS WEST, ON SAID NORTH LINE, 25.00 FEET TO THE POINT OF BEGINNING,**

**LOTS 10 THRU 29, INCLUSIVE, BOTH INCLUSIVE IN THE COVES OF OLYMPIA FIELDS, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 35 NORTH RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.**

## Property Index Numbers:

31-13-102-001-0000	31-13-104-001-0000
31-13-102-002-0000	31-13-104-002-0000
31-13-102-003-0000	31-13-104-003-0000
31-13-102-004-0000	31-13-104-004-0000
31-13-102-005-0000	31-13-104-005-0000
31-13-102-006-0000	31-13-104-006-0000
31-13-102-007-0000	31-13-104-007-0000
31-13-102-008-0000	31-13-104-008-0000
31-13-103-001-0000	31-13-104-009-0000
31-13-103-002-0000	31-13-104-010-0000
31-13-103-003-0000	31-13-104-011-0000
31-13-103-004-0000	31-13-104-012-0000
31-13-103-005-0000	31-13-104-013-0000
31-13-103-006-0000	31-13-104-014-0000
31-13-103-007-0000	

Known as: The Coves of Olympia Fields, Olympia Fields, Illinois

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# K-Five Construction

13769 Main Street  
Lemont, IL 60439  
USA

Phone: 630-257-5600  
Fax: 630-257-6788

<b>To:</b>	Adcock Construction, Inc.	<b>Contact:</b>	Brian Bunting
<b>Address:</b>	8845 Schoger Drive Naperville, IL 60564	<b>Phone:</b>	(630) 820-1555
		<b>Fax:</b>	(630) 820-6972
<b>Project Name:</b>	The Coves Of Olympia Fields	<b>Bid Number:</b>	
<b>Project Location:</b>	Vallier Rd. (between Kedzie & Western), Olympia Fields, IL	<b>Bid Date:</b>	3/6/2006

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	Surface 1.5"	402.00	TON	\$54.00	\$21,708.00
2	Binder 2.25	587.00	TON	\$50.00	\$29,350.00
3	Prime Coat	1,398.00	GAL	\$1.00	\$1,398.00
4	Tac Coat	466.00	GAL	\$1.00	\$466.00
<b>Total Bid Price:</b>					<b>\$52,922.00</b>

- Notes:**
- \* All prices based on one mobilization.
  - \* All prices based on 2006 construction.
  - \* All prices are good for 30 days from the above date.

**Payment Terms:** NET 30 DAYS UPON COMPLETION

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<p><b>ACCEPTED:</b> The above prices, specifications and conditions are satisfactory and hereby accepted.</p> <p>Buyer: <u>Adcock Construction Inc</u></p> <p>Signature: <u>[Signature]</u></p> <p>Date of Acceptance: <u>4/4/06</u></p>	<p><b>CONFIRMED:</b> K-Five Construction</p> <p>Authorized Signature: <u>[Signature]</u></p> <p>Estimator: <u>Nicholas J. Eller</u></p>
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INVOICE 986428  
PAGE NO. 1

13769 MAIN STREET  
LEMONT, ILLINOIS 60439  
TEL (630) 257-5600 FAX (630) 257-6708

PAY APPLICATION	DATE	TERMS	CONTRACT
1	20 SEP 2007	NET 50	

CUSTOMER 102056

ADCOCK CONSTRUCTION, INC.  
8845 SCHOGER DR  
NAPEVILLE, IL 60564

CONTRACT LOCATION

JOB COST PROJECT # 06026
ADCOCK COVES OF OLYMPIA FIELDS
VOLLNER RD. BETWEEN KEEZIE &
OLYMPIA FIELDS, IL

BID ITEM	DESCRIPTION	UOM	ESTIMATED QUANTITY	PREVIOUS QUANTITY	CURRENT QUANTITY	TO DATE QUANTITY	UNIT PRICE	CURRENT AMOUNT	TO DATE AMOUNT
1	SURFACE 1.5"	TON	482.0000	0.0000	43.0100	43.0100	54.0000	2,322.54	2,322.54
2	BINDER 2.25"	TON	597.0000	0.0000	672.0300	672.0300	50.0000	33,601.50	33,601.50
3	PRIME COAT	GAL	1590.0000	0.0000	540.0000	540.0000	1.0000	540.00	540.00
4	LAC COAT	GAL	466.0000	0.0000	0.0000	0.0000	1.0000	0.00	0.00

\*\*TOTAL BASE CONTRACT\*\*

36,464.04

TOTAL CONTRACT AND CHANGE ORDERS

36,464.04

BILLING SUMMARY FOR CONTRACT #6026

	CURRENT	TO DATE
COMPLETE TO DATE	36,464.04	36,464.04
MATERIALS ON HAND	0.00	0.00
SALES TAX	0.00	0.00
LESS RETAINAGE PER ITEM	0.00	0.00
BALANCE	36,464.04	36,464.04
LESS PREVIOUS PAYMENTS		0.00
TOTAL AMOUNT DUE	36,464.04	36,464.04