

Doc#: 0905749010 Fee: \$39.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 02/26/2009 11:30 AM Pg: 1 of 13

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

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The Claimant (Sub-Subcontractor), Markham Asphalt Company, a subsidiary of K-Five Construction Corp., an Illinois corporation, doing business at 13769 Main Street, Lemont, Illinois, hereby files its Sub-Subcontractor's Notice and Claim for Mechanic's Lien on the Subject Property described herein, and against: RSC Oak Forest Retail, LLC, an Illinois limited liability company, 225 W. Washington St., Chicago, IL 60602 ("Owner"), Allendale Oak Forest Acquisitions, LLC, a Delaware limited liability company, 1220 N. Market St., Ste. 806, Wilmington, DE 19801 ("Allendale"), Highland Park CVS, L.L.C., an Illinois limited liability company, One CVS Dr., Woonsocket, RI 02895 ("Highland Park CVS") (Allendale and Highland park CVS are hereinafter collectively referred to as "Subsequent Owners"), all owners of the Subject Property, as legally described herein ("Subject Property"); Knightsbridge Design + Build, LLC, an Illinois limited liability company, 1260 Iroquois Ave., Ste. 110, Naperville, IL 60563, ("Contractor"); Troch-McNeil Paving Co., 2425 Pan Am Blvd., Elk Grove Village, IL 60007, an Illinois corporation and Contractor's subcontractor ("Subcontractor"); and any person, entity, lender, and other interested parties, including Hyde Park Bank, 1525 East 53rd Street, Chicago, IL 60615, claiming an interest in the Subject Property, by through or under the Owner, Subsequent Owners, Contractor or Subcontractor, and states:

- 1. The Subject Property is legally described as follows:

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ALL THAT PART OF THE SOUTHEAST $\frac{1}{4}$ LYING SOUTHEASTERLY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY RIGHT OF WAY IN SECTION 16, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THEREFROM A STRIP OF LAND 20 FEET BY 200 FEET DEEDED TO THE CHICAGO ROCK ISLAND AND PACIFIC RAILWAY COMPANY UNDER DOCUMENT NUMBER 4628849, DATED AUGUST 22, 1910 AND RECORDED ON SEPTEMBER 19, 1910, AND EXCEPTING THEREFROM A STRIP OF LAND DEDICATED TO THE DEPARTMENT OF PUBLIC WORKS, STATE OF ILLINOIS, BY DEED DATED APRIL 5, 1960, AND RECORDED UNDER DOCUMENT NUMBER 17842130, IN COOK COUNTY, ILLINOIS.

AND FURTHER EXCEPTING THEREFROM:

LOT 7 IN THE FINAL PLAT OF SUBDIVISION OF OAK FOREST GATEWAY BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, RECORDED JUNE 30, 2008 AS DOCUMENT NUMBER 0818231096.

Commonly known as 15846 Cicero Avenue, Oak Forest, IL 60452.

P.I.N.: 28-16-415-003

2. That on December 5, 2007, Owner acquired fee simple title to the Subject Property.
3. Upon information and belief, on or about March 3, 2008, Owner entered into a contract with Contractor (the "Contract"), pursuant to which Contractor was to perform general contracting services and work for the improvement of the Subject Property. Owner authorized and/or knowingly permitted Contractor to enter into contracts for the performance of the Contractor's work pursuant to the Contract and for the improvement of the Subject Property.
4. Upon information and belief, on or about April 4, 2008, Contractor entered into a subcontract with Subcontractor ("Subcontract"), pursuant to which Subcontractor was to perform paving work upon and for the improvement of the Subject Property, which Subcontract further required the use of bituminous materials. Contractor authorized and/or knowingly permitted

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Subcontractor to enter into contracts for the performance of Subcontractor's work pursuant to the Subcontract and for the improvement of the Subject Property.

5. On August 18, 2008, Owner conveyed Lot 1¹ of the Subject Property to Allendale. Upon information and belief, Allendale specifically authorized and/or knowingly permitted Owner to enter into contracts for the improvement of the Subject Property, including Lot 1 therein.

6. On September 10, 2008, Owner conveyed Lot 3² of the Subject Property to Highland Park CVS. Upon information and belief, Highland Park CVS specifically authorized and/or knowingly permitted Owner to enter into contracts for the improvement of the Subject Property, including Lot 3 therein.

7. Beginning on October 22, 2008, and pursuant to oral purchase orders placed by Subcontractor with Claimant, Claimant agreed to supply bituminous material in connection Subcontractor's paving work upon and for the improvement of the Subject Property.

8. On October 29, 2008, the Claimant, under the said purchase orders, last supplied bituminous material, which was furnished to and used in and about the improvement and

¹ Lot 1 falls within the legal description of the Subject Property in paragraph 1 above, and is legally described as follows:

LOT 1 IN THE FINAL PLAT OF SUBDIVISION OF OAK FOREST GATEWAY BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, RECORDED JUNE 30, 2008 AS DOCUMENT NUMBER 0818231096.

² Lot 3 falls within the legal description of the Subject Property in paragraph 1 above, and is legally described as follows:

LOT 3 IN THE FINAL PLAT OF SUBDIVISION OF OAK FOREST GATEWAY BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, RECORDED JUNE 30, 2008 AS DOCUMENT NUMBER 0818231096.

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development of the Subject Property to the value of \$134,945.80. True and correct copies of the purchase orders are attached hereto as Exhibit A and fully incorporated herein.

8. Neither the Owner, Subsequent Owners, Contractor, or Subcontractor are entitled to any credits, leaving an amount unpaid and owing to the Claimant of \$134,945.80.

9. The amount now due and owing to the Claimant is the said sum of \$134,945.80, plus interest thereon, for which amount the Claimant hereby claims a Mechanics Lien against the Owner, Subsequent Owners, 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 the Contract, and from Contractor under the Subcontract.


10. Claimant does not believe that allocation or apportionment of its lien is necessary. However, in the alternative and without admitting that allocation or apportionment is required, and only in the event that allocation or apportionment is later deemed required, Claimant states that the amount due should be allocated evenly among all lots included as part of the Subject Property.

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Dated: January 27, 2009

Markham Asphalt Company, a subsidiary of
K-Five Construction Corporation

By: 
Mark Sniagowski, Vice President/CFO

This notice was prepared by and
after recording should be mailed to:


Derek M. Johnson
Rathje & Woodward, LLC
300 E. Roosevelt Rd, Suite 300
P.O. Box 786
Wheaton, IL 60187

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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, of which Markham Asphalt Company, the above mentioned Claimant, is a subsidiary, 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 27th day of January, 2009.




Notary Public

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PROOF OF SERVICE

The undersigned certifies that copies of the foregoing Sub-Subcontractor's Notice and Claim for Mechanics Lien were served upon the attached 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 United States Post Office, 122 N. Wheaton Ave., Wheaton, IL 60187 on January 27, 2009.

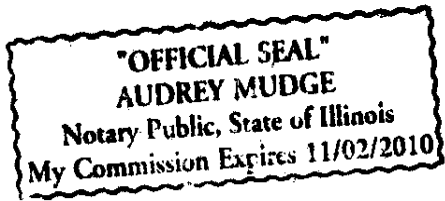
Pamela DeBoise

Pamela DeBoise

SUBSCRIBED and SWORN to before
me this 27th day of January, 2009.

Audrey Mudge

Notary Public



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SERVICE LIST

RSC Oak Forest Retail, LLC
Attn: Robert Ohlhausen, Agent
608 S. Washington St., Ste. 207
Naperville, IL 60540

RSC Oak Forest Retail, LLC
Attn: RSC & Associates, LLC, Manager
225 W. Washington St., Ste. 1800
Chicago, IL 60606

RSC Oak Forest Retail, LLC
Attn: RSC & Associates, LLC, Manager
225 W. Washington St., Ste. 1800
Chicago, IL 60602

RSC Oak Forest Development, Inc.
Attn: Robert Ohlhausen, Agent
608 S. Washington St., Ste. 207
Naperville, IL 60540

RSC & Associates, LLC
Attn: Robert Ohlhausen, Agent
608 S. Washington St., Ste. 207
Naperville, IL 60540

RSC & Associates LLC
Attn: Richard Curto, Manager
225 W Washington, Ste. 1800
Naperville, IL 60540

RSC Oak Forest Residential, Inc.
Attn: Robert Ohlhausen, Agent
608 S. Washington St., Ste. 207
Naperville, IL 60540

Allendale Oak Forest Acquisitions, LLC
Attn: XL Corporate Services, Inc., Agent
2501 Chatham Road, Suite 110
Springfield, IL 62701

Allendale Oak Forest Acquisitions, LLC
Attn: TVPX Acquisitions, Inc., Member
9 Damonmill Square, Suite 1A
Concord, MA 01742-8974

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Allendale Oak Forest Acquisitions, LLC
Attn: Blumbergexcelsior Corporate Services, Inc.
1220 N. Market St., Ste. 806
Wilmington, DE 19801

Highland Park CVS, L.L.C.
Attn: C T Corporation System, Agent
208 S. LaSalle St., Ste. 814
Chicago, IL 60604

Highland Park CVS, L.L.C.
Attn: CVS Pharmacy, Inc. (F5949-164-4)
One CVS Dr.
Woonsocket, RI 02895

City of Oak Forest
Attn: City Administrator
15440 South Central Avenue
Oak Forest, IL 60452

City of Oak Forest
Attn: Scott Burkhardt, City Clerk
15440 South Central Avenue
Oak Forest, IL 60452

City of Oak Forest
Attn: JoAnn M. Kelly, Mayor
15440 South Central Avenue
Oak Forest, IL 60452

Knightsbridge Design + Build, LLC
Attn: Michael J. Kaufman, Agent
1260 Iroquois Avenue, Suite 110
Naperville, IL 60563

Knightsbridge Design + Build, LLC
Attn: Michael J. Kaufman, Member
89 Waxwing
Naperville, IL 60565

Knightsbridge Design + Build, LLC
Attn: Joan M. Zaeske Kaufman, Member
89 Waxwing
Naperville, IL 60565

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Troch-McNeil Paving Co.
Attn: Kenneth Nordgren, President
2425 Pan Am Blvd.
Elk Grove Village, IL 60007

Troch-McNeil Paving Co.
Attn: Linda Nordgren, Secretary
2425 Pan Am Blvd.
Elk Grove Village, IL 60007

Hyde Park Bank (Lender)
Loan Department
Attn: Gabriella Pickett, Loan Representative
1525 East 53rd Street
Chicago, IL 60615

Metropolitan Water Reclamation District of (Greater) Chicago
Attn: Fred Feldman, General Counsel
111 E Erie St.
Chicago, IL 60611

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13769 MAIN STREET
LEMONT, ILLINOIS 60439
TEL (630) 257-5600 FAX (630) 257-6788

MARKHAM ASPHALT COMPANY
A Subsidiary of K-Five Construction
Remit To
13769 MAIN STREET
LEMONT, IL 60439

Bill To: 7885
TROCH-MCNEIL PAVING
2425 PAN AM BLVD
ELK GROVE VILLAGE, IL 60007

Job:
METRA STATION
159TH CICERO
OAK FOREST

Plant: MARKHAM ASPHALT PLANT

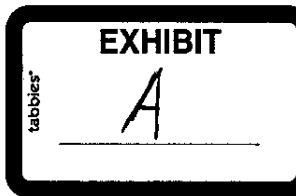
Page 1 of 1

Invoice: 11644272

Project No	Invoice Date	Purchase Order	Payment Terms				
METRASTA	10/22/03		NET 30				
Date	Ticket	Product	Quantity	U/M	Unit Price	Tax	Total
10/22	00301625	BC BC M N50	822.4800	TN	44.5000	3650.04	40260.40

Material	Transp.	Misc.	Tax	Invoice Amt	Receipt Amt	Balance Due
\$36,600.36	\$0.00	\$0.00	\$3,660.04	\$40,260.40	\$0.00	\$40,260.40

*****Make Check Payable To: MARKHAM ASPHALT COMPANY*****



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K FIVE CONSTRUCTION

JAN-26-2009 10:10

MARHAM ASPHALT COMPANY Construction
A Subsidiary of Remit To
13769 MAIN STREET
LEWONT, IL 60439



13769 MAIN STREET
LEWONT, ILLINOIS 60439
TEL (630) 337-5600 FAX (630) 337-5708

MARHAM ASPHALT COMPANY
A Subsidiary of K-Five Construction
Remit To
13769 MAIN STREET
LEWONT, IL 60439



13769 MAIN STREET
LEWONT, ILLINOIS 60439
TEL (630) 337-5600 FAX (630) 337-5708

Bill To: 7905
TROCEN-MCNELL PAVING
2425 PAN AM BLVD
BLK GROVE VILLAGE, IL 60087

Job:
METRA STATION
159TH CICERO
OAK FOREST

Bill To: 1885
TROCEN-MCNELL PAVING
2425 PAN AM BLVD
BLK GROVE VILLAGE, IL 60087

Job:
METRA STATION
159TH CICERO
OAK FOREST

Plant: MARHAM ASPHALT PLANT

Invoice: 116456KB Plant: MARHAM ASPHALT PLANT Page 1 of 1
Project No: METRASTA Invoice Date: 10/23/08 Payment Terms: NET 30
Date Ticket Product Quantity U/M Unit Price Tax Total
10/23 00301781 BC BC M N50 633.7300 TN 44.5000 2829.10 31021.09
10/23 00301872 BC BC M N50 276.2800 TN 59.0000 1639.05 17930.57

Purchase Order
Quantity 11/M Unit Price Tax Total
277.6200 TN 44.5000 1235.41 13589.58
251.3200 TN 59.0000 1482.79 16319.67

Invoice: 116488MB
Project No: METRASTA Invoice Date: 10/28/08
Date Ticket Product
10/28 00301785 BC BC M N50
10/28 00301783 BC BC M N50

Balance Due \$29,903.17

Invoice Amt \$29,903.17
Receipt Amt \$0.00

Misc. \$0.00 Tax \$2,718.20
Transp. \$0.00

Material \$27,181.97

Balance Due \$48,951.56

Invoice Amt \$29,903.17

Misc. \$0.00 Tax \$4,450.15

Material \$27,181.97

Transp. \$0.00

Balance Due \$48,951.56

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JAN-26-2009 10:10

MARKHAM ASPHALT COMPANY
A Subsidiary of K-Five Construction
13769 MAIN STREET
LEWIS, IL 60439



13769 MAIN STREET
LEWIS, ILLINOIS 60439
TEL (630) 237-5400 FAX (630) 237-4788

MARKHAM ASPHALT COMPANY
A Subsidiary of K-Five Construction
Remit To
13769 MAIN STREET
LEWIS, IL 60439



13769 MAIN STREET
LEWIS, ILLINOIS 60439
TEL (630) 237-5400 FAX (630) 237-4788

Bill To: 7885
TROCH-MCNEIL PAVING
2425 PAN AM BLVD
ELK GROVE VILLAGE, IL 60007

Job: 7885H
MISC PRODUCTS

Job: MIRA STATION
159TH CICERO
OAK FOREST

Plant: MARKHAM ASPHALT PLANT

Invoice: 116487HB Plant: MARKHAM ASPHALT PLANT Page 1 of 1
Project No | Invoice Date | Purchase Order | Payment Terms
7885H | 10/28/08 | 104.6000 GR1 | NET 45

Invoice: 116508HB Plant: MARKHAM ASPHALT PLANT Page 1 of 1
Project No | Invoice Date | Purchase Order | Payment Terms
MSTRSTA | 10/29/08 | 159.0000 1408.04 | NET 30

Date Ticket Product Quantity U/M Unit Price Tax Total
10/28 00302054 S91 PRIMER EMUL 104.6000 GAL 3.0000 31.38 345.10

Date Ticket Product Quantity U/M Unit Price Tax Total
10/29 00302028 P-FC M N50 230.6500 TN 59.0000 1408.04 15488.39

Material Transp. Misc. Tax Invoice Amt Receipt Amt Balance Due
\$313.80 \$0.00 \$0.00 \$31.38 \$345.10 \$0.00

Material Transp. Misc. Tax Invoice Amt Receipt Amt Balance Due
\$14,000.35 \$0.00 \$0.00 \$15,488.39 \$15,488.39

.....Make Check Payable To: MARKHAM ASPHALT COMPANY.....

.....Make Check Payable To: MARKHAM ASPHALT COMPANY.....

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