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Doc#: 1227534033 Fee: \$33.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 10/01/2012 09:14 AM Pg: 1 of 5

AMENDED
SUBCONTRACTOR'S NOTICE
AND CLAIM FOR LIEN
PURSUANT TO ILLINOIS
COMPILED STATUTES,
CHAPTER 770, SECTION 60/24

**TO: SEE ATTACHED
SERVICE LIST**

The Claimant, **ABBEY
PAVING CO., INC., an Illinois
corporation**, of Aurora, County of

Amount Claimed: \$43,046.90

DuPage, State of Illinois, hereby files Notice and Claim for Lien against **ORLAND, L.P., an Illinois limited liability partnership** ("Owner"); **GRAYCOR CONSTRUCTION COMPANY, INC., an Illinois corporation**, ("General Contractor"); **THE VILLAGE OF ORLAND PARK; THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS; SPECTRASITE COMMUNICATIONS, L.L.C., a Delaware limited liability company** ("Tenant"); **DAVE & BUSTER'S, INC., a Missouri corporation** ("Tenant"); and any person or entity claiming an interest in the Property (as hereinafter defined) by, through, or under Owner, General Contractor, Lender and Tenants, and states:

That at all relevant times, the Owner owned the following described land in The Village of Orland Park, County of Cook, State of Illinois and legally described as follows:

SEE ATTACHED EXHIBIT "A"

Commonly known as: 49 Orland Square Drive, Orland Park, Illinois 60462
PIN No.: 27-10-300-028, Volume 146

hereinafter referred to as the "Property".

That on or before September, 2011, **DAVE & BUSTER'S, INC.**, as Tenant, authorized and knowingly permitted by **ORLAND, L.P.** as Owner, entered into a certain Construction Agreement (the "General Contract") with **GRAYCOR CONSTRUCTION COMPANY, INC.**, as General Contractor, whereby General Contractor agreed to provide certain labor, material and work at the Property (the "Project"), the exact terms and conditions of said General Contract are unknown to Claimant, the same being in the exclusive knowledge and possession of the parties thereto.

On or about September 7, 2011, General Contractor, being then engaged in the construction of said Project and for the purpose of carrying out and performing the terms of its General Contract with the Owner, entered into a written Subcontract Agreement with Claimant, whereby Claimant was to furnish certain labor, equipment and materials to perform the asphalt paving at the Project for the sum of *Three Hundred Forty Thousand One Hundred Seventy-Five Dollars (\$340,175.00)*.

Pursuant to the special instance and request of the Owner and/or General Contractor, Claimant provided certain extra labor, materials, tools and equipment in the total net amount of *Sixty-Two Thousand Five Hundred Forty-Seven Dollars (\$65,547.00)* thereby resulting in an adjusted contract price of *Four Hundred Two Thousand Seven Hundred Twenty-Two Dollars (\$402,722.00)*.

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Pursuant thereto, Claimant furnished and delivered the labor, materials, tools and equipment to the Owner and General Contractor to complete the Project in the total amount of *Four Hundred Two Thousand Seven Hundred Twenty-Two Dollars (\$402,722.00)*, all of which was used in the above Project.

The last day Claimant supplied work, labor and materials to the Project was June 11, 2012, at which time Claimant completed all that was required to be performed pursuant to the Subcontract Agreement with the General Contractor.

That subsequent to the service of the original Subcontractor's Notice and Claim for Lien, Claimant received the partial payment of Two Hundred Six Thousand Two Hundred Thirty-One and 40/100 Dollars (\$206,231.40).

That as of the date hereof, Owner and General Contractor are entitled to credits and payments in the amount of *Three Hundred Fifty-Nine Thousand Six Hundred Seventy-Five and 10/100 Dollars (\$359,675.10)*, leaving due and owing to Claimant the sum of *Forty-Three Thousand Forty-Six and 90/100 Dollars (\$43,046.90)*, for which, with interest, the Claimant claims a lien on said Property, Project and improvements thereon and on the monies, bonds and/or warrants or other considerations due or to become due from the Owner to the General Contractor under said General Contract and from the General Contractor, pursuant to the Subcontract Agreement with Claimant, as well as court costs and legal fees pursuant to *Illinois Compiled Statutes, Chapter 770, Section 60/17.*

NOTICE TO THE OWNER AND TENANT: DO NOT PAY THE GENERAL CONTRACTOR FOR THIS WORK OR MATERIAL UNLESS YOU HAVE RECEIVED FROM THE CLAIMANT A WAIVER OF LIEN, OR OTHER SATISFACTORY EVIDENCE OF PAYMENT TO THE CLAIMANT.

DATED: September 27, 2012

ABBAY PAVING CO., INC., Claimant,

By: James J. Karras
James J. Karras, Its duly authorized agent
and attorney-in-fact

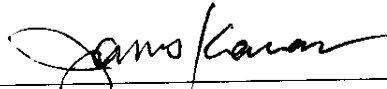
*This document has been prepared
by and after recording should
be returned to:*

*James J. Karras, Esquire
KELLY & KARRAS, LTD.
1010 Jorie Boulevard, Suite 100
Oak Brook, Illinois 60523
(630) 575-0202*

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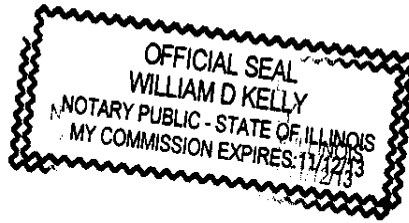
VERIFICATION

JAMES J. KARRAS, being first duly sworn on oath, states that he is the duly authorized agent and attorney-in-fact of Claimant, **ABBEY PAVING CO., INC.**, an Illinois corporation, that he is authorized to sign this Verification of the foregoing **Subcontractor's Notice and Claim for Lien** Pursuant to Illinois Compiled Statutes, Chapter 770, Section 60/24, that he has read the above and foregoing Subcontractor's Notice and Claim for Lien, and that the statements set forth therein are true and correct to the best of his knowledge and belief.



JAMES J. KARRAS

SUBSCRIBED AND SWORN to before me
this 27 day of September, 2012


NOTARY PUBLIC

Property of Cook County Clerk's Office

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CERTIFICATE OF SERVICE

I, **JAMES J. KARRAS**, an attorney, hereby certify and state that I served the attached Subcontractor's Notice and Claim for Lien on:

ORLAND, L.P.
c/o CT Corporation System, Registered Agent
208 S. LaSalle Street, Suite 814
Chicago, IL 60604-1101

GRAYCOR CONSTRUCTION COMPANY, INC.
c/o Melvin Gray Registered Agent
One Graycor Drive
Homewood, IL 60430

SPECTRASITE COMMUNICATIONS, INC.
c/o CT Corporation System, Registered Agent
208 S. LaSalle Street, Suite 814
Chicago, IL 60604

DAVE & BUSTER'S, INC.
c/o Capitol Corporate Services, Inc., Registered Agent
1315 W. Lawrence Avenue
Springfield, IL 62704

WOOLPERT, INC.
c/o National Registered Agents, Inc., Registered Agent
200 West Adams Street
Chicago, IL 60606

Jyot Parmar, Project Manager
Graycor Construction, Inc.
Two MidAmerica Plaza, Suite 400
Oakbrook Terrace, IL 60181

by depositing a copy thereof in the U.S. mail at 1010 Jorie Boulevard, Suite 100, Oak Brook, Illinois 60523, to every person named above via U.S. Mail at 1010 Jorie Boulevard, Suite 100 on the 27th day of September, 2012, before 5:00 p.m. with proper postage prepaid.



JAMES J. KARRAS

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EXHIBIT A

A TRACT OF LAND IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 10; THENCE DUE EAST 466.13 FEET ALONG THE SOUTH LINE OF SAID SECTION 10; THENCE DUE NORTH 50 FEET TO A POINT OF BEGINNING; THENCE CONTINUING DUE NORTH 405.21 FEET; THENCE DUE WEST 115.03 FEET; THENCE DUE NORTH 175 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ON A CURVE CONVEX TO THE SOUTHEAST, HAVING A RADIUS OF 771.77 FEET, AN ARC DISTANCE OF 260.49 FEET AND A CHORD BEARING OF NORTH 76 DEGREES 41 MINUTES 50 SECONDS EAST TO A POINT OF TANGENT; THENCE NORTH 67 DEGREES 01 MINUTES 40 SECONDS EAST 107.96 FEET TO A POINT OF CURVE; THENCE EASTERLY ON A CURVE CONVEX TO THE NORTH, HAVING A RADIUS OF 35 FEET, AN ARC DISTANCE OF 43.38 FEET AND A CHORD BEARING OF SOUTH 77 DEGREES 27 MINUTES 41 SECONDS EAST TO A POINT OF REVERSE CURVE; THENCE SOUTHEASTERLY ON A CURVE CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 1427.09 FEET, AN ARC DISTANCE OF 94 FEET AND A CHORD BEARING OF SOUTH 43 DEGREES 50 MINUTES 14 SECONDS EAST; THENCE SOUTH 44 DEGREES 16 MINUTES 33 SECONDS WEST 42.96 FEET; THENCE DUE SOUTH 267.62 FEET; THENCE DUE EAST 5.25 FEET; THENCE DUE SOUTH 119.40 FEET; THENCE DUE EAST 341.34 FEET TO THE WEST LINE OF ORLAND SQUARE PLANNED DEVELOPMENT UNIT NO. E-TWO; THENCE DUE SOUTH 187.60 FEET ALONG LAST SAID WEST LINE TO THE NORTH LINE OF 151ST STREET, AS DEDICATED; THENCE DUE WEST 658.06 FEET ALONG LAST SAID NORTH LINE TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

Clerk's Office