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Doc#: 1424713040 Fee: \$33.00
RHSP Fee:\$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 09/04/2014 11:27 AM Pg: 1 of 5

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

**Eric L. Singer
Ice Miller LLP
2300 Cabot Drive, Suite 455
Lisle, IL 60532**

SUBCONTRACTOR'S NOTICE AND CLAIM FOR MECHANICS LIEN

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

The claimant, R. G. Construction Services, Inc. ("R. G."), with offices at 936 Larch Avenue, Elmhurst, Illinois, hereby files its Notice and Claim for Mechanics Lien on the Real Estate (as hereinafter described) and on all funds held in connection with the improvements constructed on the Real Estate against Weis Builders, Inc. ("Weis"), with offices at 8420 West Bryn Mawr Avenue, Suite 1010, Chicago, Illinois 60631 as general contractor, against SkyGroup Investments, LLC, ("Leasehold Owner"), against iFly Rosemont Indoor Sky Diving Facility, iFly Holdings LLC, and SkyVenture, LLC as other parties related to Leasehold Owner, and against the JP Morgan Chase Bank, N.A. as lender (by virtue of Leasehold Mortgage, Security Agreement, Assignment of Leases and Rents and Fixture Filing dated August 16, 2013, recorded August 22, 2014 in the Office of the Cook County Recorder of Deeds as Document Number 1323434037).

Claimant further states as follows:

1. On or about June 12, 2013, the Village of Rosemont owned fee simple or beneficial title to the real estate (including all land and improvements thereon) (the "Real Estate") in Cook County, Illinois, commonly known as 5220 Park Place, Rosemont, Illinois and legally described as on the attached Exhibit A. Also on or about June 12, 2013, the Village of Rosemont entered into a written lease of the Real Estate to Leasehold Owner for the Leasehold Owner's private improvement of the Real Estate, reflected in the Memorandum of Lease recorded in the Office of the Cook County Recorder of Deeds on November 4, 2013 as Document Number 1330829052.

Common Address: 5220 Park Place,
Rosemont, Illinois

PINs: 12-09-215-029-0000, 12-09-215-030-0000 & 12-09-215-033-8004

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2. On or about August 23, 2013, Leasehold Owner entered into a general construction contract with Weis to construct private improvements on the Real Estate (the "General Contract") which project was to be known as the iFLY Rosemont Indoor Skydiving Facility (the "Project"). By written agreement dated November 12, 2013, Weis subcontracted certain of Weis' responsibilities under the General Contract to R.G., pursuant to which R.G. agreed to perform the installation, construction and completion of all of the Project's drywall and framing work and related work for the construction of the Project, as more fully described in the written subcontract between Weis and R. G., all in exchange for payment (collectively, the "R. G. Subcontract").

3. The R. G. Subcontract was entered into and the work was performed by R. G. with the knowledge and consent of Leasehold Owner. Alternatively, Leasehold Owner specifically authorized Weis or others to enter into contracts for design and private improvement of the Real Estate. Alternatively, Leasehold Owner knowingly permitted Weis or others to enter into contracts for the design and private improvement of the Real Estate.

4. As to all lots comprising the Real Estate, R.G. last performed work on the Real Estate on or after May 16, 2014.

5. The original R. G. Subcontract price was \$434,780.00. Weis or Leasehold Owner, or both, approved change orders in writing in the amount of \$167,954.79 and verbally requested, approved, permitted or acquiesced in the performance of additional work outside the scope of the R. G. Subcontract reflected in pending extra work orders in the amount of \$93,242.31. As of the date hereof, R. G. has been paid \$517,302.00 and, after all previous credits and payments there remains due, unpaid and owing to R. G. the principal balance of One Hundred Seventy Eight Thousand Six Hundred Seventy Five Dollars and Ten Cents (\$178,675.10) for which, with interest, attorneys' fees and costs as provided under the Illinois Mechanics Lien Act, R. G. claims a lien on the Leasehold Owner's interest in the Real Estate and on the monies or other consideration due or to become due from Leasehold Owner to Weis.

6. Claimant does not believe that it is required to allocate or apportion its lien among any lots or parcels comprising the Real Estate because this lien is timely as to all lots comprising the Real Estate, nor does R.G. believe that allocation or apportionment among lots or parcels is possible or reasonably calculable because R.G.'s work was in, on, around and for the benefit of all lots and parcels.

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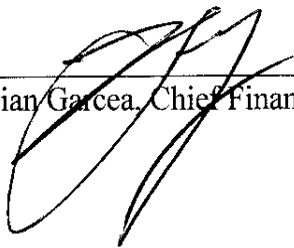
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Dated this 29th day of August, 2014.

R. G. CONSTRUCTION SERVICES, INC.

By:



Brian Garcea, Chief Financial Officer

Property of Cook County Clerk's Office

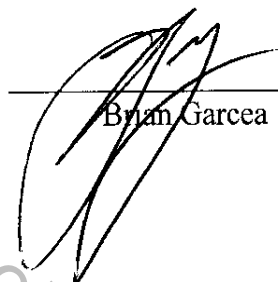
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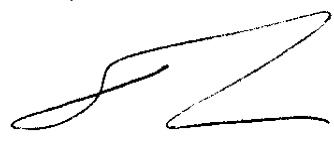
STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

I, Brian Garcea, being first duly sworn on oath, depose and state that I am Chief Financial Officer of R. G. Construction Services, Inc., that I am authorized to execute this Subcontractor's Notice and Claim for Mechanics Lien on behalf of R. G. Construction Services, Inc., that I have read the foregoing and know the contents thereof and that the statements contained therein are true.



Brian Garcea

SUBSCRIBED AND SWORN TO
before me this 29th day
of August 2014.



Notary Public



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

**Eric L. Singer
Ice Miller LLP
2300 Cabot Drive, Suite 455
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EXHIBIT A

THAT PART OF LOT 3 IN ROSEMONT ENTERTAINMENT DISTRICT SECOND RESUBDIVISION OF LOT 3, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 13, 2012 AS DOCUMENT 1225739084, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 13 DEGREES 47 MINUTES 06 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 244.84 FEET; THENCE SOUTH 76 DEGREES 12 MINUTES 54 SECONDS EAST, A DISTANCE OF 78.40 FEET TO THE POINT OF BEGINNING; THENCE NORTH 2 DEGREES 54 MINUTES 56 SECONDS WEST, A DISTANCE OF 38.97 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 27.80 FEET, SUBTENDING A CHORD BEARING NORTH 22 DEGREES 18 MINUTES 56 SECONDS WEST, AN ARC DISTANCE OF 18.83 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 18.04 FEET, SUBTENDING A CHORD BEARING NORTH 13 DEGREES 57 MINUTES 00 SECONDS WEST, AN ARC DISTANCE OF 17.48 FEET TO A POINT OF TANGENCY; THENCE NORTH 13 DEGREES 48 MINUTES 56 SECONDS EAST, A DISTANCE OF 57.74 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 23.25 FEET, SUBTENDING A CHORD BEARING NORTH 44 DEGREES 18 MINUTES 00 SECONDS EAST, AN ARC DISTANCE OF 24.74 FEET TO A POINT OF TANGENCY; THENCE NORTH 74 DEGREES 47 MINUTES 04 SECONDS EAST, A DISTANCE OF 8.14 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4.50 FEET, SUBTENDING A CHORD BEARING SOUTH 68 DEGREES 54 MINUTES 56 SECONDS EAST, AN ARC DISTANCE OF 5.70 FEET TO A POINT OF TANGENCY; THENCE SOUTH 32 DEGREES 36 MINUTES 56 SECONDS EAST, A DISTANCE OF 18.10 FEET; THENCE NORTH 87 DEGREES 23 MINUTES 04 SECONDS EAST, A DISTANCE OF 22.17 FEET; THENCE SOUTH 2 DEGREES 36 MINUTES 56 SECONDS EAST, A DISTANCE OF 128.23 FEET; THENCE SOUTH 87 DEGREES 23 MINUTES 04 SECONDS WEST, A DISTANCE OF 67.87 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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