

UNOFFICIAL COPY 85293905

STATE OF ILLINOIS COUNTY OF COOK ss.

The claimant, HIGGINS ASPHALT CO., INC., of Elgin, County of Kane, State of Illinois, hereby files notice and claim for lien against CARBEAU CONSTRUCTION CORPORATION, an Illinois corporation of Des Plaines, Cook County, Illinois, "Contractor," and CARBEAU CORPORATION and CHICAGO TITLE & TRUST COMPANY, TPA 1084991, "Trustee," and those grantees identified in Exhibit B attached hereto

thereinafter referred to as "owner"), of Des Plaines & Chicago, resp., County of Cook State of Illinois

and states: the Trustee and Carbeau Corporation That on November 27, 1984, owned the following described land in the County of Cook, State of Illinois, to-wit: See Exhibit A attached hereto and made a part hereof, the "Property."

P.L. No. 09-09-201-040 through 09-09-201-049

CARBEAU CONSTRUCTION CORPORATION

was owner's contractor for the improvement thereof.

That on November 23, 1984, said contractor made a subcontract with the claimant to provide certain excavating, grading and back-filling and thereafter on December 10, 1984, said contract was amended whereby Claimant was to furnish and install aggregate base, binder and surface course asphalt pavement for the streets and driveways in and for and in said improvement, and that on August 12, 1985, the claimant completed thereunder labor, equipment used and materials to the value of \$88,130.60.

* about the Property for the use and benefit of said Property and Units therein contained which were adjacent and contiguous thereto, which subcontracts were based upon a time and materials and unit-price basis respectively,

That at the special instance and request of said contractor the claimant furnished extra and additional materials at and extra and additional labor on said premises of the value of \$ 12,756.88 and completed same on August 12, 1985.

That said owner or the grantee or both of said owner and grantee, or both, have not exercised due diligence to pay to said contractor the amount due to said contractor.

That said contractor is entitled to credits on account thereof as follows: \$27,373.35

leaving due, unpaid and owing to the claimant, after allowing all credits, the sum of Seventy-Three Thousand Five Hundred Fourteen & 13/100 (\$73,514.13) Dollars, for which, with interest, the claimant claims a lien on said land and improvements and on the moneys or other considerations due or to become due from the owner under said contract against said contractor and owner.

This document was prepared by Warren R. Fuller (address below)

HIGGINS ASPHALT CO., INC. (Name of sole grantee, limited corporation)

Warren R. Fuller

Warren R. Fuller Attorney for Claimant 55 West Monroe Street - Suite 2350 Chicago, Illinois 60603 372-3874

1 State what the claimant was to do. 2 All repairs to be made on that to be done on delivery of materials. The value of \$ or value to be paid for the work. 3 If extra fill-out, 1 is extra stake out. 4 Strike out clause (a) or (b).

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State of Illinois

County of Cook } SS.

The affiant, Warren R. Fuller, being first duly sworn, on oath deposes and says that he is attorney for claimant

the claimant; that he has read the foregoing notice and claim for lien and knows the contents thereof; and that all the statements therein contained are true.

Subscribed and sworn to before me this

Warren R. Fuller
day of November 1931
Theresa C. Weston
Notary Public

Property of Cook County Clerk's Office

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EXHIBIT APARCEL I

That part of Lot 1 lying west of the west line of Northern Illinois Toll Highway (except the South 33 feet thereof and except that part heretofore dedicated for East River Road) all in Leverenz Brothers Subdivision of a part of the north-east quarter of Section 9, Township 41 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

Together with that part lying west of the westerly line of the Northern Illinois Toll Highway, of the following described tract of land: That part of the northeast fractional quarter of fractional Section 9, Township 41 North, Range 12, East of the Third Principal Meridian, Described as follows: Commencing at a point in the north line of said northeast fractional quarter, 1370.8 feet east of the northwest corner thereof; thence southerly along a line drawn through said point of commencement, to a point in a line 24 rods south of and parallel with the north line of said section, 1364.5 feet east of a point in the west line of said northeast quarter 396 feet south of the northwest corner of said northeast fractional quarter; thence east on said parallel line 909.81 feet to the northwesterly line of the DesPlaines Valley Railroad; thence northeasterly along said northwesterly line 484.41 feet to the north line of said section; thence west along said north line 1185.75 feet to the point of beginning, (except therefrom that part thereof taken for highway and except that part heretofore dedicated for east River Road in Cook County, Illinois.

The last described tract also being described in Torrens description as follows: that part of Villas of Beck Lake Planned Unit Development in the northeast fractional quarter of fractional Section 9, Township 41 North, Range 12, East of the Third Principal Meridian, described as follows: commencing at a point in the north line of said northeast fractional quarter 1370.8 feet east of the northwest corner thereof; thence southerly along a line drawn through said point of commencement to a point in a line 24 rods south of and parallel with the north line of said section 1364.5 feet east of a point in the west line of said northeast quarter, 396 feet south of the northwest corner of said northeast fractional quarter; thence east on said parallel line 883.5 feet to the northwesterly line of the DesPlaines Valley Railroad; thence northeasterly along said northwesterly line 483.8 feet to the north line of said section; thence west along said north line 1188.5 feet to the place of beginning, (excepting from said tract that part thereof lying east of a line described as follows): commencing at the intersection of the northwesterly right of way line of the DesPlaines Valley Railroad and the south line of the north 24 rods of said fractional section 9, thence west along said south line a distance of 459.72 feet to the point of beginning of the line herein being described; said line running northerly along a line forming an angle of 93°09'25" to the right with the preceding course extended, a distance of 346.52 feet to a point in the southerly right of way line of Central Road (said point being 684.41 feet west of the northwesterly right of way line of the DesPlaines Valley Railroad); thence continuing northerly along said described line to the north line of said fractional section 9; and (excepting from said tract that part thereof taken for highways and except that part heretofore dedicated for east River Road), excepting therefrom that property described as Parcel 11.

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EXHIBIT A
(continued)

PARCEL II

Units 101 through 108, 201 through 208, 301 through 308 and 401 through 408, all inclusive, in County Homes of Beck Lake Woods Condominium as delineated on a survey of the following described real estate:

Part of the East 1/2 of the northeast 1/4 of Section 9, Township 41 North, Range 12 East of the Third Principal Meridian, lying west of the westerly line of Illinois Toll Road and part of Lot 1 in Leverentz Subdivision lying west of the westerly line of Illinois Toll Road, which survey is attached as Exhibit "C" to the Declaration of Condominium recorded as Document Number 27402543 and supplements thereto numbered 85007419, 85202404 and 85248298, together in (with) its undivided percentage interest in the common elements in Cook County, Illinois.

P..I.No. 09-03-201-040 through 09-09-201-049, inclusive.

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EXHIBIT B

All Units are owned by Chicago Title and Trust Company as trustee under a trust agreement dated February 29, 1984 and known as trust number 1084991 unless otherwise indicated herein. To the extent that any such units were conveyed to the grantees named herein, Claimant asserts that each such grantee consented to or knowingly permitted such improvements to be made by the Claimant. While the Claimant asserts the full amount of the sum claimed to be due herein (\$73,514.13) as a lien upon all of the property described in Parcel I and Parcel II, to the extent required by law, Claimant apportions the amount due as follows:

<u>Property</u>	<u>Owner other than the Trustee</u>	<u>Apportioned Amount</u>
<u>Parcel I</u>		\$ 52,287.41
<u>Parcel II</u>		
Unit 101	Andrew J. Fulara & Eileen V. Fulara	537.23
102	Angela F. Catania	537.23
103		537.23
104		537.23
105	Michael J. Burke	537.23
106	Kirk W. Schafer & Mary L. Moretti	537.23
107	Peggy L. Real	537.23
108	Kenneth M. Kadowaki	537.23
201 thru 208	(total: \$3,364.83) each	420.60
301, 303, 304, 305, 308	(total \$5,421.10) each	1,084.23
302	Harry J. Witz	1,084.23
306	Wm. T. Stoebig & Elizabeth Stoebig	1,084.23
307	Trustee and Judith Raschillo, Richard Raschillo & Renne A. Raschillo	537.24
308		537.24
401, 403, 404, 406, 408	(total \$3,740.55) each	748.11
402	Wm. L. Kowalski & Julie A. Kowalski	748.11
405	Phyllis N. Becherer	748.11
407	Wayne R. Baird & Judith A. Baird	748.11

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EXHIBIT B (continued)

Villas of Beck Lake Condominium Association, Inc.
(Country Homes of Beck Lake Condominium Association, Inc.)

Various Common Elements within Parcel I
Including Country Lane,
a Private Roadway

Alternatively, Claimant asserts that the full amount of its claim (\$73,514.13) represents improvements to the Common Elements, and limited Common Elements, if any, namely that roadway known as Country Lane, and the driveways for the Units designated herein as well as any units now or hereafter constructed which become a part of the Development identified and described in Exhibit A, all of which provide access, ingress and egress and are adjacent, contiguous and appurtenant to the units and other improvements now or hereafter constructed within the Development.

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