

6  
b  
STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

2010 003140

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2010 JAN 19 AM 11:22

SWORN STATEMENT OF INTENTION TO HOLD LIEN  
NOTICE OF MECHANIC'S LIEN

CAROLYN J. POLLARD  
ACTING RECORDER

The Claimant, Markham Asphalt Co., a subsidiary of K-Five Construction Corporation, an Illinois corporation, doing business at 13769 Main Street, Lemont, Illinois ("Claimant"), hereby files its Sub-subcontractor's Notice and Claim for Mechanic's Lien on the real estate described herein ("Real Estate") and against: Century Plaza, LLC, ("Owner"), as Owner of the Real Estate, Leonard C. Carnaghi, Inc., a Michigan corporation, as Owner's contractor ("Contractor"), Rock Solid Paving & Excavating, Inc., an Indiana corporation, as Contractor's subcontractor ("Subcontractor"), and any person or entity, including, without limitation, the mortgagees, lenders, and other interested parties, as identified in the Service List attached hereto, claiming an interest in the Real Estate by, through, or under the Owner and/or Contractor and/or Subcontractor, and states:

1. That prior to and on October 21, 2009, and subsequently, Owner owned fee simple title to the Real Estate (including all land and improvements thereon) in Lake County, Indiana, legally described as follows:

Tract 2 In Century Plaza, A Planned Unit Development To The Town Of Merrillville, Indiana, As Per Plat Thereof Recorded July 23, 2002, In Plat Book 92, Page 20 In The Office Of The Recorder Of Lake County, Indiana.

Commonly known as: 303-399 East 81<sup>st</sup> Avenue  
Merrillville, Indiana

P.I.N.: 12-22-301-005

2. That prior to October 22, 2009, Owner entered into a contract with Contractor for

24-  
LP  
ck  
18424  
E

the improvement of the Real Estate (the "Contract"). Pursuant to the Contract, Owner authorized and/or knowingly permitted Contractor or its respective agents to enter into further contracts for the improvement of the Real Estate.

3. That prior to October 22, 2009, Contractor entered into a contract with Subcontractor for the improvement of the Real Estate (the "Subcontract"). Pursuant to the Subcontract, Subcontractor was to perform paving improvements to the Real Estate which required the use of bituminous materials; and, Contractor authorized and/or knowingly permitted Subcontractor or its respective agents to enter into further contracts for Subcontractor's performance of the paving improvements upon the Real Estate.

4. That beginning on or about October 22, 2009, the Claimant entered into oral purchase orders ("Purchase Orders") with Subcontractor, pursuant to which Claimant agreed to supply bituminous materials to be used for Subcontractor's paving improvements upon the Real Estate.

5. That Claimant last supplied bituminous materials pursuant to the Purchase Orders on October 22, 2009, which was furnished to and used in and about the improvement of the Real Estate for the sum of \$5,409.00, as identified in the invoice attached hereto and incorporated herein at Exhibit A.

6. That Owner, Contractor, and Subcontractor are not entitled to any credits, leaving an amount unpaid and owing Claimant of \$5,409.00.

7. That, as of the date hereof, the total balance due and owing Claimant is \$5,409.00, for which, with interest, costs, and attorneys' fees as provided under the Indiana Mechanics Lien Act, Claimant claims a lien upon the Real Estate and the monies or other consideration due or to become due from Owner to Contractor under the Contract, and from Contractor to Subcontractor

under the Subcontract.

Said Notice of Lien is filed within 90 days of last work on the project.

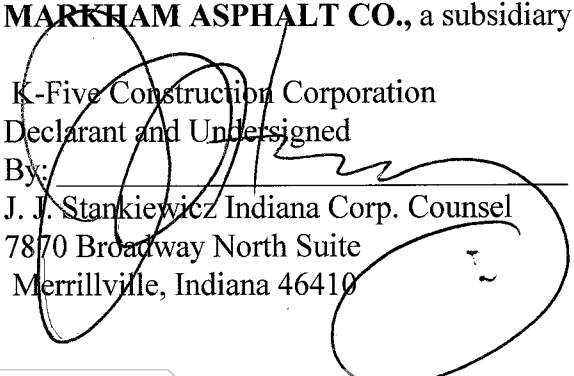
I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number in this document unless required by law.

Dated: January 15, 2010.

of

**MARKHAM ASPHALT CO.,** a subsidiary

K-Five Construction Corporation  
Declarant and Undersigned

By:   
J. J. Stankiewicz Indiana Corp. Counsel  
7870 Broadway North Suite  
Merrillville, Indiana 46410

State of Indiana )  
                                  ) ss:  
County of Lake     )

**Document is NOT OFFICIAL!**  
This Document is the property of the Lake County Recorder!

Subscribed and sworn to before me a Notary Public, there appeared J. J. Stankiewicz, who affixed his signature thereto on January 18, 2010.

Witness my hand and Notarial Seal.

  
Notary Public

My Commission Expires: 11/20/16  
County of Residence: Lake

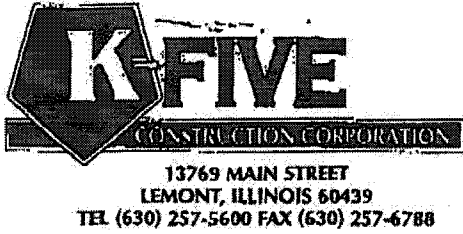


Sea



Return recorded originals to Attorneys J. J. Stankiewicz 7870 Broadway Merrillville, IN 46410





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

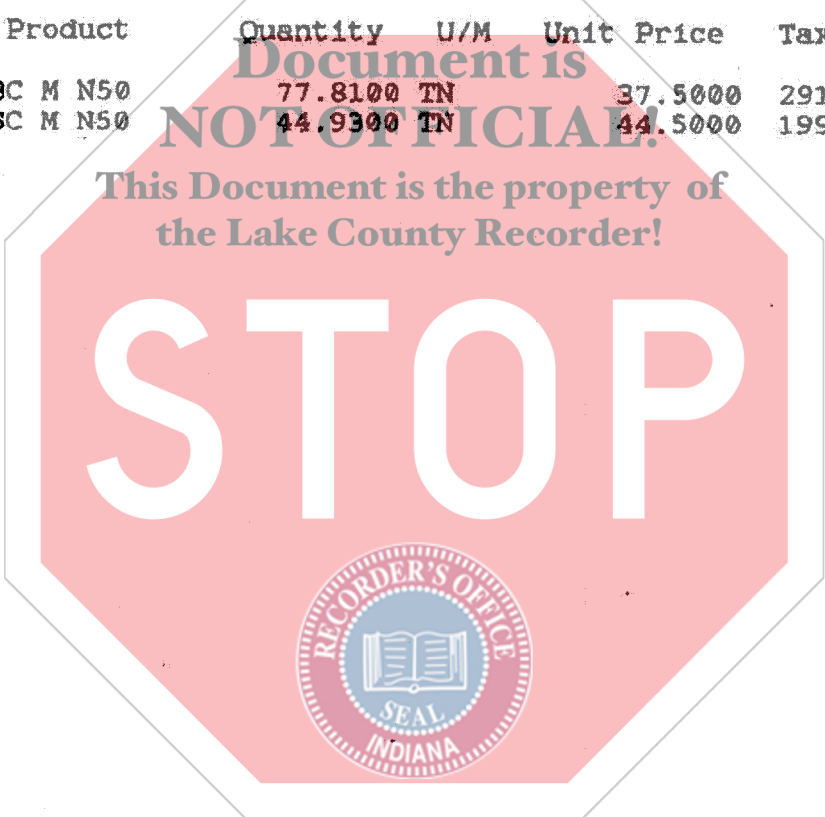
Bill To: 7282  
 ROCK SOLID PAVING & EXCAV  
 11003 THIEL ST.  
 SUITE A  
 ST. JOHN, IN 46373

Job:  
 PANERA BREAD  
 303E 83RD STR  
 MERRIVILLE IN

Invoice: 119047MB Plant: MARKHAM ASPHALT PLANT Page 1 of 1

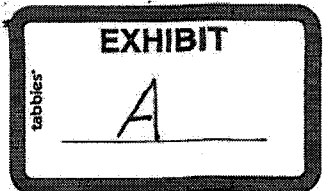
Project No	Invoice Date	Purchase Order	Payment Terms
PANERABR	10/22/09		NET 45

Date	Ticket	Product	Quantity	U/M	Unit Price	Tax	Total
10/22	00319482	BC BC M N50	77.8100	TN	37.5000	291.79	3209.67
10/22	00319511	BC SC M N50	44.9300	TN	44.5000	199.94	2199.33



Material	Transp.	Misc.	Tax	Invoice Amt	Receipt Amt	Balance Due
\$4,917.27	\$0.00	\$0.00	\$491.73	\$5,409.00	\$0.00	\$5,409.00

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



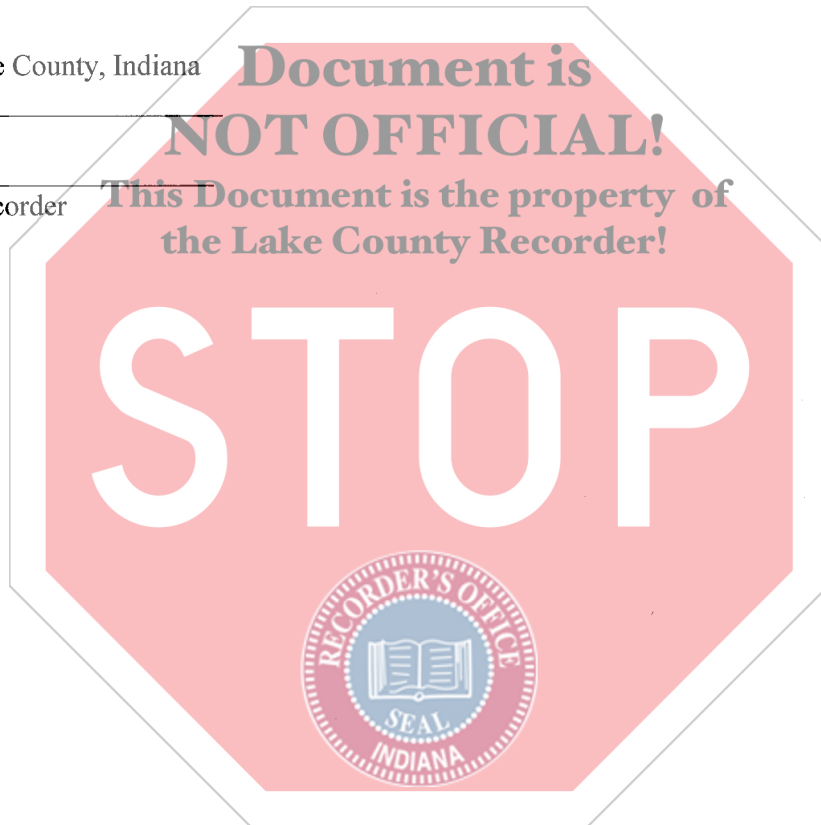
SALES COPY

RECORDER'S CERTIFICATE OF MAILING

I hereby certify that I have within three (3) business days after recording said Lien, mailed a duplicate of this notice, first-class, postage prepaid, to the Owner of the within named property owner at their shown address therein

Dated: \_\_\_\_\_ 2010

Recorder of Lake County, Indiana  
BY: \_\_\_\_\_  
Signature  
Name \_\_\_\_\_  
Deputy Lake Recorder



SERVICE LIST

Century Plaza LLC ✓  
One Westbrook Corporate Center  
Ste. 520  
Westchester, IL 60154

Century Plaza LLC ✓  
c/o National Registered Agents, Inc., Agent  
320 North Meridian Street  
Indianapolis, IN 46204

Leonard C. Carnaghi, Inc.  
Attn: Leonard C. Carnaghi, Resident Agent  
24388 Sorrentino Court  
Clinton Township, MI 48035

Rock Solid Paving & Excavating, Inc.  
c/o Hugh Graham, Agent & President  
11003 Thiel Street  
Saint John, IN 46373

PrivateBank and Trust Company  
Attn: Lynn Warner, Paralegal  
70 W. Madison, Ste. 800  
Chicago, IL 60602

