

\*FILE ORIGINAL FOR CHAPTERS 7 and 11, IN DUPLICATE FOR CHAPTER 13, FOR DATE-STAMPED COPY, SEE #9 BELOW

<b>United States Bankruptcy Court</b>		<input type="checkbox"/> CH 7 <input type="checkbox"/> CH 13 <input checked="" type="checkbox"/> CH 11
Northern District of Illinois, Eastern Division		<b>PLEASE CHECK CHAPTER</b>
Name of Debtor K-Mart		Case Number 02B02474
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S. C. § 503		<b>PROOF OF CLAIM</b>
Name of Creditor (The person or other entity to whom the debtor owes money or property) Egizii Electric, Inc., a division of EE Holding, 700 N. MacArthur Blvd., Springfield, Illinois 62702		File Claim Form With:  United States Bankruptcy Court P. O. Box A3613 Chicago, Illinois 60690-3612  Creditor # _____  <b>THIS SPACE IS FOR COURT USE ONLY</b>
Name and Address Where Notices Should be Sent Michael A. Myers, Sorling Law Office, 607 E. Adams, Suite 800, P. O. Box 5131, Springfield, Illinois 62705		
Telephone No. 217/544-1144		
Account or other number by which creditor identifies debtor: K-Mart #9363, Job #91100013		Check here if this claim <input type="checkbox"/> amends <input type="checkbox"/> replaces   a previously filed claim dated: _____
<b>1. BASIS FOR CLAIM</b> <input type="checkbox"/> Goods sold <input checked="" type="checkbox"/> Services performed <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death                      Your social security number _____ <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____                      Unpaid compensation for services performed <input type="checkbox"/> Retiree benefits as defined in 11 U.S. C. § 1114 (a)                      from _____ to _____ <div style="text-align: right;">(date)                      (date)</div>		
<b>2. DATE DEBT WAS INCURRED:</b>		<b>3. IF COURT JUDGMENT, DATE OBTAINED:</b>
<b>4. Total Amount of Claim at Time Case Filed:</b> \$ 15,288 If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
<b>5. Secured claim</b> <input checked="" type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff).  Brief Description of Collateral: mechanic lien on property and/ <input checked="" type="checkbox"/> Real Estate                      or leasehold interest; see <input type="checkbox"/> Motor Vehicle                      attached lien filed in <input type="checkbox"/> Other                      Springfield, Sangamon County, Illinois. Value of collateral: \$ unknown  Amount of arrearage and other charges at time case filed included in secured claim above, if any: \$ -0-		<b>6. Unsecured Priority Claim</b> <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,300), *earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier-11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan-11 U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6) <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child -11 U.S.C. § 507(a)(7) <input type="checkbox"/> Taxes or penalties owed to governmental units 11 U.S.C. § 507(a)(8) <input type="checkbox"/> Other—Specify applicable paragraph of 11 U.S.C. § 507(a) _____ *Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
<b>7. CREDITS:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. <b>8. SUPPORTING DOCUMENTS:</b> <u>Attach copies of supporting documents</u> , such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. ANY ATTACHMENT MUST BE 8-1/2" BY 11" <b>9. DATE-STAMPED COPY:</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and an additional copy of this proof of claim.		<b>THIS SPACE IS FOR COURT USE ONLY</b> <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">FILED</div> UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS <div style="font-size: 1.5em; margin-top: 10px;">3/11/02 MAR 11 2002</div> <div style="font-size: 1.2em; margin-top: 10px;">KENNETH A. BARNER, CLERK</div> <div style="font-size: 1.2em; margin-top: 10px;">MAILROOM - LL</div>
Date: 3-04-02	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any) <div style="text-align: center; margin-top: 20px;">             Vice President         </div>	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.		

2002R10587

02-22-2002 8:49 AM

SANGAMON COUNTY  
ILLINOIS

30.00  
12 CHRISTIE

MARY ANN LAMM  
SANGAMON COUNTY RECORDER

PREPARED BY:  
Michael A. Myers  
Sorling, Northrup, Hanna,  
Cullen & Cochran, Ltd.  
Suite 800 Illinois Bldg.  
P.O. Box 5131  
Springfield, IL 62705  
Telephone: 217/544-1144

STATE OF ILLINOIS       )  
  ) SS.  
COUNTY OF SANGAMON )

EGIZII ELECTRIC, INC., an Illinois       )  
corporation,                                )  
  )  
      Claimant/Subcontractor,            )  
v.    )  
  )  
BSMT VERNON LLC, an Illinois limited    )  
liability company,                        )  
  )  
      Owner,                                    )  
  )  
and    )  
  )  
K-MART #9363 AND KRC MACARTHUR        )  
BLVD. 799, INC.,                            )  
  )  
      Contractor/Lessee.                    )

**CLAIM FOR MECHANIC'S LIEN**

Claimant, Egizii Electric, Inc., an Illinois corporation, hereby makes claim for mechanic's lien  
against BSMT Vernon LLC, an Illinois limited liability company, Owner, K-Mart #9363 and KRC  
MacArthur Blvd. 799, Inc., Contractor/Lessee, and alleges:

COPY

1. At all times hereinafter mentioned, BSMT Vernon LLC, an Illinois limited liability company, is the Owner of the following described real estate situated in Springfield, Sangamon County, Illinois, legally described as:

See attached legal description on Exhibit A.

2. Claimant is informed and believes that KRC MacArthur Blvd. 799, Inc. is the Lessee of property at 2115 South MacArthur Blvd., Springfield, Illinois, where it operated K-Mart Store #9363.

3. On or about October 8, 2001, Claimant made a contract with the aforesaid K-Mart Store #9363 to furnish and install a new 1600 AMP Culter Hammer MDP Interior to replace damaged MDP for the improvement of the premises above described. Said materials and labor were delivered and installed on the aforesaid premises to be paid for at the current market price which amounted to Fifteen Thousand, Two Hundred Eighty-Eight Dollars and 00/100 (\$15,288.00).

4. The Owners and/or Lessors either individually or through their duly appointed agent acting on their behalf, either authorized or knowingly permitted, the said improvements to be made.

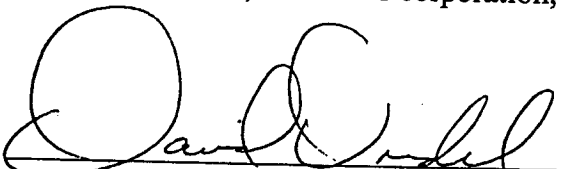
5. On or about November 16, 2001, Claimant completed all things required to be done by it under the aforesaid contract to the value of \$15,288.00, and a billing was rendered to K-Mart; the bill has not been paid as of this date.

6. Pursuant to <sup>720</sup>~~735~~ Illinois Compiled Statutes 60~~1~~, Claimant served a ninety-day notice on BSMT Vernon, LLC (Owner), American General Annuity Insurance, formerly Western National Insurance Co., BSMT Vernon Limited Partnership (Mortgagees), KRC MacArthur Blvd. 799, Inc.,

and K-Mart #9363 (Lessee), within ninety days after the final delivery of the aforesaid materials and labor, as evidenced by Claimant's Exhibit B attached hereto and incorporated herein.

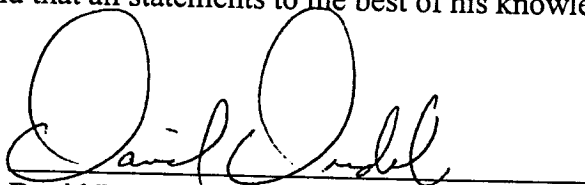
7. After allowing all just credits, a balance in the sum of \$15,288.00 is due and owing to Claimant, for which, with interest, Claimant claims a lien on the interest of said Owner and the interest of Lessee and said land and improvements plus statutory attorney fees and interest due and owing.

EGIZII ELECTRIC, INC., an Illinois corporation,


By:   
David Drendel, Vice President

STATE OF ILLINOIS       )  
                                      ) SS.  
COUNTY OF SANGAMON )

David Drendel, being first duly sworn, on oath deposes and states that he is the Vice President of Egizii Electric, Inc. and duly authorized agent for the Claimant, that he has read the foregoing Claim For Mechanic's Lien, knows the contents thereof, and that all statements to the best of his knowledge and belief therein contained are true.

  
David Drendel

Subscribed and sworn to before me this 18<sup>th</sup> day of February, 2002.

  
Notary Public

0334514.001

2/18/2002MAMmlm



#### EXHIBIT A

Part of the South  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 5, Township 15 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, being described as follows: From a point of the centerline of Cherry Road, 1963.14 feet easterly from the West line of said Southeast  $\frac{1}{4}$  to said point; thence South 0 degrees 43 minutes 34 seconds East, 30.00 feet to the South right-of-way line of Cherry Road, also being the point of beginning; thence North 89 degrees 12 minutes 03 seconds East along said right-of-way line a distance of 478.00 feet; thence South 0 degrees 19 minutes 06 seconds East 150.00 feet; thence North 89 degrees 12 minutes 03 seconds East, 150.00 feet to the West right-of-way line of MacArthur Boulevard; thence South 0 degrees 19 minutes 06 seconds East, along said right-of-way line a distance of 220.01 feet; thence South 89 degrees 10 minutes 01 seconds West, 150.00 feet; thence South 0 degrees 19 minutes 06 seconds East, 150.00 feet; thence South 89 degrees 10 minutes 01 seconds West, 203.98 feet; thence South 0 degrees 38 minutes 10 seconds East, 0.39 feet; thence South 89 degrees 18 minutes 47 seconds West, 152.90 feet; thence South 89 degrees 10 minutes 01 seconds West, 121.41 feet; thence North 0 degrees 43 minutes 34 seconds West, 4.87 feet; thence South 89 degrees 16 minutes 26 seconds West, 16.00 feet; thence North 0 degrees 43 minutes 34 seconds West, 472.50 feet; thence North 89 degrees 16 minutes 26 seconds East, 20.00 feet; thence North 0 degrees 45 minutes 34 seconds West, 43.00 feet to the point of beginning, containing 6.66 acres more or less.

Situated in Sangamon County, Illinois.

TAX ID 22-05-431-009

STATE OF ILLINOIS       )  
                                  )  
COUNTY OF SANGAMON )       SS.

SUBCONTRACTOR'S NINETY-DAY NOTICE

To:   Owner:               BS MT Vernon, LLC  
                              an Illinois Limited Liability Company  
                              c/o Gregory McMahon & Company  
                              60 East 42<sup>nd</sup> Street  
                              New York, NY 10165

Subcontractor       Egizii Electric, Inc.  
and Claimant:       700 N. MacArthur Boulevard  
                              Springfield, IL 62702

Mortgagees:       American General Annuity Insurance Co.  
                              Formerly Known As Western National Life Insurance Co.  
                              2929 Allen Parkway  
                              Houston, TX 77019

                              BS MT Vernon Limited Partnership  
                              an Illinois Limited Partnership  
                              c/o McAred Realty  
                              51 Sherman Hill Road, Building A  
                              Suite A-104C  
                              Woodbury, CT 06798

Contractor       KRC MacArthur Blvd.799, Inc.  
Lessee:               an Illinois Corporation  
                              3333 New Hyde Park Road, Suite 100  
                              P. O. Box 5020  
                              New Hyde Park, NY 11042-0020

                              K-Mart #9363  
                              1405 West Pipeline Road  
                              Hurst, Texas 76053

                              K-Mart  
                              2115 South MacArthur Boulevard  
                              Springfield, IL 62704

YOU ARE HEREBY NOTIFIED that EGIZII ELECTRIC, INC., subcontractor, has been employed by K-MART, to supply electrical labor and materials for the improvement of your property at 2115 S. MacArthur Boulevard, Springfield, Illinois, 62703, legally described as:

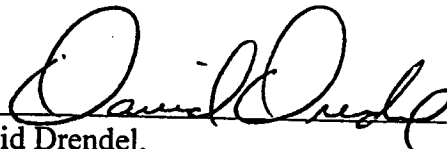
See legal description attached as Exhibit A.

and that there is due the aforesaid EGIZII ELECTRIC, INC. the sum of FIFTEEN THOUSAND, TWO HUNDRED EIGHTY EIGHT and 00/100. DOLLARS (\$15,288.00).

The undersigned hereby claims a lien therefor as against your interest in the above-described property and also as against the money due from you to the said contractor. A copy of the receivable statement and contract are attached as Exhibit B.

Dated at Springfield, Illinois this 31<sup>ST</sup> day of JANUARY, 2002.

EGIZII ELECTRIC, INC.

By:   
David Drendel,  
Vice President of Egizii Electric, Inc.

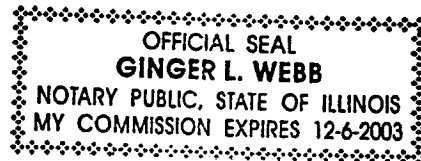
STATE OF ILLINOIS                    )  
  )     SS.  
COUNTY OF SANGAMON            )

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that David Drendel, Vice President of Egizii Electric, Inc., corporation, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Vice President he signed, sealed and delivered the aforesaid instrument pursuant to authority of its Board of Directors, for its free and voluntary act and deed for said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 31<sup>st</sup> day of Jan., 2002.

Ginger L Webb  
Notary Public

Prepared by:  
Sorling, Northrup, Hanna,  
Cullen and Cochran, Ltd.  
Michael A. Myers, of Counsel  
Suite 800 Illinois Building  
P. O. Box 5131  
Springfield, IL 62705  
Telephone: (217) 544-1144





PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served via certified mail, return receipt requested, by placing same in a sealed envelope addressed:

BS MT Vernon, LLC  
an Illinois Limited Liability Company  
c/o Gregory McMahon & Company  
60 East 42<sup>nd</sup> Street  
New York, NY 10165

**Certified No. 7000 1670 0010 8984 7905**

American General Annuity Insurance Co. **Certified No. 7000 1670 0010 8984 7912**  
Formerly Known As Western National Life Insurance Co.  
2929 Allen Parkway  
Houston, TX 77019

BS MT Vernon Limited Partnership  
an Illinois Limited Partnership  
c/o McAred Realty  
51 Sherman Hill Road, Building A  
Suite A-104C  
Woodbury, CT 06798

**Certified No. 7000 1670 0010 8984 7929**

KRC MacArthur Blvd.799, Inc.  
an Illinois Corporation  
3333 New Hyde Park Road, Suite 100  
P. O. Box 5020  
New Hyde Park, NY 11042-0020

**Certified No. 7000 1670 0010 8984 7936**

K-Mart #9363  
1405 West Pipeline Road  
Hurst, Texas 76053

**Certified No. 7000 1670 0010 8984 7899**

K-Mart  
2115 South MacArthur Boulevard  
Springfield, IL 62704

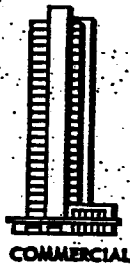
**Certified No. 7000 1670 0010 8984 7882**

and by depositing same in the United States mail in Springfield, Illinois, on the 31<sup>ST</sup> day of January, 2002, with postage fully prepaid.

#### EXHIBIT A

Part of the South  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 5, Township 15 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, being described as follows: From a point of the centerline of Cherry Road, 1963.14 feet easterly from the West line of said Southeast  $\frac{1}{4}$  to said point; thence South 0 degrees 43 minutes 34 seconds East, 30.00 feet to the South right-of-way line of Cherry Road, also being the point of beginning; thence North 89 degrees 12 minutes 03 seconds East along said right-of-way line a distance of 478.00 feet; thence South 0 degrees 19 minutes 06 seconds East 150.00 feet; thence North 89 degrees 12 minutes 03 seconds East, 150.00 feet to the West right-of-way line of MacArthur Boulevard; thence South 0 degrees 19 minutes 06 seconds East, along said right-of-way line a distance of 220.01 feet; thence South 89 degrees 10 minutes 01 seconds West, 150.00 feet; thence South 0 degrees 19 minutes 06 seconds East, 150.00 feet; thence South 89 degrees 10 minutes 01 seconds West, 203.98 feet; thence South 0 degrees 38 minutes 10 seconds East, 0.39 feet; thence South 89 degrees 18 minutes 47 seconds West, 152.90 feet; thence South 89 degrees 10 minutes 01 seconds West, 121.41 feet; thence North 0 degrees 43 minutes 34 seconds West, 4.87 feet; thence South 89 degrees 16 minutes 26 seconds West, 16.00 feet; thence North 0 degrees 43 minutes 34 seconds West, 472.50 feet; thence North 89 degrees 16 minutes 26 seconds East, 20.00 feet; thence North 0 degrees 43 minutes 34 seconds West, 43.00 feet to the point of beginning, containing 6.66 acres more or less.

Situated in Sangamon County, Illinois.



**EXHIBIT**  
*B*

## EGIZII ELECTRIC INC.



Job # 9110 0013

Job Information:

Misc Service Work-October 2001

To:

K Mart #9363  
1405 West Pipeline Road  
Hurst, TX 76053

Invoice Date  
11-21-2001

Customer #  
SP-K0003

Invoice #  
315197

Furnish & Install a New 1600 AMP Cutler-Hammer MDP Interior to Replace  
Damaged MDP

Total:

15,288.00

\$

Please include invoice number on remittance voucher.  
Thank You!

Net Due 30 Days

\$15,288.00



**TOTAL**

