

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

United States Bankruptcy Court		<input type="checkbox"/> CH 7 <input type="checkbox"/> CH 13 <input checked="" type="checkbox"/> CH 11
Northern District of Illinois, Eastern Division		PLEASE CHECK CHAPTER
Name of Debtor K-Mart Corporation, et al		Case Number 02 B 02474
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		PROOF OF CLAIM
Name of Creditor (The person or other entity to whom the debtor owes money or property) Koenig Fuel & Supply Co.	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars	File Claim Form With: United States Bankruptcy Court P.-O. Box A3613 Chicago, Illinois 60690-3612 Creditor # _____ THIS SPACE IS FOR COURT USE ONLY
Name and Address Where Notices Should be Sent Laura Cornwell-Estes 500 Woodward Ave., Ste 2500 Detroit, MI 48226 Telephone No. (313) 961-0200	<input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Account or other number by which creditor identifies debtor: Sterling Job #101	Check here if this claim <input type="checkbox"/> amends <input type="checkbox"/> replaces a previously filed claim dated: _____	
1. BASIS FOR CLAIM		
<input checked="" type="checkbox"/> Goods sold	<input 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 _____ (date) (date)
2. DATE DEBT WAS INCURRED: 5/5/2001		3. IF COURT JUDGMENT, DATE OBTAINED.
4. Total Amount of Claim at Time Case Filed: \$ 78,193.02		
If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.		
<input checked="" 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.		
5. Secured claim		6. Unsecured Priority Claim
<input checked="" type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff)		<input type="checkbox"/> Check this box if you have an unsecured priority claim
Brief Description of Collateral		Amount entitled to priority \$ _____
<input type="checkbox"/> Real Estate		Specify the priority of the claim:
<input type="checkbox"/> Motor Vehicle		<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"/> Other _____		<input type="checkbox"/> Contributions to an employee benefit plan-11 U.S.C. § 507(a)(4)
Value of collateral: \$ unknown		<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)
Amount of arrearage and other charges at time case filed included		<input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child -11 U.S.C. § 507(a)(7)
in secured claim above, if any \$ 2,752.11		<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
7. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		THIS SPACE IS FOR COURT USE ONLY FILED UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS MAR 25 2002 KP 930 3125102 KENNETH S. GARDNER, CLERK MAILROOM - LL
8. SUPPORTING DOCUMENTS: Attach copies of supporting documents, 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"		
9. DATE-STAMPED COPY: 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.		
Date: 3/21/02	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) <i>Laura Cornwell-Estes, Esq.</i> Laura Cornwell-Estes, Esq.	
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.		

OCT 23 2001

\$7.00 COPY 660
Receipt #91402

RECORDED
BERNARD J. YOUNGBLOOD, REGISTER OF DEED
WAYNE COUNTY, MI

\$4.00 RENOVATION

\$27.00 DEED

CLAIM OF LIEN

Notice is hereby given that on the 5th. day of May

2001..... Koenig Fuel & Supply Co.....
(name)

500 East Seven Mile Road., Detroit, MI 48203.....
(address)

first provided labor or material for an improvement to

.....(Please See Attached).....
(legal description of real property from notice of commencement)

the (owner) (lessee) of which property is Kmart of Michigan, Inc.
.....
(name of owner or lessee from notice of commencement)

The last day of providing the labor or material was the
...25th day of July....., 2001....

**TO BE COMPLETED BY A LIEN CLAIMANT WHO IS A CONTRACTOR,
SUBCONTRACTOR, OR SUPPLIER:**

The lien claimant's contract amount, including extras, is
\$ 70,359.70.. The lien claimant has received payment thereon in
the total amount of \$ 0 and therefor claims a
construction lien upon the above-described real property in the
amount of \$ 70,359.70.

TO BE COMPLETED BY A LIEN CLAIMANT WHO IS A LABORER:..

The lien claimant's hourly rate, including fringe benefits and
withholdings, is \$

There is due and owing to or on behalf of the laborer the sum
of \$ for which the laborer claims a construction lien
upon the above-described real property.

...KOENIG FUEL & SUPPLY CO.....
(lien claimant)

by _____
(signature of lien claimant, agent, or attorney)

...500 East Seven Mile Rd., Detroit, MI 48203.
(address of party signing claim of lien)

Date: October 22, 2001.....

State of Michigan)
County of Wayne..) ss.

ROL 27 4R 7Pp ADJ

Subscribed and sworn to before me this ^{22nd} day of October...

2001....

Jennifer L. Niemela

Signature of Notary Public

My commission expires: 2/20/2003

Prepared by: **Krystal L. Turner**.....

(name and address of party)

**500 East Seven Mile Road
Detroit, Michigan 48203**

RETURN TO:

Jennifer L. Niemela
Notary Public, State of Michigan
Wayne County
My Commission Expires Feb. 20, 2003

NOTICE OF FURNISHING

To: K-Mart Corporation
(name of designee (or owner or lessee) from notice of commencement)

3250 W. Big Beaver, Troy, MI 48084
(address from notice of commencement)

Please take notice that the undersigned is furnishing Sterling Trenching, Inc., 21471 Schoenherr Road, Warren, MI 48089
(name and address of other contracting party)

certain ready mix concrete for Super K-Mart, Eight Mile Road, East of Telegraph Road, Detroit, Michigan
(describe type of work)

in connection with the improvements to the real property described in the notice of commencement recorded in liber on page Wayne..... records,
(name of county)

(COPY OF NOTICE OF COMMENCEMENT REQUESTED)

.....
or (a copy of which is attached hereto)

WARNING TO OWNER: THIS NOTICE IS REQUIRED BY THE MICHIGAN CONSTRUCTION LIEN ACT. IF YOU HAVE QUESTIONS ABOUT YOUR RIGHTS AND DUTIES UNDER THIS ACT, YOU SHOULD CONTACT AN ATTORNEY TO PROTECT YOU FROM THE POSSIBILITY OF PAYING TWICE FOR THE IMPROVEMENTS TO YOUR PROPERTY.

KOENIG FUEL & SUPPLY CO.
500 E. SEVEN MILE RD
DETROIT, MICHIGAN 48203
(name and address of lien claimant)

by ~~.....~~.....
(name and capacity of party signing for lien claimant)
KOENIG FUEL & SUPPLY CO.
500 E. SEVEN MILE RD.
DETROIT, MI 48203
(address of party signing)

Date: May 9, 2001

7000 0600 0023 6688 2507

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Address: **TROY, MI 48064**

Postage	\$ 3.54	UNIT ID: 0203 Postmark Here Clerk: KX1485 05/09/01
Certified Fee	1.20	
Return Receipt Fee (Endorsement Required)	1.20	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 3.74	

Name (Please Print Clearly) (to be completed by mailer)
K-Mart
 Street, Apt. No., or PO Box No.
3250 W. Big Beaver
 City, State, ZIP+4
Troy, MI 48064

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
K-MART, Corporation
Real Estate Division
3250 W. Big Beaver
Troy, MI 48064

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **S-10**
 B. Date of Delivery
 C. Signature *[Signature]*
 Agent
 Addressee
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

Article Number (Copy from service label) **6083 2507**
10000600023 ~~765 276~~

JUL 19 2001

Liber-34124 Page-167
201293842 7/19/2001
Bernard J. Youngblood, Wayne Co. Register of Deeds
RECORDED

01 JUL 19 P1:04

FILED
RECORDED
INDEXED

NOTICE OF COMMENCEMENT

Date: May 21, 2001

Pursuant to the requirements of Section 108 of the Michigan Construction Lien Act, the undersigned, being duly sworn, gives Notice that:

1. The legal description of the real property on which the improvement is to be made is as follows:

See attached legal description.

2. The Name, address, and capacity of the Owner/Lessee contracting for the improvement is:

Kmart of Michigan, Inc.
3100 West Big Beaver Road
Troy, Michigan 48064

3. The Name and address of the fee Owner of the above real property, if the person contracting for the improvement is a Land Contract Vendor or Lessee, is:

The Name and address of the General Contractor, if any, is:

Eckin-Skanska Construction Co. 30445 Northwestern Hwy. Suite 250 Farmington Hills, MI 48334	Site Development, Inc. 3150 Laverne Road Suite 270 Troy, MI 48063
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The Name and address of the Owner's or Lessee's Designee upon whom all notices or other instruments are to be served is:

Kmart of Michigan, Inc.
3100 West Big Beaver Road
Troy, MI 48064
Attention: JoAnn Phenegar
To Lien Claimants and subsequent Purchasers:

TAKE NOTICE THAT WORK IS ABOUT TO COMMENCE ON AN IMPROVEMENT TO REAL PROPERTY DESCRIBED IN THIS INSTRUMENT. A PERSON HAVING A CONSTRUCTION LIEN MAY PRESERVE THE LIEN BY PROVIDING A NOTICE OF FURNISHING TO THE ABOVE NAMED DESIGNEE AND THE GENERAL CONTRACTOR, IF ANY, AND BY TIMELY RECORDING A CLAIM OF LIEN, IN ACCORDANCE WITH LAW.

A PERSON HAVING A CONSTRUCTION LIEN ARISING BY VIRTUE OF WORK PERFORMED ON THIS IMPROVEMENT SHOULD REFER TO THE NAME OF THE OWNER OR LESSEE AND THE LEGAL DESCRIPTION APPEARING IN THIS NOTICE. A PERSON SUBSEQUENTLY ACQUIRING AN INTEREST IN THE LAND DESCRIBED IS NOT REQUIRED TO BE NAMED IN A CLAIM OF LIEN.

A COPY OF THIS NOTICE WITH AN ATTACHED FORM FOR NOTICE OF FURNISHING MAY BE OBTAINED UPON MAKING A WRITTEN REQUEST BY CERTIFIED MAIL TO THE ABOVE NAMED OWNER OR LESSEE, THE ABOVE NAMED DESIGNEE OR THE PERSON WITH WHOM YOU HAVE CONTRACTED.

BY: Ronald Rozanski, Regional Development Mgr.
(insert name and address of Owner or Lessee or agent of Owner or Lessee)

nc 15 yr 3pp A 2

STATE OF MICHIGAN)
)SS
COUNTY OF)

This Notice of Commencement and the information contained herein was sworn and verified before me this 12th day of July 2001 by Ronald Rozanski in his capacity as Regional Development Mgr. of Emart Corporation

JOSEPH P. PRZYBYLAK
NOTARY PUBLIC MICHIGAN CO. 19
501 CANTONMENT SQUARE NEW LT. 488

This Notice was prepared by:

_____ County, Michigan
My commission expires: _____

Emart of Michigan, Inc.
(name)

3100 West Big Beaver Road
Troy, Michigan 48064
(address)

THE CONSTRUCTION ASSOCIATION OF MICHIGAN EXPRESSLY DISCLAIMS ANY LIABILITY FOR CHANGES MADE TO THIS FORM BY LEGISLATIVE ENACTMENTS OR JUDICIAL DECISIONS.

**LEGAL DESCRIPTION
K MART PARCEL**

A parcel of land being a part of the East 1/2 of the Northeast 1/4 of Section 5, Town 1 South, Range 10 East, and a part of the West 1/2 of the Northwest 1/4 of Section 4, Town 1 South, Range 10 East, City of Detroit, Wayne County, Michigan, more particularly described as:

Beginning at the West 1/4 corner of said Section 4, Town 1 South, Range 10 East, (being also the East 1/4 corner of said Section 5), thence North 87 Degrees 59 Minutes 56 Seconds West along the East and West 1/4 line of said Section 5, 41.87 feet to a point on the easterly line of Telegraph Road (204.00 feet wide); thence northerly on a curve to the left along the easterly line of Telegraph Road, 225.37 feet, measured along an arc of said curve to a point of tangent, said curve having a radius of 8,696.42 feet, a central angle of 01 Degrees 29 Minutes 5.4 Seconds, and a chord bearing North 06 Degrees 39 Minutes 50 Seconds West a distance of 225.36 feet; thence continuing along the easterly line of Telegraph Road North 07 Degrees 23 Minutes West 509.99 feet; thence northerly on a curve to the right along the easterly line of Telegraph Road, 6.53 feet, measured along the arc of said curve to a point of tangent, said curve having a radius of 2,762.93 feet, central angle of 00 Degrees 08 Minutes 07.5 Seconds, and a chord bearing of North 07 Degrees 14. Minutes 52.5 Seconds West a distance of 6.53 feet; thence South 87 Degrees 27 Minutes 24 Seconds East 635.92 feet; thence South 00 Degrees 00 Minutes 00 Seconds West, 40.00 feet; thence South 87 Degrees 27 Minutes 24 Seconds East, 248.42 feet; thence South 13 Degrees 39 Minutes 41 Seconds East 725.61 feet to the East and West 1/4 line of said Section 4; thence North 87 Degrees 05 Minutes 26 Seconds West along the East and West 1/4 line of said Section 4 921.66 feet to the West 1/4 corner of said Section 4, Town 1 South, Range 10 East (being also the East 1/4 corner of said Section 5), said point being the Point of Beginning, Containing 15.227 acres of land. Subject to restrictions and easements of record, if any.

**LEGAL DESCRIPTION (referenced legal description recorded in Liber 31668, Page 184)
DETENTION BASIN PARCEL**

A part of Lots 87, 88 and 89 of Thomas Hitchman's Subdivision, located on the East 1/2 of the Southeast 1/4 of Section 5 and the North 388 feet of the West 1/2 of the Southwest 1/4 of Section 4, Town 1 South, Range 10 East, Redford Township, Wayne County, Michigan, recorded in Liber 30, Page 50 Wayne County records excepting the the South 5' of lot 89 more particularly described as follows;

Commencing at the W 1/4 corner of Section 4, Town 1 South, Range 10 East, (being also the East 1/4 corner of Section 5), thence S 87°05'26" E, 745.05 feet along the East-West 1/4 line of Section 4 to the Point of beginning; thence continuing along the East-West 1/4 line of Section 4 also being the North line of lot 87 of said Thomas Hitchman Subdivision S 87°05'26" E, 322.59 feet to the approximate center line of the Rouge River; thence S 22°58'08" E, 43.11 feet, along the approximate centerline of the Rouge River to a point of angle; thence S 32°13'06" E, 47.43 feet along the approximate centerline of the Rouge River to a point of angle; thence S 33°11'38", 41.82 feet along the approximate centerline of the Rouge River; thence N 87°05'26" W, 295.48 feet (recorded as N 88°46'11" W) to the East Right of Way line of Shlawasse Road (50 foot wide); thence along the East line of Shlawasee Road N 38°23'18" W, 148.25 feet to the Point of Beginning containing 0.782 acres of land subject to rights, easements and restrictions of record.

FINANCE CHARGE CALCULATION SHEET-Sterling Trenching

Months Past Due	14	13	12	11	10	9	8	7	6	5	4	3	2	1
Woodlawn Church	6360.00	484.95	6443.48		1018.53	28611.17	35756.13	2346.31						
Troy Center		45189.54					3677.67							
Super Kmart														
Salvation Army														
Finance Charges	1335.60	94.57	87.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	8811.96	1159.83	0.00	152.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	4291.68	3433.34	3754.39	211.17	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	441.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Finance Charges			Woodlawn		Troy		Super Kmart		Salvation Army					
			1,517.46		10,124.57		11,479.41		441.32					
			6,844.95		52,651.55		66,713.61		3677.67					
			8,362.41		62,776.12		78,193.02		4,118.99					
Grand Total			153,450.53											
F/C in System			24,624.96											
Total for Sterling			178,075.49											
Total F/C*			48,187.71											

*Denotes finance charges already calculated in the system plus additional finance charges calculated on this sheet.