

<b>STATE OF MICHIGAN</b> JUDICIAL DISTRICT 17TH JUDICIAL CIRCUIT COUNTY PROBATE	<b>SUMMONS AND COMPLAINT</b>	<b>CASE NO.</b>  CH
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**Court address** 180 Ottawa Ave., NW, Grand Rapids, MI 49503 **Court telephone no.** (616) 632-5480

Plaintiff's name(s), address(es), and telephone no(s). P.A.G., Inc.; Home Acres Building Supply Co. LLC; Talsma Drywall, Inc.; Lake Effect Interior Installations; Hurst Mechanical, Inc.; Welch Title & Marble Co.; Walsh Const. Co., Inc.; W. Mich. Landscape; VanDuinen El. Co.; Burgess Concrete Const. Co.; Feyen-Zylstra Electric, Inc.	
Plaintiff's attorney, bar no., address, and telephone no. Kenneth G. Walters (P26697) (269) 388-5500 James K. Schepers (P42465) (616) 554-2900 Stephen A. Hilger (P44776) (616) 458-3600	

v

Defendant's name(s), address(es), and telephone no(s). Alpinist Endeavors, LLC; John C. Buchanan, Sr. and John C. Buchanan, Jr.; Mercantile Bank Mortgage Company, LLC; Avastar Park Industrial Condominium Association by its President, John C. Buchanan, Sr.  Additional named parties per MCL 570.1101 et seq, Total Fire Protection, Inc.; Buist Electric, Inc.; K & K Concrete of Holland, LLC; Hohnstein Construction Services (Michael Hohnstein)
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**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111[C])
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
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\*This summons is invalid unless served on or before its expiration date.  
 This document must be sealed by the seal of the court.

**COMPLAINT** *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

**Family Division Cases**

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.
- The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**General Civil Cases**

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.
- The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**VENUE**

Plaintiff(s) residence (include city, township, or village) State of Michigan/Kent County	Defendant(s) residence (include city, township, or village) Lien Defendants' property/Kent County
Place where action arose or business conducted 2150 Alpine Ave., NW, Walker, Michigan/Kent County	

08/04/2010  
 Date

  
 Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN  
IN THE 17H CIRCUIT COURT FOR THE COUNTY OF KENT

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**P.A.G., INC.;**  
**HOME ACRES BUILDING SUPPLY CO. LLC;**  
**TALSMA DRYWALL, INC.;**  
**LAKE EFFECT INTERIOR INSTALLATIONS;**  
**HURST MECHANICAL, INC.;**  
**WELCH TILE & MARBLE CO.;**  
**WALSH CONSTRUCTION CO., INC.;**  
**WEST MICHIGAN LANDSCAPING AND CONSTRUCTION;**  
**VAN DUINEN ELEVATOR CO.;**  
**BURGESS CONCRETE CONSTRUCTION CO.;**  
**FEYEN-ZYLSTRA ELECTRIC, INC.;**

**Hon.**

**Case No:**

Plaintiffs,

v

**ALPINIST ENDEAVORS, LLC;**  
**JOHN C. BUCHANAN, SR. and JOHN C. BUCHANAN, JR.;**  
**MERCANTILE BANK MORTGAGE COMPANY, LLC;**  
**AVASTAR PARK INDUSTRIAL CONDOMINIUM**  
**ASSOCIATION by its PRESIDENT, JOHN C. BUCHANAN, SR.;**

Defendant.

(Parties required by statute to be included in this Complaint are listed in paragraph 3)

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**Kenneth G. Walters (P26697)**

Attorney for Plaintiffs  
1604 West Milham Avenue  
Portage, MI 49024  
(269) 388-5500

**James K. Schepers (P42465)**

Attorney for Plaintiffs  
6617 Crossings Drive, SE  
Grand Rapids, MI 49508  
(616) 554-2900

**Stephen A. Hilger (P44776)**

Attorney for Plaintiffs  
40 Monroe Center, NW, Ste. 200  
Grand Rapids, MI 49503  
(616) 458-3600

## COMPLAINT

Now come Plaintiffs by and through their attorneys and for their Complaint, state as follows:

### GENERAL ALLEGATIONS

1. A. The following Plaintiffs are represented by **attorney Kenneth G. Walters:**

**P.A.G., Inc.**, a Michigan corporation, with its principal office located at 440 36<sup>th</sup> Street, Wyoming, MI 49548. Progressive Building Services is a dba thereof. **Home Acres Building Supply Co. LLC**, a Michigan limited liability company, with its principal office at 5203 Division Avenue S, Grand Rapids, MI 49548. **Talsma Drywall, Inc.**, a Michigan corporation, with its principal office located at 3000 Remico SW, Grandville, MI 49418. **Lake Effect Interior Installations** is a dba for Juan A. Marquez, Jr. located at 5528 124<sup>th</sup> Avenue, Fennville, MI 49408-9403. **Hurst Mechanical, Inc.**, a Michigan corporation, with its principal office located at 5800 Safety Drive, Belmont, MI 49306. **Welch Tile & Marble Co.**, a Michigan corporation, with its principal office located at 13864 Eagle Ridge Drive, Kent City, MI 49330. **Walsh Construction Co., Inc.**, a Michigan corporation, with its principal office located at 1035 Butterworth Street, SW, Grand Rapids, MI 49504. **West Michigan Landscaping and Construction** is a dba of Rene Rios, whose principal office is located at 748 Pine Bay, Holland, MI 49424. **Van Duinen Elevator Co.**, a Michigan corporation, with its principal office located at 2952 Hillcroft, SW, Wyoming, MI 49508.

B. The following Plaintiff is represented by **attorney James K. Schepers:**

**Burgess Concrete Construction Co.**, a Michigan corporation, with its principal office located at 1262 Cutting Industrial Drive, Moline, MI 49335.

C. The following Plaintiff is represented by attorney **Stephen A. Hilger**:

**Feyen-Zylstra Electric, Inc.**, a Michigan Corporation, with its principal office located at 210 Front Street, SW, Grand Rapids, MI 49504.

2. That Lien Defendant, **Alpinist Endeavors, LLC**, is a Michigan Limited Liability Company, ID Number **B 1805P**. **Mercantile Bank Mortgage Company, LLC**, a Michigan limited liability company, with its registered office at 310 Leonard, NW, Grand Rapids, MI 49504. The status of the entity **Avastar Park Industrial Condominium Association** is unknown. Its stated President is John C. Buchanan, Sr. Sheila Buchanan is the stated Property Manager with an address of 171 Monroe, NW, Suite 750, Grand Rapids, MI 49503. Individuals John C. Buchanan, Sr. and John C. Buchanan, Jr. are known to work and/or reside in Kent County. John C. Buchanan, Sr. is listed as having a law office located at the same address, 171 Monroe, NW, Suite 750, Grand Rapids, MI 49503.

3. On information and belief, other parties who may have an interest in property owned by Lien Defendant, Alpinist Endeavors, LLC, and are required as necessary parties pursuant to the Michigan Construction Lien Act (CLA), MCL 570.1101 et seq, as follows: **Total Fire Protection, Inc.**, a Michigan corporation, with its principal office located at 5062 Kendrick Court, Grand Rapids, MI 49512. **Buist Electric, Inc.**, a Michigan corporation, with its office located at 8650 Bryon Center Avenue, SW, Bryon Center, MI 49315. **K & K Concrete of Holland, LLC**, a Michigan Limited Liability Company with its principal office located at 3622 Butternut Drive, Holland, MI 49424. **Hohnstein Construction Services (Michael Hohnstein)**, with an address of 4123 Reinhardt Drive, Stevensville, MI 49127.

4. The amount in controversy exceeds \$25,000 and is otherwise within the jurisdiction of this court.

### HISTORY

5. That on February 27, 2004 Articles of Organization were filed by **John C. Buchanan, Jr.** for **“Blue Bridge Commercial, LLC”** . Same was assigned **ID Number B18-05P**. On March 01, 2005 the Annual Statement for the LLC was filed by John C. Buchanan, Jr. as “Member” and paid for with check #3118 on the account of **“BLUE BRIDGE VENTURES.”**

On March 6, 2006 the Annual Statement, signed by John C. Buchanan, Jr. as “Member” was filed and paid with check#3521 on the account of **“BLUE BRIDGE VENTURES, LLC.”** Following same a **CERTIFICATE OF AMENDMENT TO THE ARTICLES OF ORGANIZATION for BLUE BRIDGE COMMERCIAL, LLC (ID NUMBER B1805P)** was filed and signed by **John C. Buchanan, Jr. changing the name to “ALPINIST ENDEAVORS, LLC.”**

On June 29, 2007 another **CERTIFICATE OF AMENDMENT TO THE ARTICLES OF ORGANIZATION FOR LLC (ID #B18-05P)** signed by John C. Buchanan, Jr. was fax filed from the law office of “Miller, Canfield” affirming that **“The business of the LLC shall be managed by or under authority of one or more managers, who may, but need not be, members.”** The Certificate affirmed that **“The amendment was approved by unanimous vote of all of the members entitled to vote.”** ( The 2007, 2008 & 2009 Annual statements were signed by **John C. Buchanan, Sr.** indicating a Title of “managing member”.) See **Exhibit 1** for the above referenced documents.

6. That on **April 21, 2006** a **“CONSTRUCTION MORTGAGE”** was executed concerning the subject property **Mercantile Bank Mortgage Company, LLC as Grantee** and **ALPINIST ENDEAVORS, LLC as Grantor**. The mortgage was signed on behalf of the grantor by **John C. Buchanan, Jr., Trustee of John C. Buchanan, Jr. Trust**. The **“JOHN C. BUCHANAN TRUST”** was indicated to be a **“Member of ALPINIST ENDEAVORS, LLC.”** The Mortgage was recorded on **April 25, 2006**. (See **Exhibit 2**) It provided for **future advances** post commencement, of work on the property.

7. That on **the same day of April 25, 2006** a **NOTICE OF COMMENCEMENT** was filed. Same stated the owner of the property was **ALPINIST ENDEAVORS, LLC** and the General Contractor if any, was **“Blue Bridge Ventures”**. It was signed by **John C. Buchanan, Jr., Trustee of John C. Buchanan, Jr. Trust** and indicated to be a **“Member of ALPINIST ENDEAVORS, LLC”**. (See **Exhibit 3**)

8. That shortly thereafter on **June 15, 2006** a **NOTICE OF COMMENCEMENT** was filed. Same stated the **designee** was **“Beta Design” & BLUE BRIDGE VENTURES, L.L.C.** which was also stated to be the **Developer**. Same was signed by **“Laura Holleman-Contract Coordinator”**. (See **Exhibit 4**) **There is no record of any other “Notices of Commencement” filed concerning the ongoing project to the present neither did Alpinist Endeavor’s, LLC “post and keep posted a copy of the notice of commencement in a conspicuous place on the real property described in the notice during the course of the actual physical improvement(s) to the real property” as required by MCL 570.1108 (8).**

9. That **BLUE BRIDGE VENTURES, LLC** (Michigan ID # B0611A) Articles of Organization are recorded with the state of Michigan as being signed by **John C. Buchanan, Jr.,**

