

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PAUL CHRISTIAN PRATAPAS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No. 2023-060
	)	(Enforcement)
LEXINGTON TRACE BY	)	
LEXINGTON HOMES,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: *SEE ATTACHED SERVICE LIST*

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board, **Respondent's Motion to Dismiss**, a copy of which is herewith served upon you.

Date: January 23, 2023

By: /s/ Jason M. Metnick  
One of the attorneys for the Respondent,  
LEXINGTON TRACE LLC

Jason M. Metnick  
**MELTZER, PURTILL & STELLE LLC**  
125 S. Wacker Drive, Suite 2900  
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Firm ID: 33682

**AFFIDAVIT OF SERVICE by Non-Attorney**  
(BY EMAIL & US MAIL)

I, the undersigned, on affirmation state that I have served on the date of January 23, 2023, the attached **Respondent's Motion to Dismiss**, upon the following persons **[X]** by **email**, to the address listed below, from my email address ([pdunne@mpslaw.com](mailto:pdunne@mpslaw.com)) and computer located at 125 S. Wacker Drive, Suite 2900, Chicago, IL 60606; and/or **[X]** by **US Mail** by depositing the document(s) in a U.S. Postal Service mailbox located at 125 S. Wacker Drive, Chicago, IL 60606, by or before 5:00 p.m., with proper postage or delivery charges prepaid.

Paul Christian Pratapas  
1330 E. Chicago, #110  
Naperville, IL 60540  
[paulpratapas@gmail.com](mailto:paulpratapas@gmail.com)

  
\_\_\_\_\_  
Patrick Dunne

SUBSCRIBED AND SWORN TO BEFORE ME

this 23rd day of January, 2023.

  
\_\_\_\_\_  
Notary Public



**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

Paul Christian Pratapas, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 2023-060  
 )  
 Lexington Trace by Lexington Homes, )  
 )  
 Respondent, )

**RESPONDENT’S MOTION TO DISMISS**

Lexington Trace LLC, misnamed as “Lexington Trace by Lexington Homes” (“Respondent”), by and through its attorneys, Meltzer, Purtil & Stelle LLC, hereby moves this Board to determine that the Formal Complaint (the “Complaint”) filed of the Complainant, Paul Christian Pratapas (“Complainant”) is frivolous pursuant to 35 Ill. Admin. Code § 103.212(a), or in the alternative, to dismiss the Complaint pursuant to 35 Ill. Admin. Code § 101.500. In support hereof, Respondent states as follows:

1. On November 18, 2022, Complainant filed the Complaint alleging that Respondent violated 415 ILCS 5.12(a), 415 ILCS 5.12(d) and 35 Ill. Admin. Code § 304.141(b). The alleged incident that is the subject of the Complaint occurred on or about April 21, 2022 and April 24, 2022, nearly seven (7) months before the Complaint was filed. Complainant is a serial filer of complaints, and within the last year has filed at least 25 actions of a similar nature against builders and construction companies in the greater Chicagoland area.

2. The Illinois Pollution Control Board (the “Board”) has the authority to conduct proceedings upon complaints charging violations of the Illinois Environmental Protection Act (“Act”), any rule or regulation adopted under the Act, any permit or term or condition of a permit, or any Board order. 415 ILCS 5/5(d). The Board shall hold a hearing on a Complaint, unless it

determines that the Complaint is duplicative or frivolous. 35 Ill. Adm. Code 103.212(b). A Complaint is frivolous if it requests “relief that the Board does not have the authority to grant” or “fails to state a cause of action upon which the Board can grant relief.” *Id.* The Illinois Appellate Court and the Board have held that a factually or legally deficient complaint is a frivolous complaint. *Winnetkans Interested in Protecting Environment (WIPE) v. Illinois Pollution Control Board*, 55 Ill. App. 3d 475 (1st Dist. 1977)

3. The Board may also dismiss a complaint based on a complainant’s failure to properly serve a respondent. *See, e.g.*, 35 Ill. Adm. Code §§ 101.304(d), 101.400(a)(5) (a person “seeking to contest personal jurisdiction must do so by filing a motion with the Board consistent with Section 2-301 of the Code of Civil Procedure.”).

4. The Complaint should be dismissed for at least four (4) reasons: (i) pursuant to Section 2-301 of the Code of Civil Procedure, Complainant failed to properly serve Respondent; (ii) pursuant to Section 2-615 of the Code of Civil Procedure the Complaint fails to state sufficient facts to sustain a cause of action; (iii) pursuant to the Clean Water Act, the Complaint fails to allege water pollution; and (iv) the Complaint asserts wholly past actions that are not subject to a claim of water pollution.

**I. Complainant Failed To Properly Serve Respondent.**

5. According to the Board Rules, “[a]ny person seeking to contest personal jurisdiction must do so by filing a motion with the Board consistent with Section 2-301 of the Code of Civil Procedure.” 35 Ill. Adm. Code § 101.400(a)(5). Section 2-301 of the Code of Civil Procedure provides that a party may object to jurisdiction “on the ground of insufficiency of process or insufficiency of service of process, by filing a motion to dismiss the entire proceeding[.]” 735 ILCS 5/2-301(a).

6. The Board should not accept the Complaint, because it does not have jurisdiction over Respondent due to Complainant's failure to serve Respondent as required by 35 Ill. Admin. Code §101.34. *See* Ill. Admin. Code § 101.304(d)(a) "proceeding is subject to dismissal, and the filing party is subject to sanctions" for a failure to comply with service requirements).

7. Here, Complaint attempted to serve Respondent in two manners that are not permitted. First, the Complaint was emailed to an employee of Respondent. Second, the Complaint was sent via certified mail to a person not authorized by law to accept service. Both of Complainant's attempts at service fail to comply with the personal service requirements, requiring dismissal of the Complaint.

8. Pursuant to 35 Ill. Admin. Code 101.1000(e), "[a]ll documents filed with the Board may be served by e-mail except for enforcement complaints . . ." 35 Ill. Admin. Code § 101.1060 (underlining added).

9. The Proof of Service filed by Complainant admits that the Complaint was served via "Electronic Service" to "Jack Murphy" at [jmurphy@lexingtonchicago.com](mailto:jmurphy@lexingtonchicago.com). *See Exhibit 1*. Email service does not constitute personal service of a Complaint.

10. Complainant's service via email is not permitted by 35 Ill. Admin. Code § 101.1060; therefore, service of the Complaint was improper.

11. The Board Rules state that "[s]ervice of a document upon a party must be made upon a person authorized by law to receive such service on behalf of the party." 35 Ill. Adm. Code § 101.304(b)(1). For personal service on a limited liability company, such as Respondent, Illinois requires service "either upon the registered agent appointed by the limited liability company or upon the Secretary of State as provided in this Section." 805 ILCS 180/1-50(a).

12. On January 9, 2023, Complaint filed a second Notice of Service of Complaint,

which contained a certified mail receipt signed by either a Lance or Laurie Chekosli. *See Exhibit 2.*

13. Respondent has a registered agent as required by the State of Illinois. Mr. or Ms. Chekosli is not the registered agent of Respondent and not otherwise authorized to accept service of the Complaint. A copy of the Illinois Secretary of State record for Lexington Trace LLC is attached as **Exhibit 3**. Respondent's registered agent is not located at 1731 N. Marcey St., Chicago, IL 60614. *Compare Exhibit 2* (service address) *with Exhibit 3* (registered agent address).

14. Because Respondent's registered agent was not personally served a copy of the Complaint, the Board should dismiss the Complaint.

**II. The Complaint Fails To State A Claim Upon Which Relief Can Be Granted.**

15. Even if the Complaint had been properly served (which it was not), the Complaint is both factually deficient and legally defective, and as a result, should be dismissed with prejudice.

**A. The Complaint Fails To Allege Sufficient Facts To Sustain A Claim.**

16. The Complaint fails to state sufficient facts of an event of water pollution to sustain a claim.

17. In assessing the adequacy of pleadings in a complaint, the Board has accordingly stated that "Illinois is a fact-pleading state which requires the pleader to set out the ultimate facts which support his cause of action." *People v. Blick's Constr. Co.*, PCB No. 13-43, 2013 Ill. ENV LEXIS 151 \*18 (May 16, 2013). "[L]egal conclusions unsupported by allegations of specific facts are insufficient." *La Salle Nat'l Trust, N.A. v. Vill. of Mettawa*, 249 Ill. App. 3d 550, 557 (2d Dist. 1993). *See also Foxfield Realty v. Kubala*, 287 Ill. App. 3d 519, 522 (2d Dist. 1997) ("a motion to dismiss does not admit conclusions of law or of fact that are not supported by allegations of specific facts which form the basis for such conclusions"). Exhibits attached to pleadings "are considered

part of the pleadings, and allegations in the pleadings which conflict with facts disclosed in the exhibits are not admitted as true; rather, the exhibits control. *Foxfield Realty*, 287 Ill. App. 3d at 522.

18. Complainant's vague allegations of pollution against Respondent are conclusory and alleges a single instance of concrete washout after Complainant confronted an unnamed "Contractor" handling SWPPP, presumably meaning Stormwater Pollution Prevention Plan.

19. Notwithstanding the facial defective nature of the Complaint, Complainant asserts that Respondent somehow violated Sections 12(a) and (d) of the Clean Water Act.

Section 12 of the Act provides in relevant part:

No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, ... or so as to violate regulations or standards adopted by the Pollution Control Board . . . .

...

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

415 ILCS 5/12(a) & (d). The regulation set forth in 35 Ill. Admin. Code 304.141(b) states:

No person may discharge any pollutant subject to, or which contributes or threatens to cause a violation of, any applicable federal or state water quality standard, effluent standard, guideline or other limitation, promulgated pursuant to the CWA [Clean Water Act] or the Act, unless limitation for such a pollutant has been set forth in an applicable NPDES Permit.

20. Respondent is required by the Board's procedural rules to include in the Complaint the "dates, location, events, nature, extent, duration, and strength of discharges or emissions and consequences alleged to constitute violations." 35 Ill. Admin. Code 103.204(c). While Complainant has alleged roughs date ("on or around 4/21/2022 and 4/24/2022") and he does not adequately plead the other required contents of the Complaint. The Complaint is completely

devoid of any allegations – factual or otherwise – as to the required “location, extent, duration or strength” of the offending event.

21. Instead, the Complaint makes legal conclusions, unsupported by any specific facts, regarding “[t]oxic concrete washout water and slurry prohibited from making contact with soil and migrating to surface waters or into the ground water not managed” and “sediment and sediment laden water freely allowed to enter the street and inlets.” Moreover, the photographs attached to the Complaint contradict the allegation of nonmanagement and instead show clear evidence of protected pretreatment basins and a controlled concrete washout area in a containment area surrounded by silt fence and curb, with no free flowing sediment or sediment laden water. These photographs are considered part of the pleadings and control over the conflicting allegations in the Complaint. *Foxfield Realty v. Kubala*, 287 Ill. App.3d 519, 522 (2d Dist. 1997).

22. Complainant’s statements regarding the alleged “consequences” or “bad effects” of the alleged violations are also general, legal conclusions lacking factual support. Complainant’s first states that “[t]he negative environmental impacts of concrete washout and sediment laden water is widely documented and part of the reason for the NPDES permit program.” This conclusory statement lacks specific facts in support of the Complaint.

23. Complainant’s next “consequences” or “bad effects” statement is: “Likely fraud of inspection reports and contractor certifications. Fraudulent submission/approval of boiler plate SWPPP with no intent/ability to comply as approved poses immediate risk to Canadian Geese using the area during migration.” There are no facts whatsoever in the Complaint to support any claim of fraud (nor would such a claim be within the Board’s jurisdiction).

24. The “consequences” or “bad effects” statement that there is “immediate risk to Canadian Geese” and the statement that Canadian Geese were “using the area during migration”



does not factually support Complainant's claims as there is no allegation or photograph that geese were ever in contact with any concrete washout water or harmed in any way.

25. Complainant next states: "As well as, to the stormwater system and receiving water(s)", which is overly vague, not understandable and, again, fails to meet the fact-pleading standard.

26. Complainant concludes that "DuPage Country (sic) had to have sheriff deputy go to site during rain and left a patrol car to protect rites (sic) of complainant regarding SWPPP requests." This final conclusory statement of "consequences" or "bad effects" fails to assert any relevant facts of pollution, and as with Complainant's other allegations are not well-pled such that the Board should not take them as true nor draw any inferences from them. *La Salle Nat'l Trust, N.A. v. Vill. Of Mettawa*, 249 Ill. App. 3d 550, 557 (2d Dist. 1993). The Board may strike such conclusions entirely. *Tarkowski v. Belli*, PCB No. 76-55, 1976 Ill. ENV LEXIS 621, \*1-2 (Apr. 8, 1976)(striking legal conclusions on its own motion).

27. In addition, Complainant's requests for relief #3 ("Investigation into fraudulent SWPP inspection reports and contractor certifications"), #4 ("Voiding permits . . ."), #6 ("Prohibit the permitting of additional site for Lexington Homes . . ."), and #7 ("recommendations for criminal charges") must be stricken as frivolous, since the request seeks relief that the Board does not have the authority to grant. *United City of Yorkville v. Hamman Farms*, PCB No. 08-96, 2008 Ill. ENV LEXIS 352, \*68 (Oct. 16, 2008). As an administrative agency, the Board is a creature of statute, and therefore has only the authority given to it by its enabling act. *Id.* at \*66. The Board cannot grant prayers for relief absent explicit statutory authority. *Id.* at \*67. *See also Vill. of Montgomery v. Aurora Sanitary Dist.*, PCB No. 79-269, PCB No. 79-269, 1980 Ill. ENV LEXIS 460, \*1 (Mar. 20, 1980) (striking portion of prayers for relief requesting that the Board do things

which are beyond its statutory authority); *Tarkowski v. Belli*, PCB No. 76-55, 1976 Ill. ENV LEXIS 621, \*1-2 (Apr. 08, 1976) (striking portion of prayers for relief that are not within its jurisdiction or scope of authority under the Act).

28. Complainant has failed to comply with 35 Ill. Admin. Code 103.204(c) by failing to adequately plead facts in support of any cause of action against Respondent. As a result, the Board should find that the Complaint is frivolous and dismiss it.

**B. The Complaint Fails To Allege Water Pollution As Defined Under the Act.**

29. Dismissal is further warranted because the Complaint contains no allegation that any contaminant or pollutant was discharged in the waters of the State or into a well. 35 Ill. Admin Code 309.102(a).

30. A claim brought under 415 ILCS 5/12(a) or (d) must allege water pollution. *People ex rel. Ryan v. Stonehedge, Inc.*, 288 Ill. App. 3d 318 (2d Dist. 1997); *People v. Professional Swine Management, LLC et al*, PCB 10-84, 2012 Ill. ENV LEXIS 55 (holding that a Complaint must reference “waters of the state” to assert a valid claim under Section 12.); *Tri -County Landfill Co. v. Illinois Pollution Control Board*, 41 Ill. App. 3d 249 (2d Dist. 1976); 415 ILCS 5/3.550.

31. The term “water pollution” is defined under Section 12(a) of the Illinois Environmental Protection Act as “the discharge of any contaminant into Illinois waters as will or is likely to create a nuisance or render such waters harmful to public health, safety, or welfare.” *Western Springs v. Pollution Control Board*, 107 Ill. App. 3d 864, 865 (1st Dist. 1982).

32. Relatedly, when interpreting the Clean Water Act, the United States Supreme Court has determined that the term “waters” is not a reference to water in general, but is specifically limited to “relatively permanent, standing or flowing bodies of water and does not include channels through which water flows intermittently or ephemerally, or channels that periodically provide drainage for rainfall.” *Rapanos v. United States*, 547 U.S. 715, 719 (2006).

33. Therefore, to bring an action under 415 ILCS 5/12(a) or (d), a Complainant must identify a permanent body of water within the State that has or will become unusable as a result of the acts or omissions of the respondent. *Central Illinois Public Service Co. v. Pollution Control Board*, 116 Ill. 2d 397 (1987).

34. The Complaint fails to identify any waters of the State of Illinois, whatsoever. Therefore, even if the allegations were to be proven, the Complaint fails to state a cause of action upon which relief could be granted as it fails to identify any waters of the state that were impacted, let alone polluted or threatened with pollution, by the alleged acts or omissions of the Respondent. *Protecting Environment (WIPE)*, 55 Ill. App. 3d 475 (1st Dist. 1977) (holding that a complaint which fails to state the manner in which and the extent to which a person violated the Act or rules constitutes a frivolous complaint.); *Gutesha v. Johnson Concrete Co. and Elmer Larson, Inc.*, 1993 Ill. ENV LEXIS 545 (holding “a complaint is frivolous if it is either legally or factually deficient, or fails to state a cause of action upon which relief can be granted.”)

**III. The Complaint Is Unactionable Because It Asserts Wholly Past Actions.**

35. Even if the allegations of the Complaint are assumed to be true (which they are not), the Complaint does not assert a viable claim as a matter of law. The Complaint it is based upon a wholly past action that Complainant purportedly witnessed through a chance encounter with an unnamed contractor.<sup>1</sup> Respondent denies any claim that its actions or activities caused or allowed pollution or constitute a violation of Illinois law or regulations.

36. Paragraph 6 of the Complaint alleges wholly past violations, limited to Complainant stating he “photographed and reported to the City of Warrenville and the ILEPA on

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<sup>1</sup> Although allegations are presumed to be true for purposes of this Motion, it seems incredibly unlikely that Complainant was coincidentally in the vicinity of Respondent’s construction area, as Complainant has filed over 20 virtually identical complaints against other homebuilders in the same geographic area.

or around 4/21/2022 and 4/24/2022.”

37. Paragraph 4 of the Formal Complaint alleges violations of 415 ILCS 5.12(a), 5.12(d) and IL. Admin Code Title 35, 304.141(b).

38. Section 5.12(a) of the Illinois Environmental Protection Act addresses water pollution identical to provisions of the Federal Clean Water Act, 33 U.S.C. 1251, et. seq.

39. The U.S. Supreme Court directly and clearly held there is no standing for citizen suits where the relief addresses wholly past violations of the Clean Water Act. *Gwaltney of Smithfield, Ltd v. Chesapeake Bay Foundation, Inc.*, 484 U.S. 49 (1987). To be actionable, citizen-plaintiffs must allege facts showing that a continuous violation, and not merely the consequence of a careless accident. *Id.*

40. In Illinois, citizens only possess authority to enforce statutes as specifically allowed and authorized by status. *See Glisson v. City of Marion*, 188 Ill. 2d 211, 222-23 (1999). Specifically, 35 Ill Adm. Code § 103.204(c)(1) requires the complainant to identify “[T]he provisions of the Act that Respondents are alleged to be *violating*.” (emphasis added.)

41. The language of 35 Ill. Adm. Code § 103.204(c)(1) unambiguously addresses current violations which are alleged to be ongoing or “violating,” at the time the complaint is filed.

42. The only plausible interpretation for the regulations conjugation of the verb “to violate” into “violating” is by application of the present tense.

43. Therefore, consistent with the U.S. Supreme Court’s holding in *Gwaltney* (above), 35 Ill. Adm. Code § 103.204(c)(1) does not authorize private citizen actions alleging wholly past violations, such as alleged here.

44. Complainant’s suit is not brought by the State of Illinois, for which suits alleging past violations are authorized. *See, e.g., Modine Mfg. Co v. Pollution Control Bd.*, 193 Ill. App. 3d

643, 648 (2d. Dist. 1990) (fines for wholly pass violation allowed where action was brought by Illinois EPA or Illinois Attorney General.)

45. This Board has implicitly recognized that a private citizen cannot maintain actions for wholly past violations in *Environmental Law and Policy Center v. Freeman United Coal Mining Co. and Springfield Coal Co., LLC*, PCB 2011-002 (July 15, 2010). In that case, the Board held that a failed permit transfer left the named respondent in (then) current violation of NPDES permit requirements. Further, in *Shelton v. Crown*, PCB 96-53 (Oct. 2, 1997), the Board denied a motion to dismiss, finding continued operation of equipment giving rise to the alleged violation. Both of these cases acknowledge that citizens may pursue complaints for current and ongoing violations, which is the opposite of what Complainant alleges here.

46. The allegations here are clear: alleged, past violations occurred “on or around 4/21/2022 and 4/24/2022”, almost seven (7) months before the Complaint was filed.

47. There are no allegations of continuing violation or injury.

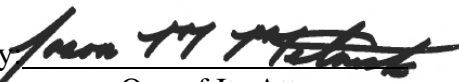
48. The Complaint should be accordingly dismissed with prejudice.

#### Conclusion

49. For the foregoing reason, the Board should declare the Complaint frivolous, decline to accept the Complaint for Hearing, and enter an order dismissing this matter in its entirety with prejudice. 35 Ill. Adm. Code 103.212(b).

Date: January 23, 2023

**LEXINGTON TRACE LLC**

By   
One of Its Attorneys

Jason M. Metnick  
Michael K. Jameson  
**MELTZER, PURTILL & STELLE LLC**  
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COMPLAINANT:

PAUL CHRISTIAN PRATAPAS

RESPONDANT:

LEXINGTON TRACE BY LEXINGTON HOMES

**PROOF OF SERVICE**

Concerning: PAUL CHRISTIAN PRATAPAS FORMAL COMPLAINT

Case Name: ABOVE Case # IPCB 2023 060

Name of Paper(s) Served: FORMAL COMPLAINT, IPCB

Method of Service:

- First-Class Mail
- Registered Mail (Copy of Receipt Attached)
- Certified Mail (Copy of Receipt Attached)
- Electronic Service
- Personal Service
- After all due diligence, I was unable to locate and serve the targeted person(s).

Person Served: JACK MURPHY

Email Served: jmurphy@lexingtonchicago.com

City: \_\_\_\_\_ State: ILLINOIS Zip: \_\_\_\_\_

Phone No. : \_\_\_\_\_ Time of Service: 2:48PM

I, the messenger, swear and affirm, under the penalty of perjury, that I was 18 years of age or older at the time of delivery and I served the papers on the date of 11/18/2022

Name of Server: Paul Christian Pratapas Miles Traveled: \_\_\_\_\_

Fee: \_\_\_\_\_ Service Fee: \_\_\_\_\_


Incorrect Address Fee: \_\_\_\_\_ Total Fee: \_\_\_\_\_

Paul Christian Pratapas  
Signature

11/18/2022  
Date



2023-060

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature <b>X</b> <i>Kanu Chelodi</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																
<p>1. Article Addressed to:</p> <p>LEXINGTON HOMES 1731 N MARCEY ST CHICAGO, IL 60614</p>  <p>9590 9402 7284 2028 3650 69</p>	<p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center;">PCB 2023-060</p>																
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input checked="" type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail</td><td></td></tr><tr><td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td><td></td></tr></table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
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<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Collect on Delivery Restricted Delivery																	
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

**EXHIBIT**  
**2**





Office of the Secretary of State Jesse White  
**ilsos.gov**

## Corporation/LLC Search/Certificate of Good Standing

### LLC File Detail Report

File Number	07493754
Entity Name	LEXINGTON TRACE LLC
Status	ACTIVE

#### Entity Information

Principal Office  
1731 N MARCEY ST SUITE 200  
CHICAGO IL 606140000

Entity Type  
LLC

Type of LLC  
Domestic

Organization/Admission Date  
Friday, 18 January 2019

Jurisdiction  
IL

Duration  
PERPETUAL



## Agent Information

Name

THOMAS P DUFFY

Address

1515 E WOODFIELD RD STE 250  
SCHAUMBURG , IL 60173

Change Date

Thursday, 17 June 2021

## Annual Report

For Year

2023

Filing Date

00/00/0000

## Managers

Name

Address

LEXINGTON HOMES L.L.C.  
1731 N. MARCEY STREET, STE 200  
CHICAGO, IL 60614

## Series Name

NOT AUTHORIZED TO ESTABLISH SERIES

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Fri Dec 30 2022