



## Adam

**Adam C. Toosley**  
**Partner**

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Chicago  
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### MY SERVICES

Business Litigation  
Real Estate and Construction Litigation  
Financial Services

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### EDUCATION

University of Illinois College of Law, J.D.  
University of Illinois at Urbana-Champaign, B.A.

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### ADMISSIONS

Illinois  
Michigan  
The Supreme Court of the United States  
U.S. Court of Appeals 6th Circuit  
U.S. District Court Eastern District Michigan  
U.S. District Court Western District Michigan  
U.S. District Court Eastern District Wisconsin  
U.S. District Court Northern District Illinois  
U.S. District Court Central District Illinois  
U.S. District Court Southern District Illinois  
U.S. Bankruptcy Court Northern District Illinois

As a seasoned attorney in complex commercial disputes and transactions, I am dedicated to delivering exceptional legal solutions across the nation.

### overview

With a nationwide practice, Adam Toosley represents clients in commercial disputes and transactions, with a focus on construction, real estate litigation, and financial services litigation.

Adam's experience in the lending and finance arena includes representing national lenders and loan purchasers in workout, asset seizure, transactional, bankruptcy, and collection matters. He negotiates and prepares commercial agreements, including loan documents, purchase and sale agreements, construction contracts, deeds in lieu of foreclosure, and forbearance and modification agreements. He also has prosecuted equipment lease cases, including actions seeking the remedies of replevin and detinue.

In the construction and real estate litigation space, Adam has managed a large caseload, including cases brought under the Uniform Commercial Code, the Illinois Mechanic's Lien Act and the Illinois Mortgage Foreclosure Law. He has represented nearly all parties in the chain of contract in construction-related disputes, including lenders, owners, general contractors, subcontractors, and suppliers. He has represented those parties in relation to payment disputes, commercial real estate foreclosures, mechanic's lien cases, construction defect cases, fraud and business torts, and bond claims in federal and state courts, arbitrations and mediations. His practice also includes the representation of court-appointed receivers in foreclosure and forcible entry and detainer actions and the prosecution and defense of landlord-tenant disputes.

Over the past two decades, Adam has handled more than 2,000 cases in Illinois, Wisconsin, Michigan, New York, Tennessee, Nevada, and Arizona. He has taken or defended over 500 depositions and argued before the Illinois Supreme Court.

### experience

- Successfully prosecuted a complex commercial mortgage foreclosure action on a large, multi-family project, including defense of multiple lien claims.
- Defended an automatic teller machine operator in Electronic Funds Transfer Act lawsuits.

- Defended a construction company against breach of warranty claims as to construction of a subdivision of single-family homes.
- Prosecuted a claim on credit agreement against a borrower that included legal claims that were brought to trial and mortgage foreclosure actions in four venues in three states.
- Represented and was successful on behalf of many subcontractors in asserting mechanic's lien claims on public and private projects, and general contractors on private projects including the preparation of the actual liens and the prosecution of the lien litigation itself.
- Represented large developers in breach of contract claims including projects in Maryland and Florida.
- Represented contractors in bankruptcy proceedings filed by both upstream and downstream contractors as well as lenders in proceedings filed by mortgagors and grantors.

## affiliations

- Chicago Bar Association
- Illinois State Bar Association
- University of Illinois Alumni Association

## recognitions

- Illinois Super Lawyers, Commercial Litigation, Banking, Business Litigation
- Illinois Leading Lawyers
- Michigan Super Lawyers, 2023
- Michigan Leading Lawyers, 2022

## publications

- **Quoted, "Is it Distress or Stress? Rethinking Troubled Commercial Real Estate Assets"**  
SIOR Pulse Blog, September 5, 2024
- **Chapter author, "IICLE: Causes of Action - Contract and Business Disputes 2024 Edition"**  
May 2024
- **Chapter author, "IICLE: Representing the Parties to a Construction Project 2024 Edition"**  
January 2024
- **"What an Illinois Condo Needs to Know About Easements for Cable and Internet in Accordance with Sections 14.3 and 18.4o of the Illinois Condominium Property Act"**  
August 1, 2023
- **"Do We Have to Make All Board Meetings Open to the Members of the Association?"**  
July 15, 2023
- **"Adding Property Under Section 25 of the Condominium Property Act"**  
June 21, 2023
- **"What Happens When a Failure to Maintain an Illinois Condo Leads to Distressed Condominium Property Status Under the Illinois Condominium Property Act?"**  
June 15, 2023
- **"Illinois Court Rules in Favor of Association in Eviction Action Even Though Board was Not Properly Elected"**  
June 1, 2023

- **"How to Amend Your Illinois Condo Documents as Required Under the Illinois Condominium Property Act, 765 ILCS 605/18"**  
May 15, 2023
- **"Illinois Court Rules HOA Cannot Collect Assessments That Were Improperly Levied Under the Common Interest Community Association Act, 765 ILCS 160"**  
May 1, 2023
- **"What You Need to Know About Master Community Associations in Illinois"**  
April 3, 2023
- **"Mandatory Disclosures in Illinois Condo Resales"**  
March 2, 2023
- **"What to Do When a Unit Owner Violates the Condo Bylaws"**  
February 1, 2023
- **"Reserves and Reserve Funds in an Illinois Common Interest Community"**  
January 11, 2023
- **"Quit Getting Screwed Podcast: Tackling Construction Defects"**  
January 9, 2023
- **"How to Impose and Enforce Fines in an Illinois Condo Association"**  
December 1, 2022
- **"Illinois Common Interest Communities and Condo Associations Can File Property Tax Appeals on Behalf of Unit Owners"**  
November 1, 2022
- **"Illinois Court Orders Developer to Pay Condo Assessments on Unfinished Units"**  
October 1, 2022
- **"Illinois Court Rules Condo Association Did Not Properly Elect Directors and Vote to Amend Condo Bylaws"**  
September 15, 2022
- **"What a Condo Association Board Needs to Know Before Responding to a Unit Owner's Request to Inspect Books and Records"**  
September 2, 2022
- **"Withholding Assessments in Illinois Condo Associations"**  
August 16, 2022
- **"What You Need to Know About an Illinois Condominium Deconversion"**  
August 2, 2022
- **"The Impact of Zoning or Ordinance Violations on The Sale of Real Property in Michigan"**  
August 1, 2022
- **"Illinois Condominium Lien Property: What Encumbrances Does a Condo Lien Have Priority Over Under 765 ILCS 605/9g?"**  
July 18, 2022
- **"Home-Based Business Restrictions in Illinois Condo Associations"**  
July 5, 2022
- **"Wineries of The Old Mission Peninsula Association v. Township of Peninsula: How to Challenge Illegal Zoning Laws"**  
June 22, 2022
- **"Pool Regulations in Common Interest Communities in Illinois"**  
June 3, 2022
- **"What You Need to Know About Parking Issues in an Illinois Condo or Common Interest Community Association"**  
May 16, 2022

- **"HOA Developer Turnover: How to Transfer an Illinois HOA From a Developer to The Owners"**  
May 3, 2022
- **"What You Need to Know About Short-Term Rentals in Illinois Condominiums"**  
April 4, 2022
- **"A Guide to Collecting Delinquent Illinois Condo and HOA Assessments"**  
April 3, 2022
- **"What is the Statute of Limitations for a Michigan Zoning Ordinance Violation?"**  
February 3, 2022
- **Chapter author, "IICLE: Construction Law Disputes"**  
2021
- **Chapter author, "IICLE: Representing the Parties to a Construction Project 2020 Edition"**  
June 2020

## presentations

- **"Navigating CRE Receiverships, Special Servicing & REO"**  
SIOR Chicago Chapter, April 23, 2024
- **"IICLE: Mechanics Liens and Lien Litigation in Illinois"**  
January 2023
- **Instructor, "New Developments in Michigan Real Estate Law, Including the Scope of Easements"**  
February 2022