



Adam Toosley

Partner | Chicago

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Areas of Practice

Litigation / Trial Law | Real Estate Law | Construction Dispute Resolution | Construction Project Counseling | Zoning, Planning and Land Use

Adam Toosley is a Partner the Chicago Litigation Practice of Smith, Gambrell & Russell, LLP.

Adam has extensive experience in the handling of many different types of commercial disputes and transactions with a primary focus on construction, real estate litigation, and financial services litigation. His experience in the lending and finance arena includes the representation of national lenders and loan purchasers in workout, asset seizure, transactional, bankruptcy, and collection matters, the negotiation and preparation of commercial agreements, including loan documents, purchase and sale agreements (real estate and corporate), construction contracts, deeds in lieu of foreclosure, and forbearance and modification agreements. He also has prosecuted numerous 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 those brought under the Uniform Commercial Code, the Illinois Mechanic's Lien Act and the Illinois Mortgage Foreclosure Law. Additionally, he has represented nearly all parties in the chain of contract as to construction-related disputes, including lenders, owners, general contractors, subcontractors, and suppliers, and has represented those parties pertaining to payment disputes, commercial real estate foreclosures, mechanic's lien cases, construction defect cases, fraud and business torts, and bond claims in both federal and state court as well as in arbitrations and mediations inside and outside of Illinois. 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.

Mr. Toosley has handled over 2,000 cases in Illinois, Wisconsin, Michigan, New York, Tennessee, Nevada, and Arizona in the past 20 years. He has taken or defended over 500 depositions and argued at the appellate court level in front of the Illinois Supreme Court.

Mr. Toosley earned his J.D. from the University of Illinois College of Law, and holds a B.A. from the University of Illinois at Urbana-Champaign.

Representative Experience

- Successfully prosecuted complex commercial mortgage foreclosure action on large, multi-family project including defense of multiple lien claims.
- Defended 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 claim on credit agreement against borrower which 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 both 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 various contractors in bankruptcy proceedings filed by both upstream and downstream contractors as well as lenders in proceedings filed by mortgagors and grantors.

Admissions

Illinois

Michigan

U.S. Supreme Court

United States District Court for the Eastern District of Michigan

United States District Court for the Western District of Michigan

Sixth Circuit Court of Appeals

United States District Court for the Eastern District of Wisconsin

United States District Court for the Northern District of Illinois (Member of Trial Bar)

Bankruptcy Court for the United States District Court for the Northern District of Illinois

United States District Court for the Central District of Illinois

United States District Court for the Southern District of Illinois

Memberships

Chicago Bar Association

Illinois State Bar Association

University of Illinois Alumni Association

Recognitions

Illinois Super Lawyers – Commercial Litigation, Banking, Business Litigation - (cited in multiple years)

Illinois Leading Lawyers – (cited in multiple years)

Michigan Leading Lawyer – 2022-2023

Publications and Speaking Engagements

- "IICLE: Representing the Parties to a Construction Project 2024 Edition," Chapter Author (January 2024).
- "What an Illinois Condo Needs to Know About Easements for Cable and Internet in Accordance with Sections 14.3 and 18.4(o) 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).
- "IICLE: Mechanics Liens and Lien Litigation in Illinois" Presenter (January 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 605/9(g)?" (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).
- "Quit Getting Screwed Podcast: Tackling Construction Defects" (January 9, 2023).
- "New Developments in Michigan Real Estate Law, Including the Scope of Easements" Instructor (February 2022).
- "IICLE: Construction Law Disputes" Chapter Author (2021).
- "IICLE: Representing the Parties to a Construction Project 2020 Edition," Chapter Author (June 2020).
- "IICLE: Representing the Parties to a Construction Project 2015," Chapter Author (September 2015).
- "Forum Selection Clauses in Equipment Leases," Equipment Leasing and Financing (May 25, 2011).