



M-13 CONSTRUCTION

775 West 1200 North
Suite 101 Springville
Utah 84403

Voice: 801.489.0215
Fax: 801.489.6493
website: www.m-13.com

5 January 2009

[REDACTED]

West Jordan, UT 84084

ATT: Finance/ Management Department

RE: Notice of Mechanic's Lien / 1165 South Glendale Drive, Salt Lake County

To Whom It May Concern:

It has come to my attention that [REDACTED] has filed a Notice of Lien Entry No. 10585023, Book 9667, Page 6440, for a sum of \$1,609.72 (see attached). You never contracted directly with the property owner; accordingly, [REDACTED] is considered a subcontractor for purposes of filing a lien.

The State Construction Registry created by UCA 38-1-27 et seq. was enacted to provide all interested parties, such as owners, a central location where could be ascertained all potential parties having an interest in the real property. In fact, a party's right to file a lien has been modified by the newly enacted legislation (see UCA 38-1-7). Since a Notice of Commencement was filed with the State Construction Registry by M-13 Construction Inc., then any and all subcontractors must file a Preliminary Notice within "the later of: (A) 20 days after commencement of its own work or the commencement of furnishing labor, service, equipment, and material to a construction project; or (B) 20 days after the filing of a notice of commencement". (UCA 38-1-32(1)(a)(i)) Failure to timely file the preliminary notice results in a loss of right to lien the real property for any labor, service, equipment, and material provided.

In this case, you filed a preliminary notice on 10/20/2008; therefore, you are unable to claim any work or invoice billed prior to this date. You even claim in the lien that the work was performed between July 31, 2008 and August 31, 2008. The attached lien is wrongful and a wrongful encumbrance on the title pursuant to UCA 38-9-1. Accordingly, pursuant to UCA 38-9-2, we hereby demand that the wrongful lien be removed within 14 days from the date of this letter. Should you refuse to remove the lien, we will be forced to seek all available damages, including treble damages in an amount of \$4,829.16 and attorney fees.



M-13 CONSTRUCTION

775 West 1200 North
Suite 100 Springville,
Utah 84907

Voice: 801.489.3215
Fax: 801.489.8493
Website: www.m-13.com

It should be noted that M-13 has every intention of paying you the amount approved to be paid as soon as possible. Hopefully we will be paid this month; however, this lien will actually slow the process of the owners receiving final funding. This lien must be removed immediately.

As stated, you would have no lien rights on any amounts owed prior to October when you filed on the SCR. We must protect the owner, and your contract with M-13 Construction Inc. specifically binds you to keep the project free and clear of liens. You must cooperate with this letter immediately and immediately remove the lien. Should you have any questions please feel free to contact me at your earliest convenience.

Sincerely,

Colleen Douglas
Comptroller
M-13 Construction Inc.
(801) 489-3215
colleen@m-13.com

attachment

cc: Corey Brand