

Entry 2009004248
Book 1140 Page 336-340 \$167.00
22-APR-09 12:07
RANDY SIMMONS
RECORDER, UINTAH COUNTY, UTAH
KESLER & RUST
MCINTYRE BLDG 2ND FLOOR 68 SOUTH MAIN ST
Rec By: HEATHER COON , DEPUTY

SCOTT O. MERCER (3834)
RYAN B. HANCEY (9101)
KESLER & RUST
68 South Main Street, 2nd Floor
Salt Lake City, Utah 84101
Telephone: (801) 532-8000
Attorneys for Plaintiff

Entry 2009004248
Book 1140 Page 336

**IN THE EIGHTH JUDICIAL DISTRICT COURT,
IN AND FOR UINTAH COUNTY, STATE OF UTAH**

WHEELER MACHINERY CO., a Utah
corporation,

Plaintiff,

v.

STREAMLINE CONSTRUCTION &
DESIGN, an expired Utah limited liability
company, MARK DALTON, an individual,
THE ELVA GROUP, L.L.C., KRISTINE
LUTTON, D & M DEVELOPMENT
SERVICES, L.C., MICHAEL CRIVELLO,
DONNA H. CRIVELLO, ANTHONY J.
LUCHES, KERRIN ELLEN OBRIEN,
TAMARA MICHELLE OBRIEN, JAMES H.
EASTMAN, RUTH A. EASTMAN,
TRAPIAVY DARARAK, RIEL DARARAK,
BRYAN A. GALBREATH, LORI D.
GALBREATH, MICHAEL NOBLE,
BRENDA NOBLE, PAUL N. SUTHERLIN,
ROBIN L. SUTHERLIN, PENNINGTON 5,
LLC, PENNINGTON 6, LLC, RAYMOND
A. BRULEZ, DAVID S. SLAUGH, JARED

LIS PENDENS

Civil No. 090800364
Judge A. Lynn Payne

D. BECKSTRAND, ANGELA
D.BECKSTRAND, DAVID W. CUTRIGHT,
KATHRYN A. CUTRIGHT, DAVE D.
BURTON, CORRI L. BURTON, RICK L.
DEMASS, MULIENG, DEMASS,
AMERICAN PENSION SERVICES, INC.,
custodian for CHRISTINE D. DEARING,
IRA, KENNETH DUDLEY, ROY R.
GIBSON, SHERYL GIBSON, MERLIN
PRATT, CHARLES T. ENGLISH and JOHN
DOES 1-50,

Defendants.

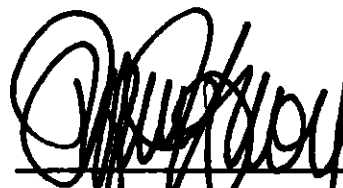
TO DEFENDANTS AND ALL PARTIES OF INTEREST:

Plaintiff has commenced an action in the above-entitled Court against Defendant THE ELVA GROUP, LLC, among others, to foreclose a mechanic's lien filed by Wheeler Machinery Co. and recorded on February 20, 2009 in the office of the Uintah County Recorder, State of Utah, recorded as Entry No. 2009001857, Book 1130, Page 147-148, in the amount of \$63,050.68. Plaintiff proposes to have the interest of defendant in the property described below sold by the sheriff or constable and the proceeds thereof to be applied towards the payment and settlement of claims set forth in plaintiff's complaint in said action. The real property covered by the mechanic's lien herein referred to and sought to be foreclosed consists of certain real property which is situated in Salt Lake County, State of Utah, and more particularly described as follows:

See Notice of Lien attached hereto.

DATED this 17 day of April, 2009.

KESLER & RUST

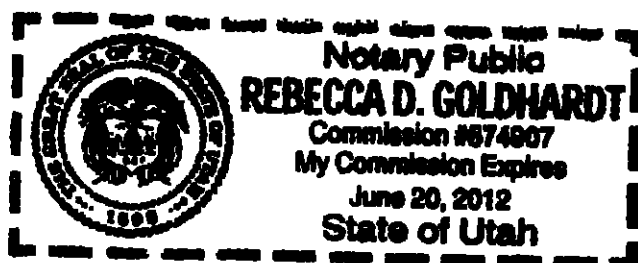


Ryan B. Hancey
Attorneys for Plaintiff

ACKNOWLEDGMENT

STATE OF UTAH)
) : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me on this 17 day of April, 2009.





NOTARY PUBLIC

When Recorded, Mail To:
Kelly A Silvester ESQ
P.O. Box 1203
Bountiful, Utah 84011

Entry 2009001857
Book 1130 Page 147-148 \$119.00
20-FEB-09 11:40
RANDY SIMMONS
RECORDER, UINTAH COUNTY, UTAH
KELLY A SILVESTER PC
P O BOX 726 CENTERVILLE, UT 84014
Rec By: DEBRA ROCKS , DEPUTY

NOTICE OF LIEN

TO WHOM IT MAY CONCERN:

The undersigned claimant, through its limited authorized agent, hereby gives notice of intention to hold and claim a lien and hereby claims a lien upon that certain property and improvements thereon reputed to be owned by **THE ELVA GROUP, LLC., 968 EAST CHAMBERS STREET STE 5, OGDEN, UTAH, 84403**, and located in Uintah County, State of Utah, and more particularly described as follows:

Legal Description:

05-054-0101, 05-054-0102, 05-054-0103, 05-054-0104, 05-054-0105, 05-054-0106, 05-054-0108, 05-054-0109, 05-054-0110, 05-054-0112, 05-054-0113, 05-054-0114, 05-054-0115, 05-054-0119, 05-054-0120, 05-054-0121, 05-054-0122, 05-054-0124, 05-054-0126, 05-054-0127, 05-054-0129, 05-054-0130, 05-054-0132, 05-054-0133, 05-054-0134, 05-054-0135, 05-054-0136, 05-054-0137, 05-054-0138, 05-054-0139, 05-054-0140, 05-054-0141, 05-054-0142, 05-054-0143, 05-054-0144, 05-054-0145, 05-054-0146, 05-054-0147, 05-054-0148, 05-054-0149, 05-054-0150, 05-054-0151, 05-054-0152, 05-054-0154, 05-054-0155, 05-054-0156, 05-054-0157, 05-054-0158, 05-054-0159, 05-054-0160, 05-054-0161, 05-054-0162, 05-054-0163, 05-054-0164, 05-054-0165, 05-054-0166, 05-054-0167, 05-054-0105-054-0168, 05-054-0169, 05-054-0170, 05-054-0171, 05-054-0171, 05-054-0173, 05-054-0174, 05-054-0175, 05-054-0176, 05-054-0177, 05-054-0178, 05-054-0179, 05-054-0180, 05-054-0181, 05-054-0182, 05-054-0183, 05-054-0184, 05-054-0185, 05-054-0186, 05-054-0187, 05-054-0188, 05-054-0189, 05-054-0190, 05-054-0191, 05-054-0192, 05-054-0193, 05-054-0194, 05-054-0195, 05-054-0196, 05-054-0197, 05-054-0198, 05-054-0199, 05-054-0200, 05-054-0201, 05-054-0202, 05-054-0204, 05-054-0205, 05-054-0206, 05-054-0207, 05-054-0208, 05-054-0209, 05-054-0210, 05-054-0211, 05-054-0212, 05-054-0213, 05-054-0214, 05-054-0215, 05-054-0216, 05-054-0218, 05-054-219,

LOT(s) 1, 2, 3, 4,5, 6, 8, 9, 10,12,13 ,14,15, 19, 20,21,22,24, 26, 27, 29,30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43,44, 45,46, 47, 48, 49, 50, 51, 52,54, 55, 56, 57, 58, 59, 60, 61, 62,63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73,74, 75, 76,77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93,94, 95, 96, 97, 98, 99, 100, 101, 102, 104, 105, 106 ,107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, HAVEN ESTATES SUBDIVISION LOCATED IN SW/4 NW/4 , SEC 26, T4S, R21E, SLM., ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE UINTAH COUNTY RECORDERS OFFICE.

The amount demanded hereby is \$63,050.68 which is \$588.97 per lot and includes the total amount of material and/or labor + Finance Charges + lien filing fees + Attorney Fees, owing to the undersigned on the above-described property. The undersigned supplied equipment and performed the same at the insistence of STREAMLINE CONSTRUCTION & DESIGN/D & M DEVELOPMENT SERVICES, who entered into a contract with WHEELER MACHINERY CO., for which work and/or materials were first provided on 10/12/2007 and finished on 1/23/2009. The unpaid portion of the work and materials entitled the undersigned to payment of \$62,850.68, for which demand the undersigned holds and claims a lien by virtue of the provisions of Chapter 1, Title 38, Utah Code (1953). The Lien Claimant is identified as WHEELER MACHINERY CO., 4901 WEST 2100 SOUTH, SALT LAKE CITY, UTAH 84120. (801) 978-1304.


PROTECTION AGAINST LIENS AND CIVIL ACTIONS: Notice is hereby provided in accordance with Section 38-11-108 of the Utah Code that under Utah law an "owner" may be protected against liens being maintained against an "owner-occupied residence" and from other civil action being maintained to recover monies owed "qualified services" performed or provided by suppliers and subcontractors as a part of this contract, if and only if the following conditions are satisfied:

1. The owner entered into a written contract with either a real estate developer or an original contractor;
2. The original contractor was properly licensed or exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act at the time of the contract; and

3. The owner paid in full the original contractor or real estate developer or their successors or assigns in accordance with the written contract and any written or oral amendments to the contract.

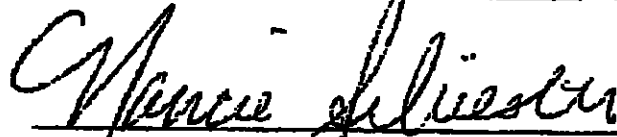
IN WITNESS THEREOF, the Undersigned has caused the document to be executed by its duly authorized agent the 19 day of Feb, 2009.

WHEELER MACHINERY CO.

By  Authorized Agent

STATE OF UTAH)
: SS.
COUNTY OF DAVIS)

Kelly Silvester being first duly sworn, says that he is the Authorized Agent of WHEELER MACHINERY CO., the claimant in the foregoing Notice of Lien, and that he has read said notice and knows the contents thereof, and that the same is true of his own knowledge and executes same on behalf of said company. Subscribed and sworn to before me this 19 day of Feb, 2009


NOTARY PUBLIC for the State of Utah
Residing at: Centerville, Utah
My Commission Expires: 3/15/2009

