

DOC # 20250015461

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Gary Christensen Washington County Recorder
05/05/2025 03:06:05 PM Fee \$ 40.00
By BURTON LUMBER & HARDWARE CO.



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Attorney for Plaintiff

**IN THE FIFTH JUDICIAL DISTRICT COURT IN AND FOR
WASHINGTON COUNTY, STATE OF UTAH**

BURTON LUMBER & HARDWARE
CO., a Utah corporation,

Plaintiff,

vs.

Patrick D. Osmond an individual; and
DOES 1-20,

Defendant.

LIS PENDENS

Civil No: 250500355

Judge: Eric Gentry

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

NOTICE IS HEREBY GIVEN that on the 8th day of April 29, 2025, the above-entitled action was commenced in the above-entitled Court wherein, among other things, Plaintiff seeks to foreclose its Construction Lien filed of record in the office of the Washington County Recorder, recorded on March 24, 2025, as Entry No. 20250009472, covering that certain property described as follows:

**GARDNER-LAKEVIEW HEIGHTS (-) Lot: 17 THRU:- Lot: 19 ALL
OF LOTS 17, 18, AND 19 OF THE GARDNER-LAKEVIEW
HEIGHTS SUBDIVISION, OFFICIAL RECORDS, WASHINGTON
COUNTY, UTAH, BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID
GARDNER-LAKEVIEW HEIGHTS SUBDIVISION, POINT LIES**

SOUTH 00°01'30" WEST ALONG THE SECTION LINE 653.88 FEET AND SOUTH 62°30'38" EAST 228.53 FEET, FROM THE NORTHWEST CORNER OF SECTION 28, TOWNSHIP 40 SOUTH, RANGE 17 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 62°30'38" EAST ALONG THE NORTH LINE OF SAID SUBDIVISION 471.06 FEET TO THE NORTHWEST CORNER OF LOT 20 SAID SUBDIVISION; THENCE SOUTH 27°29'22" WEST ALONG THE WEST LINE OF SAID LOT 143.16 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BOWLER ROAD; THENCE ALONG SAID LINE THE FOLLOWING THREE (3) COURSES: 1) NORTH 61°58'45" WEST 78.44 FEET, 2) NORTHWESTERLY ALONG A 35.36 FOOT RADIUS CURVE TO THE RIGHT, (LONG CHORD BEARS NORTH 39°28'58" WEST A DISTANCE OF 27.06 FEET), CENTER POINT LIES NORTH 28°01'04" EAST THROUGH A CENTRAL ANGLE OF 44°59'55", A DISTANCE OF 27.77 FEET, AND 3) WESTERLY ALONG A 50.00 FOOT RADIUS REVERSE CURVE TO THE LEFT, (LONG CHORD BEARS NORTH 84°29'37" WEST A DISTANCE OF 92.39 FEET), CENTER POINT LIES SOUTH 73°00'59" WEST THROUGH A CENTRAL ANGLE OF 135°01'12", A DISTANCE OF 117.83 FEET TO THE NORTHEAST CORNER OF LOT 16 SAID SUBDIVISION; THENCE NORTH 62°00'00" WEST ALONG THE NORTH LINE OF SAID LOT 168.53 FEET TO THE WEST LINE OF SAID SUBDIVISION; THENCE NORTH 07°02'56" WEST ALONG SAID LINE 200.22 FEET, TO THE POINT OF BEGINNING. CONTAINING 62,663 SQUARE FEET OF 1.44 ACRES.

Parcel No. GLH-17-A-NW

Plaintiff further seeks in its lawsuit filed against Patrick D. Osmond several causes of action, including:

(1) A breach of contract cause of action as a result of Patrick D. Osmond's failure to pay Plaintiff for building materials and supplies it ordered, pursuant to the terms and conditions of the contract entered into by Patrick D. Osmond with Plaintiff, for which Plaintiff has not been paid in the amount of \$7,987.43 as of April 29, 2025, together with interest at the rate of 2% per month from the 25th day of April 2025, all costs of expenses incurred in collection, plus reasonable attorney's fee; and

(2) A personal guarantee cause of action as to Patrick D. Osmond, as personal guarantor of Patrick D. Osmond's credit account with Plaintiff in the amount of \$7,987.43, together with interest at the rate of 2% per month from the 25th day of April 2025, all costs of expenses incurred in collection, plus reasonable attorney's fee; and

(3) Plaintiff, seeks to exercise its lien recorded on the subject property and to foreclose the interest of the Patrick D. Osmond; and

(4) A quantum meruit/unjust enrichment cause of action as a result of Defendant having retained the benefit provided by Plaintiff without paying therefore under such circumstances as to make it inequitable for Defendant to retain the benefit without payment of its principle in the amount of \$7,987.43, together with pre-judgment and post-judgment interest at the rate of 2% per month from April 25, 2025, plus attorney's fees and costs of court; and

(5) A declaratory Judgment with the findings necessary to allow Plaintiff to make and application under the Utah Lien Recovery Fund Act.

DATED this 29th day of April 2025.

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On this 29th day of April 2025, personally appeared before me Paul E. Mayer the signer of the above instrument, who duly acknowledged to me that he executed the same.

Shelly Judd
NOTARY PUBLIC
Residing at Salt Lake City, UT
Commission No. 737354
My Commission Expires: May 24, 2028.