

WHEN RECORDED, MAIL TO:

Nathan S. Dorius, Esq.
MITCHELL BARLOW & MANSFIELD, P.C.
9 Exchange Place, Suite 600
Salt Lake City, Utah 84111

Parcel Nos. 38:680:0001 and 38:680:0002 (formerly 13:062:0098)

AMENDED NOTICE OF CONSTRUCTION LIEN

Notice is hereby given that D&S Construction, LLC (hereinafter referred to as the "Claimant"), a Utah limited liability company with a mailing address of 1604 W. Riverton Ranch Road, Riverton, Utah 84065 and whose telephone number is (801) 548-2558, hereby claims a lien under Utah Code §§ 38-1a-101 *et seq.* upon the property described herein. This Amended Notice of Construction Lien replaces and amends that certain Notice of Construction Lien recorded on May 16, 2025 as Entry No. 36160:2025 in the official records of the Utah County Recorder, Utah.

The Claimant's lien is based upon the following:

1. The Claimant provided materials and labor upon and in connection with the improvement of certain real property in Utah County, Utah described as follows:

Lots 1 and 2, 860 APARTMENTS SUBDIVISION, according to the official plat thereof, on file and of record in the office of the Utah County Recorder, State of Utah.

2. To the best of the Claimant's knowledge, Villas at Aspen Meadows LLC is the reputed or record owner of the property described above.

3. The labor for which demand and claim are made were provided to or at the request of Zwick Construction Company.

4. The Claimant first furnished labor on or about April 14, 2021, and last furnished labor on or about September 30, 2023. To the best of the Claimant's knowledge, final completion of the project occurred on or about March 15, 2025.

5. There is due and owing to Claimant the principal amount of \$393,080.77, plus lien preparation and recording costs, accruing interest, and attorney fees for which Claimant holds and claims a lien.


6. PROTECTION AGAINST LIENS AND CIVIL ACTION. 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 for "qualified services" performed or provided by suppliers and subcontractors as a part of this contract, if either section (1) or (2) is met:

(l)(a) the owner entered into a written contract with an original contractor, a factory built housing retailer, or a real estate developer;

- (b) the original contractor was properly licensed or exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act at the time the contract was executed; and
- (c) the owner paid in full the contracting entity in accordance with the written contract and any written or oral amendments to the contract; or
- (2) the amount of the general contract between the owner and the original contractor totals no more than \$5,000.
- (3) An owner who can establish compliance with either section (1) or (2) may perfect the owner's protection by applying for a Certificate of Compliance with the Division of Occupational and Professional Licensing. The application is available at <https://dopl.utah.gov/rlrf/>.


DATED this 27th day of May, 2025.

MITCHELL BARLOW & MANSFIELD, P.C.

By: 
Nathan S. Dorius
Attorneys for Claimant

STATE OF UTAH)
 : ss
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 27th day of May 2025, by Nathan S. Dorius, legal counsel for the lien claimant, D&S Construction, LLC, who acknowledged to me that he has been authorized by D&S Construction, LLC to execute the foregoing instrument for and on behalf of such limited liability company.


Notary Public

