

STATE OF UTAH
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

APPLICATION FOR PAYMENT

RESIDENCE LIEN RECOVERY FUND
QUALIFIED BENEFICIARY CLAIM

APPLICATION INSTRUCTIONS AND INFORMATION

General Statement: This application is for use by licensed contractors, contractors exempt from licensure, suppliers, and other qualified professional service entities. This application is NOT for use by laborers or homeowners.

The Utah Division of Occupational and Professional Licensing (DOPL) desires to provide courteous and timely service to all applicants for licensure. To facilitate the application process, **submit a complete application form including all applicable supporting documents and fees.** Failure to submit a complete application and supply all necessary information will delay processing and may result in denial of the claim. The fees are for processing your application and will not be refunded. **Please read all instructions carefully.** DOPL cannot and will not act as an agent for the applicant to gather the documents necessary to complete the application.

SUPPORTING DOCUMENTS AND FEES:

1. Submit a complete Application for Payment. Do not leave any question blank. If a question does not apply, please indicate such with "N/A."
2. Submit evidence that the homeowner is entitled to protection under Utah Code Ann. § 38-11-107(1) by providing the documents in **one of the following groups**:
 - Group 1: a copy of the homeowner's **Certificate of Compliance** issued by DOPL.
 - Group 2: a copy of a **civil judgment** containing **findings of fact** that:
 - (1) the homeowner entered a written contract with an original contractor, a real estate developer, or a factory built housing retailer in compliance with Subsection 38-11-204(4)(a),
 - (2) the original contractor, real estate developer, or factory built housing retailer was licensed or exempt from licensure under Utah Code Title 58 Chapter 55, Utah Construction Trades Licensing Act,
 - (3) the homeowner paid the original contractor, real estate developer, or factory built housing retailer in full in accordance with the written contract and any amendments to the contract, and

- (4) the homeowner is an owner as defined in Subsection 38-11-102(17) and the residence is an owner-occupied residence as defined in Subsection 38-11-102(18).
- Group 3: copies of the following documents:
- (1) The written contract between the homeowner and the original contractor, real estate developer, or factory built housing retailer. The contract must be complete and legible. Elements that a written contract must contain under the Utah Lien Restriction and Lien Recovery Act are listed in Utah Admin. Code R156-38a-102 (11).
 - (2) Documentation that the original contractor was properly licensed. Such documentation can be any of the following:
 - (a) If the homeowner contracted with an original contractor who was licensed under the Construction Trades Licensing Act, provide evidence **issued by DOPL** showing the original contractor was licensed on the date the written contract was entered into.
 - (b) If the homeowner contracted with an original contractor who was not licensed, provide documentation adequate for DOPL to determine whether the contractor was exempt from licensure.
 - (c) If the homeowner contracted with a real estate developer provide 1) evidence that the real estate developer had an ownership interest in the property, 2) a copy of the contract between the real estate developer and the **licensed** contractor that built the residence or other credible evidence showing the existence of such a contract and setting forth a description of the services provided to the real estate developer by the contractor, and 3) evidence that the real estate developer offered the residence for sale to the public.
 - (c) If the homeowner contracted with a factory built housing retailer, provide a copy of the completed retail purchase contract.
 - (3) Evidence that the owner paid the contract price in full, as shown by **one** of the following:
 - (a) An affidavit of full payment **from** the original contractor, factory built housing retailer, or real estate developer.
 - (b) Other documentation showing the homeowner paid the original contractor, factory built housing retailer, or real estate developer in full. Such evidence could include:
 - (i) Canceled checks totaling the face amount of the contract and all change orders.
 - (ii) *Complete* HUD-1 Settlement Statements showing the final contract price and settlement of funds with the title company — **Note:** The statement must be signed by the buyer and the seller and must include the title agent's signature certifying that all funds were collected and dispersed as required.
 - (iii) Any other documents that positively identify the final contract amount and the total amount paid by the homeowner.

- (4) A complete **Owner-Occupied Residence Affidavit** (*pages 17 and 18 of this packet*). Any affidavit from the owner must establish that the owner is an owner as defined in Utah Code Ann. § 38-11-102(17), and that the residence is an owner-occupied residence as defined by Utah Code Ann. § 38-11-102(18).

3. Submit the following, as applicable:

- If the claimant recorded the mechanics' lien on the property at issue in the claim, submit a copy of the lien. The copy must be legible and clearly show the county recorder's stamp indicating the date on which the lien was actually recorded.
- Submit **one** of the following:
 - (1) if a permanent occupancy permit was issued, a copy of that permit;
 - (2) if the local governmental entity did not require an occupancy permit, but did require a final, a copy of the final inspection;
 - (3) if the local governmental entity did not require an occupancy permit or a final inspection, credible evidence establishing the date on which the contract was substantially complete.

4. Submit evidence that the claimant brought a civil action, unless precluded from doing so by the nonpaying party's bankruptcy, to enforce the contract with the nonpaying party, as shown by **one** of the following:

- **A copy of the civil action, date stamped by the court**, filed by the claimant against the nonpaying party to recover monies owed for qualified services performed.

The civil action to recover monies must have been filed within the earlier of 180 days from the date the claimant recorded the mechanics' lien on the residence at issue in the claim or 270 days from completion of the contract between the owner and the original contractor. If the civil action was not filed within that time frame, DOPL has no authority to consider the claim.

- **Documentation that the nonpaying party filed bankruptcy on the residence at issue in the claim within the earlier of 180 days from the date the claimant recorded the mechanics' lien or 270 days from completion of the contract between the owner and the original contractor.**

5. Submit evidence that the nonpaying party failed to pay the claimant, as shown by **one** of the following.

- **A copy of the civil judgment entered in favor of the claimant against the nonpaying party.** To qualify, the judgment must contain a finding that the nonpaying party failed to pay the claimant pursuant to their contract and any amendments to the contract.

- ❑ **Documentation that the nonpaying party's bankruptcy filing prevented the claimant from obtaining a civil judgment.** This documentation must be accompanied by credible evidence establishing that the party failed to pay the claimant pursuant to its contract with the claimant and any amendments to the contract.

6. Submit evidence that the claimant attempted to collect on the civil judgment, as shown by **one or more** of the following.

- ❑ A copy of a **supplemental order** issued following the civil judgment entered in favor of claimant **and** a copy of the **return of service** of the supplemental order.
- ❑ A **writ of execution**, if any assets were identified through the supplemental proceeding or other process.
- ❑ A **return of execution** for the writ of execution.

If the nonpaying party's bankruptcy filing or other action prevented claimant from obtaining the documents described above, submit documentation of that fact.

7. Submit evidence of the qualified services provided by the claimant for the nonpaying party on the incident residence, as shown by **one or more** of the following:

- ❑ A copy of **invoices** setting forth a description of, the location of, the performance dates of, and the value of the qualified services claimed.
- ❑ A **civil judgment** containing a finding setting forth a description of, the location of, the performance dates of, and the value of the qualified services claimed.
- ❑ Other **credible evidence** setting forth a description of, the location of, the performance dates of, and the value of the qualified services claimed.

Note, no matter how the claimant chooses to document the qualified services, the documents *must* clearly state the date(s) services were performed, a description of the services, and the dollar value of the services **and** must identify where the services were performed.

8. Submit evidence that you have served this application on the nonpaying party and the homeowner.

- ❑ Complete the attached Certificate of Service (*page 19 of this packet*).
- ❑ Make two copies of this claim application. Attach a copy of the Certificate to each copy of the application. Mail one copy to the nonpaying party and one copy to the homeowner. Both copies must be mailed using certified mail, return receipt requested.
- ❑ Attach the original Certificate of Service to this application.

9. If the claimant is requesting **reimbursement for attorney's fees**, the judgment must award a sum-certain amount for attorney's fees. If the nonpaying party's bankruptcy prevented the claimant from obtaining a judgment, the claimant may recover attorney fees only if the claimant can prove its contract with the nonpaying party allowed for collection of attorney fees and the claimant's attorney submits documentation meeting the provisions of Rule 4-505 of the Utah Code of Judicial Administration.
10. If the claimant is **requesting reimbursement for costs**, submit documentation setting forth the amount and nature of the costs. Note that costs are limited to the amounts awarded in judgment plus those post-judgment costs that would be awardable in district court. If the claimant has not obtained judgment against the nonpaying party, costs are limited to those costs awardable in district court.
11. If applicable, submit a copy of the claimant's **proof of claim** filed with the bankruptcy court as part of the nonpaying party's bankruptcy action.
12. Submit a \$120.00 **non-refundable**, application-processing fee made payable to "DOPL-LRF."

ADDITIONAL IMPORTANT INFORMATION:

1. The completed application must be filed with DOPL **within one year of the entry of civil judgment or the nonpaying party's bankruptcy filing.** If the application is not received within that time, DOPL has no jurisdiction to consider the claim.
2. **Laws and Rules:** You are required to understand all Utah laws and rules pertaining to your claim against the Residence Lien Recovery Fund:
 - ❑ Utah Residence Lien Restriction and Lien Recovery Fund Act (*Title 38, Chapter 11 Utah Code Annotated*)
 - ❑ Residence Lien Restriction and Lien Recovery Fund Rules (*R156-38a Utah Administrative Code*)

Copies of these laws and rules may be obtained on DOPL's website: www.dopl.utah.gov

You may also purchase them for a fee from DOPL at (801) 530-6104.

3. **Current Documents:** Applications, statutes, rules, and forms are occasionally changed. Go to www.dopl.utah.gov to ensure you have the most recent version of these documents.
4. **Definitions:**

Certificate of Compliance means an order issued by DOPL's director to the owner finding that the owner is in compliance with the requirements of Utah Code Ann. §§ 38-

11-204(4)(a) and (4)(b) and is entitled to protection under Utah Code Ann. § 38-11-107. [Utah Code Ann. § 38-11-102(2)]

Factory Built Housing Retailer means a person that sells factory built housing, as defined in Utah Code Ann. § 58-56-3, to the public. [Utah Code Ann. § 38-11-102(11)]

Laborer means a person who provides services at the site of the construction on an owner-occupied residence as an employee of an original contractor, or other qualified beneficiary performing qualified services on the residence. [Utah Code Ann. § 38-11-102(13)]

Original Contractor means a person who contracts with an owner or the owner's agent to provide services, labor, or materials for the construction of an owner-occupied residence, as defined below. [Utah Code Ann. § 38-11-102(16)]

Owner means a person who contracts with a contractor who is licensed or exempt from licensure under the Utah Construction Trades Licensing Act for construction on a single family or duplex residence, or with a real estate developer for the purchase of a single family or duplex residence. [Utah Code Ann. 38-11-102(17)] However, any person or developer who builds residences that are offered for sale to the public does not qualify as an owner. [Utah Admin. Code § R156-38a-102(8)]

Owner-Occupied Residence means an improvement to real property used or occupied, to be used or occupied as, or in conjunction with, a primary or secondary detached single family dwelling or multifamily dwelling up to two units, including factory built housing that is, or after completion of construction, will be occupied within 180 days as a primary or secondary residence by the owner, or his tenant or lessee. [Utah Code Ann. § 38-11-102(18)]

Qualified Beneficiary means a person, other than a laborer, who provides qualified services, pays the assessments required by the Lien Recovery Fund, and is registered as a member of the Lien Recovery Fund. [Utah Code Ann. § 38-11-102(19)] Qualified beneficiaries may be licensed contractors, contractors exempt from licensure, licensed professionals, suppliers, or any other entity that provides qualified services.

Qualified Services include any of the following: contractor services; architectural services; engineering services; land surveying services; landscape architectural services; design and specification services of mechanical and other systems; other services relating to the design, drawing, surveying, specification, cost estimation, or other professional services; providing materials, supplies, components or similar products; renting equipment or materials; and providing labor at the site of construction. [Utah Code Ann. § 38-11-102(20)]

Real Estate Developer means a person having an ownership interest in real property who contracts with a person who is licensed as a contractor or is exempt from licensure under the Utah Construction Trades Licensing Act, for the construction of a residence that is offered for sale to the public. [Utah Code Ann. § 38-11-102(21)]

Residence means an improvement to real property used or occupied, to be used or occupied as, or in conjunction with, a primary or secondary detached single-family dwelling or multifamily dwelling up to and including duplexes, and includes factory built housing. [Utah Code Ann. § 38-11-102(22)]

Subsequent Owner means a person who purchases a residence from an owner within 180 days from the date of the completion of the construction on the residence. [Utah Code Ann. § 38-11-102(23)]

Written Contract means one or more documents for the same construction project which collectively contain all of the following: (a) an offer or agreement conveyed for qualified services that will be performed in the future; (b) an acceptance of the offer or agreement conveyed prior to the commencement of any qualified services; and (c) identification of the residence, the parties to the agreement, the qualified services that are to be performed, and an amount to be paid for the qualified services that will be performed. [Utah Admin. Code § R156-38a-102(11)]

5. **Limitation on Claim Amount:** Payments from the Fund may not exceed \$75,000 per residence for all claims of all qualified beneficiaries and laborers for that residence. If the total claims on any given residence exceed \$75,000, claims on that residence will be paid on a pro-rata basis.
6. **Interest Rate:** The rate of interest to be used for claims is determined based upon the *Wall Street Journal* Prime Lending Rate on the first business day of each year, not to exceed 10% APR [Utah Code Ann. § 38-11-203(3)(c) & (d)]. Further, the rate to be used is the rate in effect for the year the qualified services were performed. *(If qualified services occurred in more than one year, use the applicable rate for each year on the portion of the services performed in the respective years).* Those rates are:

<u>Year</u>	<u>Rate</u>
2001	9.50%
2002	4.75%
2003	4.25%
2004	4.00%
2005	5.25%
2006	7.25%
2007	8.25%
2008	7.25%
2009	3.25%
2010	3.25%

7. **Separate Claims:** A separate claim application must be filed, and a separate claim-processing fee must be paid, for each property.
8. **Updating Address Information:** It is the claimant's responsibility to maintain a current address with the Fund. All correspondence will be sent to the last known address shown on the Fund's records. If the claimant's address or any other pertinent information should change, the claimant must notify the Fund of this change in writing. If the

claimant's address is incorrect, the claimant will not receive claims-related correspondence, which could result in the denial of a claim.

9. **Mail Complete Application to:**

By U.S. Mail

Residence Lien Recovery Fund
P.O. Box 146741
Salt Lake City, Utah 84114-6741

By Delivery or Express Mail

Residence Lien Recovery Fund
160 East 300 South, 1st Floor Lobby
Salt Lake City, Utah 84111

10. **Telephone Numbers:** (801) 530-6104
(866) 275-3675 – Toll-free in Utah

11. **Fax Number:** (801) 530-6511 – attn: LRF

12. **Email:** lrf@utah.gov

APPLICATION FOR PAYMENT

GENERAL INFORMATION

Claimant:

Company Name: _____

Contact Person: _____

Mailing Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Telephone: (____) _____ LRF Registration Number: _____

Claiming as (*select one*):

- Contractor
- Supplier
- Other

Claimant's Legal Counsel:

Name: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) _____ Email: _____

Nonpaying Party:

Company Name: _____

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Telephone: (____) _____ Contractor License Number: _____

Email: _____

Nonpaying Party's Legal Counsel:

Name: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) _____ Email: _____

Original Contractor/Factory Built Housing Retailer/Real Estate Developer

(Please circle applicable designation. See Definitions Section for additional information.)

Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Contractor License Number: _____

Telephone: (____) _____ Email: _____

Homeowner:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) _____ Email: _____

Subsequent Homeowner (if applicable):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) _____ Email: _____

Owner-Occupied Residence:

Address: _____

City: _____ State: _____ Zip: _____

Legal Description (*required*): _____

RESIDENCE AND QUALIFIED SERVICES:

Residence is a (*select one*):

Detached, single-family dwelling

Duplex residence

Other, describe: _____

Please describe the qualified services performed by the claimant for the nonpaying party on this residence:

Qualified services can be described as: (*select one*)

Work designated for the improvement of incidental residence only

Work constituting improvement to multiple properties or subdivisions (*i.e. infrastructure work, installation of utilities, roadways, sewer lines, and irrigation systems on a subdivision or on multiple properties*)

Date(s) claimant provided qualified services for nonpaying party on this residence: _____

Has the homeowner provided the claimant with a copy of a Certificate of Compliance for the incident residence? Yes No

Amount nonpaying party owes claimant for qualified services on this residence: \$ _____

Date claimant recorded mechanics' lien on incident residence: ____/____/____

Date of occupancy permit: ____/____/____

No occupancy permit, date of final inspection on residence: ____/____/____

If none of the above, date contract between owner and original contractor was substantially complete: ____/____/____

CIVIL ACTION AGAINST NONPAYING PARTY:

Court, case number, and filing date of claimant's civil action against the nonpaying party:

Date judgment was entered in civil action: ____/____/____

Date supplemental order was issued: ____/____/____ Date served: ____/____/____

Date of Writ of Execution: ____/____/____ Date of Return of Execution: ____/____/____

Amount of judgment recovered through writ of execution (if any): \$ _____

NONPAYING PARTY'S BANKRUPTCY FILING:

Court, case number, and filing or conversion date for nonpaying party's bankruptcy action:

ADDITIONAL SOURCES OF PAYMENT:

Is claimant likely to become entitled to reimbursement for this claim from any other source?

- No Yes, identify the source(s) including name, address, telephone number, and amount of expected reimbursement. (Attach additional sheets as necessary.)

PAYMENT WORKSHEET

Attach evidence supporting all amounts claimed. Evidence could include civil judgment, invoices, documentation of costs, attorney fee affidavits (*see Rule 4-505 Utah Code of Judicial Administration*), billing notices, supplemental order issuance reports, etc.

SECTION 1—CIVIL JUDGMENT: Complete this section only if claimant has obtained a civil judgment against the nonpaying party. If the judgment relates to more than one property, complete this section and Section 2. If the judgment relates to only one property, complete only this section. If claimant has been precluded from obtaining a civil judgment because the nonpaying party filed for bankruptcy protection, go to Section 3.

- A. _____ Qualified services amount awarded in civil judgment.
- B. _____ Pre-judgment attorney fees—may not exceed 15% of qualified services [Utah Code Ann. § 38-11-203(3)(f)]
- C. _____ Pre-judgment costs.
- D. _____ Post-judgment attorney fees. Total attorney fees may not exceed 15% of qualified services [Utah Code Ann. § 38-11-203(3)(f)]
- E. _____ Post-judgment costs for entire principal amount authorized by the civil judgment. [See Utah Admin. Code § R156-38-204d(3)(a) for limits]
- F. _____ Interest. Calculate simple interest on the qualified services balance using the appropriate rate from the table in the instructions.
- G. _____ Total (*add lines A through F*).

SECTION 2—ALLOCATION OF CIVIL JUDGMENT TO RESIDENCE: Complete this section only if the claimant has obtained a civil judgment that includes an award for more than one residence. The Fund can pay only the portion of the civil judgment that relates to the subject property. Please attach a separate sheet that identifies the residences included in the civil judgment and state the amounts awarded for each residence.

- H. _____ Qualified services attributable to this residence.
- I. _____ Allocation ratio. Divide line H by line A above and enter the percentage here (*Please round to the nearest 1/100 of a percent; i.e. 1/3 = 33.33% and 3/7 = 42.86%*).
- J. _____ Pre-judgment attorney fees allocated to this residence. Multiply line B by line I.
- K. _____ Pre-judgment costs allocated to this residence. Multiply line C by line I.
- L. _____ Post-judgment attorney fees allocable to this residence. Multiply line D by line I.
- M. _____ Post-judgment costs allocable to this residence. Multiply line E by line I.
- N. _____ Total interest allocable to this residence. Multiply line F by line I
- O. _____ Total amount claimed for this residence. Add line H and lines J through N. **Do not include line I in the total.**

SECTION 3—BANKRUPTCY FILING BY NONPAYING PARTY: Complete this section if claimant was precluded from obtaining a civil judgment because the nonpaying party filed for bankruptcy protection.

- P. _____ Amount of qualified services provided for this residence.
- Q. _____ Amount of attorney fees incurred to collect for qualified services on this residence. Total attorney fees may not exceed 15% of qualified services and the claimant's contract with the nonpaying party must authorize collection of attorney fees. [Utah Code Ann. § 38-11-203(3)(f)]
- R. _____ Amount of costs incurred to collect for qualified services on this residence. [See Utah Admin. § R156-38-204d(3)(b) for limits]
- S. _____ Interest. Calculate simple interest on the qualified services balance using the appropriate rate from the table in the instructions.
- R. _____ Total amount claimed. Add lines P through S.

AFFIDAVIT, CERTIFICATION and RELEASE AUTHORIZATION

I am authorized to sign this affidavit for the claimant described and identified in this Residence Lien Recovery Fund claim application.

To the best of my knowledge, the information contained in this application and the supporting documents is free from fraud, misrepresentation, or omission of material fact.

I will ensure that any information subsequently submitted to the Division of Occupational and Professional Licensing in conjunction with this claim application and/or its supporting documents will meet the same standard set forth above.

I understand that claimants who, in order to receive payment from the Lien Recovery Fund to which they are not entitled, report false information, withhold information, or present false or misleading documentation pertinent to a claim will be disqualified from receiving payment and may be subject to both criminal prosecution and civil penalties.

I understand that this application will be classified as a public record and will be available for inspection by the public except with regard to the release of information which is classified as controlled, private, or protected under the Government Records Access and Management Act or restricted by other law.

I certify that the claimant is not entitled to reimbursement from any other entity for this claim as of the date of this affidavit. Should the claimant become entitled to reimbursement from any other entity for this claim after this date, the claimant will immediately notify the Division of Occupational and Professional Licensing.

I hereby authorize all persons, institutions, governmental agencies, employers, or any others not specifically included in the preceding characterization, which are set forth directly or by reference in this application, to release to the Division of Occupational and Professional Licensing, State of Utah or the Residence Lien Recovery Fund Advisory Board, any files, records or information of any type reasonably required for the Division of Occupational and Professional Licensing or the Board to properly evaluate my claim.

Signature of Applicant: _____

Date of Signature: ____/____/____

Printed Name of Applicant: _____

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(FOR TWO-SIDED PRINTING)

OWNER-OCCUPIED RESIDENCE AFFIDAVIT

Claimant's Name: _____

If you are the owner of the indicated residence, please complete this affidavit as appropriate, sign and notarize it, and return it to the claimant. If you are not the owner of the residence, do not complete the affidavit, but return it to claimant.

I, _____ being first duly sworn, declare under penalty of perjury as follows:

I am the owner of a detached single family residence, duplex other type of residence located at *(check the appropriate box)*:

Street Address City State Zip

Construction on this residence was or will be completed on: ____/____/____ (date).

I am will be am not will not be occupying this property as my primary or secondary residence *(check the appropriate box)*.

I began or will begin occupying this property as a primary or secondary residence on: ____/____/____ (date).

I am am not renting or leasing this property as a primary or secondary residence to:

Renter's or Lessee's Name Street Address City State Zip

My tenant or lessee began or will begin occupying this property on ____/____/____.

Signature of Affiant *(sign here)* Date ____/____/____

Subscribed and sworn to before me this _____ day of _____, _____

Signature of Notary Public

(SEAL)



State of Utah Department of Commerce

Division of Occupational and Professional Licensing

GARY R. HERBERT
Governor

FRANCINE A. GIANI
Executive Director

MARK B. STEINAGEL
Division Director

Dear Resident:

The State of Utah has enacted the Residence Lien Restriction and Lien Recovery Fund Act— Title 38, Chapter 11 of the Utah Code. The Act has two primary purposes: (1) the Act provides qualifying homeowners with protection against mechanics' liens and (2) the Act creates a fund of last resort, the Residence Lien Recovery Fund, to pay contractors and suppliers (“*claimants*”) who are prevented by the Act from recovering through the mechanics lien process.

To recover from the Fund, a claimant must establish that the residence for which services or materials were provided is an “owner-occupied residence.” The Act defines an “owner” as a person who contracts with a contractor for construction on or purchase of a single-family dwelling or a duplex. Such a residence becomes “owner-occupied” if the owner, the owner’s tenant, or the owner’s lessee occupies the residence as a primary or secondary residence within 180 days from the date construction is or will be completed.

A claimant is providing you with the attached Affidavit because you appear to be the owner of a property for which the claimant has provided goods and/or services. The claimant is required to obtain this Affidavit as part of making a claim for payment from the Lien Recovery Fund.

If you are the owner of the property, please review and complete the Affidavit attached to this letter. Please have the Affidavit notarized and return it to the claimant within 30 days of receiving it. Please complete all blanks and provide all information requested on the Affidavit. If you are not the owner of the property, please immediately return the uncompleted Affidavit to the claimant.

Completing and signing the Affidavit **will not** subject you to liens or obligate you to pay the claimant but may eliminate the need for you to be subpoenaed as a witness at a deposition or hearing regarding this claim.

Thank you for taking the time to complete, sign, and return the Affidavit.

Respectfully,

Dane Ishihara
Lien Recovery Fund Manager

