

Recorded at the request of:  
MOTUS EXCAVATION, LLC

After recording, mail to:  
Jenkins Bagley Sperry, PLLC  
Attn: Quinn A. Sperry  
285 W. Tabernacle St., Suite 301  
St. George, UT 84770

13648750  
4/30/2021 9:36:00 AM \$40.00  
Book - 11166 Pg - 3710-3712  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
JENKINS BAGLEY PLLC  
BY: eCASH, DEPUTY - EF 3 P.

### **AMENDED NOTICE OF CONSTRUCTION LIEN**

The undersigned, for and on behalf of Motus Excavation, LLC (“**Claimant**”), hereby files this Amended Notice of Construction Lien. This notice amends the Notice of Mechanics Lien recorded on March 25, 2021 as Entry Number 13609970, in the records of the Salt Lake County Recorder, State of Utah. NOTICE IS HEREBY GIVEN that Claimant, located at 10437 South Temple Drive, Suite 250, South Jordan, UT 84095, and whose telephone number is (801) 679-3104, claims and holds a construction lien, pursuant to Utah Code Section 38-1a-101, *et seq.*, upon the Property (defined *infra*), including all improvements thereon and interests therein. Claimant’s lien is based upon the following:

1. Claimant provided services, labor, materials and/or equipment in connection with improvements on certain real property located at 659 E. 12200 S., Draper City, Salt Lake County, State of Utah, being more particularly described as follows:

LEGAL DESCRIPTION: BEG S 89°53'16" W 146.67 FT FR E 1/4 COR SEC 30, T3S, R1E, SLM; S 89°53'16" W 191.58 FT; S 0°06' W 297 FT; N 89°53' 16" E 191.58 FT; N 0°06' E 297 FT TO BEG. LESS & EXCEPT BEG N 89°47'29" W 146.65 FT & S 00°33'24" W 181 FT FR E 1/4 COR SEC 30, T3S, R1E, SLM; S 0°33'24" W 116 FT; N 89°47'29" W 160.87 FT; N 0°25'15" E 116 FT; S 89°47'29" E 161.15 FT TO BEG., according to the Official Plat thereof, on file in the Office of the Recorder of Salt Lake County, State of Utah.

PARCEL/SERIAL NO: 28-30-426-044-0000

(herein the “Property”).

2. To the best of Claimant’s knowledge, **Big Red Holdings, LLC** is the record owner and/or reputed owner of the Property.

3. The labor, service, material, and/or equipment for which demand and claim is made was provided to and/or at the request of Terra Development Group LLC.

4. Claimant is owed money for the services, labor, materials, and/or equipment it provided for improvement to the Property in the amount of at least **TWO HUNDRED SIXTY-SIX THOUSAND EIGHT HUNDRED SIX AND 33/100 U.S. DOLLARS (\$266,806.33)**, plus interest, attorney fees, and costs, which amount could change, should additional credits or charges be discovered.

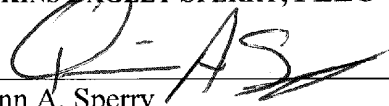
5. Claimant provided the first services, labor, materials and/or equipment on or about July 15, 2020, and provided the last services, labor, materials and/or equipment on or about February 25, 2021.

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 and only if the following conditions are satisfied:

1. the owner entered into a written contract an original contractor, a factory built housing retailer, or a real estate developer;
2. 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
3. the owner paid in full the original contractor, factory built housing retailer, or real estate developer or their successors or assigns in accordance with the written contract and any written or oral amendments to the contract.
4. An owner who has satisfied all of these conditions may perfect his protection from liens by applying for a Certificate of Compliance with the Division of Occupational and Professional Licensing by calling (801) 530-6628 or toll free in Utah only (866) 275-3675 and requesting to speak to the Lien Recovery Fund. (Utah Administrative Code R156-38a-108)

DATED this 29<sup>th</sup> day of April, 2021.

JENKINS BAGLEY SPERRY, PLLC



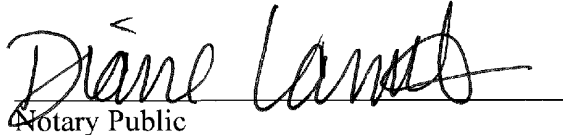
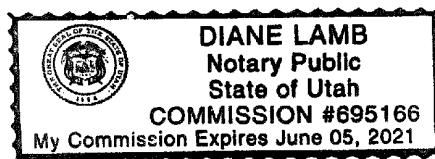
Quinn A. Sperry  
Attorney for Motus Excavation, LLC

State of Utah

County of Salt Lake

*DL*

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of April, 2021.

  
Notary Public

**CERTIFICATE OF MAILING**

I hereby certify that I caused a true and correct copy of the foregoing AMENDED NOTICE OF CONSTRUCTION LIEN to be sent via Certified U.S. Mail and regular U.S. Mail, postage prepaid thereon and as indicated below on the 30<sup>th</sup> day of April, 2021, to the following:

Big Red Holdings, LLC  
663 East 12200 South  
Draper, UT 84020

James W. Sorenson  
663 East 12200 South  
Draper, UT 84020

*Sent via regular U.S. Mail and Cert. U.S.  
Mail No. 7020 1810 0000 6270 3085*

*Sent via regular U.S. Mail and Cert. U.S.  
Mail No. 7020 1810 0000 6270 3078*

Terra Development Group LLC  
63 East 11400 South, #306  
Sandy, UT 84070

Gene Peterson Concrete, Inc.  
2002 W 1500 N  
Lehi, UT 84043

*Sent via regular U.S. Mail*

*Sent via regular U.S. Mail*

*/s/ Karli Bueno*  
Karli Bueno