

**WHEN RECORDED, RETURN TO:**

Jason H. Robinson  
**BABCOCK SCOTT & BABCOCK, P.C.**  
370 East South Temple, 4<sup>th</sup> Floor  
Salt Lake City, Utah 84111  
Telephone: 801-531-7000  
jason@babcockscott.com

**NOTICE OF CONSTRUCTION LIEN**

NOTICE IS HEREBY GIVEN that WHITE CAP, L.P. (FKA HD SUPPLY CONSTRUCTION SUPPLY, LTD) (“**Claimant**”), located at 297 South Vasco Road, Livermore, CA 94551, and whose telephone number is 925-245-4719, claims and holds a construction lien, pursuant to Utah Code section 38-1a-1, *et seq.*, upon the property and improvements thereon and interests therein described hereinafter. 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 situated at approximately 1025 West North Temple, Salt Lake City, Salt Lake County, State of Utah (commonly known as Lusso Apartments), being more particularly described as follows:

LEGAL DESCRIPTION: BEG AT SE COR LOT 19, BLK 2, BOTHWELL & MCCONAUGHY SUB; N 89°59"02' W 179.62 FT; S 00°00"49' E 66.00 FT; N 89°59"47' W 2.00; N 00°00"49' W 354.44; 89; S 89°59"02' E 181.62 FT; S 00°00"49' E 288.40 FT TO BEG. (BEING A PART OF LOTS 10 THRU 19, BLK 2, BOTHWELL & MCCONAUGHY SUB.)

PARCEL NUMBER: 08-35-377-017-0000

(the “Property”).

2. To the best of Claimant’s knowledge, LUSSO APARTMENTS, LLC is the record owner and/or reputed owner of the Property.

3. The services, labor, materials and/or equipment for which demand and claim is made was provided to and/or at the request of DG CONSTRUCTION SERVICES CORP.

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 NINE THOUSAND SEVEN HUNDRED SIXTEEN AND 67/100 U.S. DOLLARS (\$9,716.67), 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 April 13, 2023, and provided the last services, labor, materials and/or equipment on or about June 22, 2023.

6. PROTECTION AGAINST LIENS AND CIVIL ACTION. If this Notice of Lien is being filed on a residence as defined in Utah Code section 38-11-102(18), notice is hereby provided 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 the contract between a real estate developer or an original contractor and the owner, 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 the contract was executed; 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.

DATED this 11<sup>th</sup> day of September, 2023.

WHITE CAP, L.P. (FKA HD SUPPLY CONSTRUCTION SUPPLY, LTD)



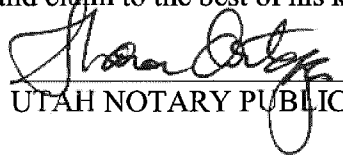
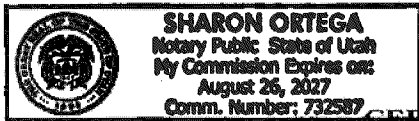
By: \_\_\_\_\_

Jason H. Robinson

Its: Attorney and Authorized Agent

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

On the 11<sup>th</sup> day of September, 2023, Jason H. Robinson, personally appeared before me and stated and swore under oath that he is the authorized agent to sign for Claimant, that this Notice of Construction Lien was signed on Claimant's behalf, that he is authorized by Claimant to sign on its behalf, and that this Notice of Construction Lien and the information contained herein is true and correct and represents a valid claim to the best of his knowledge.

  
UTAH NOTARY PUBLIC

**CERTIFICATE OF MAILING**

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF CONSTRUCTION LIEN to be sent by certified mail, postage prepaid thereon, the 11<sup>th</sup> day of September, 2023, to the following:

LUSSO APARTMENTS, LLC  
111 E BROADWAY, SUITE 310  
SALT LAKE CITY, UT 84111

Cert. Mail No. 702109500000 7097 4513 By: 