### WHEN RECORDED, MAIL TO:

Tyson J. Prisbrey
SNELL & WILMER, LLP
15 West South Temple, Suite 1200
Salt Lake City, UT 84101-1547

14240626 B: 11491 P: 4521 Total Pages: 7 05/15/2024 11:59 AM By: csummers Fees: \$40.00 Rashelle Hobbs, Recorder, Salt Lake County, Utah Return To: SNELL & WILMER LLP 15 WEST SOUTH TEMPLESALT LAKE CITY, UT 84101

Parcel I.D. # 22-06-104-021-0000

# NOTICE OF RELEASE OF LIEN AND SUBSTITUTION OF ALTERNATE SECURITY

### KNOW BY THESE PRESENTS:

Pursuant to Utah Code § 38-1a-804 and as evidenced by a surety bond in the amount of Two Hundred Thirty Five Thousand Five Hundred Fifty Seven Dollars and 23/100 (\$235,557.23), attached hereto as Exhibit A, CWP West, LLC, who is affected by, and disputing the validity of, that certain Notice of Construction Lien recorded on June 16, 2023 as entry number 14118589 B: 11426 P: 2878 filed on behalf of Big N Construction, LLC, in the official records of the Salt Lake County Recorder affecting certain real property located in Salt Lake County, Utah, hereby records this Notice of Release of Lien and Substitution of Alternate Security on real property located at Mister Carwash, 4181 South State Street, Millcreek, Salt Lake County, State of Utah, described as follows:

LOT 1, MISTER CARWASH – MILLCREEK SUB.

A copy of the Notice of Construction Lien is attached hereto as Exhibit B.

Made and executed this \_\_\_\_ day of May, 2024.

CWP WEST, LLC

Assistant Secretary

STATE OF ARIZONA

:ss )

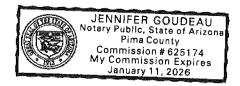
**COUNTY OF PIMA** 

On the Larra day of May, 2024, personally appeared before me Anne Graham-Bergin, an Authorized Signer of CWP WEST, LLC, who being duly sworn, did say that he/she is authorized to sign the above and foregoing instrument and acknowledged to me that he/she executed the same.

Notary Public

Commission Expires:

1/11/26



# **EXHIBIT A**

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WHEN RECORDED RETURN TO:

Wasatch Lien Service, LLC 3165 East Millrock Drive, Suite 500 Sait Lake City, UT 84121 (801) 278-5436 Fax: (801) 438-2077

Parcel I.D.# 22-06-104-021-0000

#### NOTICE OF CONSTRUCTION LIEN

NOTICE IS HEREBY GIVEN by WASATCH LIEN SERVICE, LLC, the duly authorized recording agent of Big N Construction, LLC, 3932 South Marsha Drive, West Valley City, Utah 84128, (801) 638-0686 (the "Lien Claimant"). Said agent hereby gives notice of the intention of the Lien Claimant to hold and claim a construction lien and right of claim against any relevant bond, by virtue of and in accordance with the provisions of Utah Code Ann. Sections 38-1a-301 et seq. (1953 as amended). The Construction Lien is against the real property and improvements thereon owned or reputed to be owned by Believe Holdings, LLC. Said real property is located at Mister Carwash, 4161 South State Street, Millcreek, Salt Lake County, State of Utah, described as follows:

LOT 1, MISTER CARWASH - MILLCREEK SUB.

The Lien Claimant was employed by and did provide work on storm drain, sub grade and compact sitework surface, hauled dirt out and hauled in road base and rocks at the request of A4 Construction Company, Inc., with the address of 6770 South 900 East, Suite 102, Midvale, Utah 84047, for the benefit and improvement of the abovedescribed real property. The Lien Claimant's material and services were first provided on April 19, 2023 and last provided on May 17, 2023. There is due and owing to the Lien Claimant the sum of \$157,038.15, together with interest, costs of \$200.00 and attorney fees, if applicable; all for which the Lien Claimant holds and claims this Construction Lien.

#### 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 part of this contract, if either section (1) or (2) is met: (1)(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 www.dopl.utah.gov/rlrf.

> WASATCH LIEN SERVICE, LLC Agent for the Lien Claimant

Bv:

Jamie Crnich

STATE OF UTAH

: SS.

**COUNTY OF SALT LAKE** 

Jamie Crnich, as manager of Wasatch Lien Service, LLC, personally appeared before me of June 16, 2023 and acknowledged that Wasatch Lien Service, LLC is the agent for Big N Construction, LLC, and acknowledged that she executed the above document.



Notary Public Order #2576-0623-01

## **EXHIBIT B**

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Revised Original

Bond No. CIC1949889

### DISCHARGE MECHANICS LIEN BOND

#### KNOW ALL MEN BY THESE PRESENTS.

That we, <u>CWP West, LLC</u> as Principal, and <u>Capitol Indemnity Corporation</u> a corporation organized and existing under the laws of the State of <u>Wisconsin</u> and duly authorized to transact business in the State of <u>Utah</u>, as Surety, are held and firmly bound unto <u>Believe Holdings, LLC</u> in the sum of <u>Two Hundred Thirty Five Thousand Five Hundred Fifty Seven Dollars and 23/100</u> (\$235,557.23) DOLLARS, lawful money of the United States of America, for the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, successors and assigns, jointly and severally firmly by these presents.

WHEREAS, on the 16th day of June, 2023 Big N Construction, LLC filed a lien for the sum of One Hundred Fifty Seven Thousand Thirty Eight Dollars and 15/100 (\$157,038.15) DOLLARS, recorded in the Official Records of the County of Salt Lake County, in the State of Utah against the following described real property (legal description and location): Mister Carwash, 4161 South State St., Millcreek, Salt Lake Courty, Utah - Lot 1, Parcel ID #22-06-104-021-0000.

WHEREAS, said notice of lien purports to have been made and filed as prescribed in the Lien Law of the State of <u>Utah</u> wherein such lienor claims a lien against the above described real property for and on account of labor and/or materials furnished to said Principal, which labor and/or materials were furnished for the construction or improvement of such property, and

WHEREAS, said Principal disputes the correctness or validity of the lien and desires to execute and record a bond pursuant to the laws of the State of <u>Utah</u>, to enable the real property above described to be freed from the effect of said claim of mechanic's lien.

NOW, THEREFORE, the condition of this obligation is such that if the above bounden <u>CWP West, LLC</u>, as Principal shall well and truly pay any judgment which may be rendered in an action for the enforcement of said lien, not exceeding the sum of <u>One Hundred Fifty Seven Thousand Thirty Eight Dollars and 15/100</u> (\$157,038.15) DOLLARS then this obligation shall be void, otherwise to remain in full force and effect.

Signed, sealed and dated this 29th day of April, 2024

CWP West, LLC Principal Name

Pyncipal

Surety

Capitol Indemnity Corporation

William T. Krumm, Attorney-In-Fact

State of <u>Illinois</u>			
County of Cook			
I,Cassa	ndra L Stone	Notary Public	, in the State of
Illinois, do hereby certif	y that <u>William T. Kri</u>	umm	Attorney-in-Fact,
of the Capitol Indem	nity Corporation	who is pe	rsonally known to
me to be the same pers	on whose name is subs	cribed to the t	foregoing
instrument, appeared be	efore me this day in pers	son, and ackn	nowledged that
he signed, sealed and o	lelivered said instrumen	t, for and on b	pehalf of the
Capitol Indemnity C	orporation	for the use	es and purposes
therein set forth.			
Given under my	hand and notarial seal a	t my office in	the City of Rolling
Meadows in said Count	y, this <u>29th</u> day of	April	2024
	Notary Public		Cassandra L Stone
	My Commiss	ion expires:	12/29/2025

CASSANDRA L STONE
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
December 29, 2025

# CAPITOL INDEMNITY CORPORATION POWER OF ATTORNEY

CIC1949889

	ŀ	POWER OF ATTORNEY	Bond Number	
KNOW ALL MEN BY To principal offices in the City	TIESE PRESENTS, That the of Middleton, Wisconsin, do	e CAPITOL INDEMNITY CORPORATION CONTROL CONSTITUTE CONSTITUTE AND APPOINT	ON, a corporation of the State of Wisconsin, ha	ving its
	WILLIAM T KRUMM: JO	ON A SCHROEDER; JODIE SELLERS; P. DONNA IRIGOYEN; CASSANDRA STON	ATRICK M. GALLAGHER	
its true and lawful Attorney	y(s)-in-fact, to make, execute,	seal and deliver for and on its behalf, as sur	rety, and as its act and deed, any and all bonds, under this authority shall exceed in amount the	undertaking
			00,000.00	
This Power of Attorney is a	granted and is signed and scale		f the following Resolution adopted by the Boar	
granted the power and aut writings obligatory in the n duties usual to such offices or to any certificate relating and binding upon the Com Company in the future with	horization to appoint by a Po ature thereof, one or more res to the business of this compa g thereto by facsimile, and an pany, and any such power so	ower of Attorney for the purposes only of ident vice-presidents, assistant secretaries are ny; the signature of such officers and seal of y such power of attorney or certificate bear to executed and certified by facsimile signature taking or other writing obligatory in the name	er, acting individually or otherwise, be and the executing and attesting bonds and undertaking dattorney(s)-in-fact, each appointee to have the the Company may be affixed to any such powing such facsimile signatures or facsimile seal ures and facsimile seal shall be valid and bing ature thereof to which it is attached. Any such	igs, and other ne powers and er of attorney shall be valid ding upon the
of Florida Department of Tr	consents for the release of ref ransportation. It is fully unde	lained percentages and/or final estimates on	If that the power and authority hereby given to engineering and construction contracts required Department of Transportation making paymenations under its bond	d by the State
hact cannot be modified or	revoked unless prior written	Department of Highways only, it is agreed the personal notice of such intent has been given to the modification or revocation	nat the power and authority hereby given to the zen to the Commissioner – Department of Hig	Attorney-in- hways of the
IN WITNESS WHEREO	OF, the CAPITOL INDEMISES affixed duly attested, this is	NITY CORPORATION has caused thes st day of September, 2022	e presents to be signed by its officer under	ersigned and
Attest: 0 T/	,	annuntan managan	CAPITOL INDEMNITY CORPORATI	ON
		THE PROPERTY COROLLING	-14/11	
Ryan J By	rnes	go goon, by	ada 1	
Senior Vice Pr	esident,	CEAT	Adam J. Sills	
Chief Financial Office		SEAL	Chief Executive Officer and President	
Told fo	- i	The state of the s		
Todd Burr	ick	The state of the s		
Chief Underwritii STATE OF WISCONSIN COUNTY OF DANE	ng Officer	SEAL MININGS OF SEAL		
OUNTY OF DANE	} S.S:			
CORPORATION, the corpo	New York, State of New oration described in and whic	YORK; that he is Chief Executive Of the executed the above instrument: that he knows in the control of the cont	being by me duly sworn, did depose and ficer and President of CAPITOL IN nows the seal of the said corporation; that the of said corporation and that he signed his nam	DEMNITY
		SHADTARL I'M	David J. Regele	
TATE OF WISCONSIN OUNTY OF DANE	} ss:	OF WISCO	David J. Regele Notary Public, Dane Co., WI My Commission Is Permanent	
the undersigned, duly ele- ithorized to make this cer	cted to the office stated beli- ntificate, DO HEREBY CE	ow, now the incumbent in CAPITOL IN RTIFY that the foregoing attached Power of Directors, set forth in the Power of Attorn	<b>DEMNITY CORPORATION</b> , a Wisconsin Our of Attorney remains in full force and hatter is now in force	Corporation, is not been
gned and sealed at the City	of Middleton, State of Wiscon	sin this 29th day of	April	
		SEAL	Suzanne M. Broadbent Suzanne M. Broadbent Socretary	