

Instrument Prepared By
And Recording Requested By

Rino Excavating, LLC
2208 West 700 South
Springville, UT 84663

ENT 57365:2024 PG 1 of 4
ANDREA ALLEN
UTAH COUNTY RECORDER
2024 Aug 23 04:45 PM FEE 374.00 BY TM
RECORDED FOR First American - Orem
ELECTRONICALLY RECORDED

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FIRST AMERICAN TITLE MAKES NO
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Space above this line for recorder's use only

UTAH NOTICE OF CONSTRUCTION LIEN

STATE OF UTAH
COUNTY OF Utah

Notice is hereby given that this Construction Lien, the "Lien," is filed as of August 19, 2024, (the "Effective Date"), by Rino Excavating, LLC, located at 2208 West 700 South, Springville, UT 84663, with the phone number 801-489-6188, and with the license number of 10516647-5501 issued on September 13, 2017 and expiring on November 30, 2025, (the "Claimant"), claims a construction lien in the sum of \$1,042,204.00 for labor, services, materials, and/or equipment furnished for improvement to certain real property owned by FIG UT 1, LLC (collectively, the "Owner"), located at 508 West Main Street (Silver Oaks), Santaquin, UT 84655, and with the legal description of: See Attached Exhibit "A" (the "Property").

This Lien is claimed, separately and severally, as to both the buildings and improvements thereon, and the said real property.

The Claimant and FIG UT 1, LLC entered into a contract on August 1, 2023 whereby the Claimant provided the following labor, services, materials, and/or equipment at the Property (the "Work"): All of the excavating on this parcel including: Infrastructural, Roadways, and anything else pertaining to Excavation, for the total amount of \$1,042,205.68.

The first day of the Work on the Property by the Claimant was August 02, 2023 . The last day of the Work on the Property by the Claimant was August 22, 2024 (the "Completion Date").

As of the Effective Date, the Claimant has: (check one)

- Received payment of \$ 5,011,594.68 .
- NOT received any payment.

The Owner has failed to pay the Balance Due despite demands and requests for payment. Accordingly, the Claimant declares that claim amount of \$1,042,205.68 is justly due to the Claimant.

In accordance with Utah Code Ann. § 38-11-107, if the Lien is against an owner-occupied residence, as defined in Utah Code Ann. § 38-11-102, the owner may take steps to require the Claimant to remove the Lien under the Residence Lien Restriction and Lien Recovery Fund Act if one (1) of the following circumstances applies:

- (i) The owner meets the conditions described in Subsections 38-11-204(4)(a) and (b); or
- (ii) (A) a subsequent owner purchases a residence from an owner;
 - (B) the subsequent owner who purchase the residence under Subsection (1)(a)(ii)(A) occupies the residence as a primary or secondary residence within 180 days from the date of transfer or the residence is occupied by the subsequent owner's tenant or lessee as a primary or secondary residence within 180 days from the date of transfer; and
 - (C) the owner from whom the subsequent owner purchased the residence met the conditions described in Subsections 38-11-204(a) and (b).

Owners must apply for a Certificate of Compliance with the Department of Commerce, Division of Occupational and Professional Licensing in order to obtain protection from the Residence Lien Restriction and Lien Recovery Fund Act.

The Claimant declares that the contents of this Lien are true and correct to the best of their knowledge. Subscribed and sworn to as of the Effective Date.

Claimant Signature:  Date: 8/23/2024

Claimant Printed Name: Rino Excavating, LLC
By: Dallas Hakes, Manager

NOTARY ACKNOWLEDGMENT

State of Utah
County of Utah

The foregoing instrument was acknowledged before me this Aug 23, 2024, by the undersigned, **Dallas Hakes as Manager of Rino Excavating, LLC**, who is personally known to me or satisfactorily proven to me to be the person whose name is subscribed to the within instrument.



Notary Public

My Commission Expires: 12/29/2024

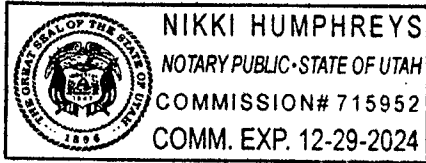


EXHIBIT "A"

COMMENCING AT A POINT LOCATED N 89 DEG 45' 12" E 54.54 FEET ALONG SECTION. LINE & S 1270.77 FT FROM THE N 1/4 COR. SEC. 2, T10S, R1E, SLB&M.; THENCE S 0 DEG 58' 20" E 87.85 FEET; THENCE S 67 DEG 30' 0" E 237.34 FEET; THENCE S 3 DEG 23' 14" W 376.46 FEET; THENCE N 88 DEG 6' 9" W 253.46 FEET; THENCE S 0 DEG 21' 44" W 27.3 FEET; THENCE S 4 DEG 15' 41" E 6.84 FEET; THENCE S 88 DEG 2' 3" E 6.41 FEET; THENCE S 3.82 FT; W 204.97 FEET; N 4 DEG 11' 33" E 387.93 FEET; THENCE N 85 DEG 48' 27" W 315.5 FEET; THENCE S 38 DEG 59' 57" W 318.31 FEET; THENCE N 55 DEG 0' 24" W 46.43 FEET; THENCE N 51 DEG 5' 26" W 333.63 FEET; THENCE N 51 DEG 29' 54" W 480.77 FEET; THENCE N 49 DEG 41' 3" W 63.18 FEET; THENCE N 14 DEG 6' 45" E 355.65 FEET; THENCE S 71 DEG 45' 22" E 472.28 FEET; THENCE S 1 DEG 20' 49" W 4.13 FEET; THENCE S 71 DEG 10' 50" E 115.15 FEET; THENCE S 0 DEG 1' 23" W 11.74 FEET; THENCE S 70 DEG 28' 37" E 150.2 FEET; THENCE N 4 DEG 0' 0" W 21.61 FEET; THENCE S 70 DEG 45' 0" E 39.68 FEET; THENCE N 23.23 FT; S 70 DEG 47' 24" E 332.91 FEET; THENCE S 69 DEG 30' 48" E 245.96 FEET; THENCE S 27.27 FT; S 70 DEG 45' 1" E 46.53 FEET; THENCE S 42.01 FT; E 51.33 FEET TO THE POINT OF BEGINNING. AREA 19.384 AC.

TAX ID NUMBER: 32-006-0105

Said above described property is now known as:

Lots 1 thru 176, Plat "A", Silver Oaks Subdivision, Phase 1, according to the official plat thereof on file in the Utah County Recorder's Office.

Tax ID Nos.: 66-990-0001 thru 66-990-0176