# Application Report

**Property ID:** CLHWIL001
**Application Examined by:** Dane

Homeowner Application
July 7, 2014

**Homeowner:** Janel Shamo-Wilson

**Original Contractor:** CLH Inc (No Response)
**License Number:** 5054071-5501
**License Issue Date:** 6/17/2002
**Type:** Licensed Contractor
**License End Date:** 11/30/2013

## Abstract and Recommendation

**Division's Recommendation:** Approve

The Division has reviewed the evidence submitted by the homeowners. It is the Division's opinion that the homeowners satisfy the statutory requirements. However, the issue of written contract is not easily resolved.

## Factual Review and Analysis

**Did Homeowner enter into a written contract with Original Contractor for the performance of qualified services?** Board Review Requested (see comment)

As evidence of a written contract, the homeowner submitted a copy of a contract *(Exhibit A)*. The agreement contains an offer to perform services, identifies the residence, the parties to the agreement, the services to be performed, and amount to be paid. However, "an acceptance of the offer or agreement conveyed prior to the commencement of any qualified services" is missing from the contract. Therefore, we must rely on documentation other than the proposal as evidence of the homeowner's acceptance prior to commencement of work.

It is the Division's opinion that the payment of $5,700 dated September 28, 2012 *(Exhibit B)* establishes acceptance of the contract prior to the performance of qualified services. The Division's opinion is based on:

A. Check dated September 28, 2012 (*Exhibit B*).
B. Lien states that services were provided on October 1, 2012 (*Exhibit C*).
C. The homeowner's email stating that the check was given to the contractor prior to work beginning (*Exhibit D*).

Based on these facts, it is the Division opinion the homeowners satisfy the requirement of written contract and recommends the application be approved as stated in the report.

# Exhibit A

Contract

Contract

# Invoice

9/27/2012


## CLH INC

5010 West 2550 South
Ogden, Ut 84401
Cory L Hancock


| Name / Address |
|---|
| Janel Shamo |

| Ship to |
|---|
| 1872 North 1850 East<br>North Logan |

| Description | Qty | Rate | Total |
|---|---|---|---|
| RV Pad | 15 | 115.00 | 1,725.00 |
| Approach | 2 | 115.00 | 230.00 |
| Approach Labor | 1 | 500.00 | 500.00 |
| RV Pad Labor | 1060 | 1.25 | 1,325.00 |
| Curb Cut | 1 | 225.00 | 225.00 |
| Grading | 1 | 250.00 | 250.00 |
| Install pipe for basketball standard M/L | 1 | 225.00 | 225.00 |
| Excavation for sprinkler tie-in | 1 | 150.00 | 150.00 |
| Install Sprinkler Chase M/L | 40 | 3.50 | 140.00 |
| Saw cut RV Pad | 1 | 300.00 | 300.00 |
| Thank you for your business | **Total** | | 5,070.00 |

**Janel Shamo** Contract

**From:** Cory Hancock [clhconst@hotmail.com]
**Sent:** Thursday, September 27, 2012 5:45 PM
**To:** Janel Shamo
**Subject:** Cement
**Attachments:** Janel Shamo.xlsx

This is the cost ,look it over and call me , we will be their tomorrow

Thank you

Cory L Hancock

# Exhibit B

Check

LEWISTON STATE BANK

| | |
|---|---|
| Current Date: | May 09, 2014 |
| Account Number: | 2000015 |
| Capture Date: | October 03, 2012 |
| Item Number: | 5257059895398 |
| Posted Date: | October 03, 2012 |
| Posted Item Number: | 277000530 |
| Amount: | 5,070.00 |
| Record Type: | Debit |
| BOFD Return RT: | 124300107 |
| BOFD Sequence: | 6217096610 |

LEWISTON STATE BANK
HOLD MAIL ATT: FINANCE DEPT
ROUTE TO FINANCE DEPT
LEWISTON UT 84320

pmt

DOCUMENT IS PRINTED ON HEAT SENSITIVE REACTIVE PAPER - THE BACKGROUND OF THIS DOCUMENT REVEALS A TAMPER VIOLENT CHEMICAL WASH WARNING BOX

LEWISTON STATE BANK
2190 NORTH MAIN
NORTH LOGAN, UTAH 84341
888-710-6403 435-750-8700

LEWISTON STATE BANK
LEWISTON, UTAH

97-76-1243

054870

8/28/2012

PAY TO THE ORDER OF CLH INC $ **5,070.00

Five Thousand Seventy and 00/100********** DOLLARS

CLH INC
5010 WEST 2550 SOUTH
OGDEN, UT 84401

MEMO

PROJECT LOCATED AT:

Shamo: Lot 1 Green Canyon Meadows

DISBURSEMENT CHECK

AUTHORIZED SIGNATURE

⑈054870⑈ ⑆124300767⑆ 2000015⑈

ENDORSE HERE

X

CLH INC
5010 WEST 2550 SOUTH 731-6623
OGDEN, UT 84401

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
*RESERVED FOR FINANCIAL INSTITUTION USE*

LIEN RELEASE / ENDORSEMENT

This check is conditional (circle one) payment for property described on this check subject to identification. Enforcement of this check is an acknowledgment by the maker that the waiver and release to which the payment applies, unless otherwise provided in Utah Code Ann. Section 38-1-39(4)(b) or (c) (1953 as amended).

The security features listed below, exceed industry guidelines.

Security Features:

Laser Plates

Overall Protection

Heat Sensitive Ink

Warning Band

Microprint

Engraved Commercial Border

Chemical Wash Warning Box

Colored Background

Description of Features:

- Regular consistency microprint appears on front and back.
- Water chemically altered the same thread will appear red-brown stain or spot.
- Reaction to warmth. Hold between thumb and forefinger or breathe on it. The image will fade and reappear.
- Laser jet/dot the document contains security features.
- Features incl. upper case letters, numbers, lines.
- Different spacing of 4-sided lines and as an arm out.
- Line jet the check verifier.
- Patent pending against counterfeits.

© Paper Direct, Inc. is a certified member of Check Payment Systems Association

# Exhibit C

Lien

When Recorded, Mail To:
Staker & Parson Companies
P.O. Box 3429
Ogden, Utah 84409-1429
(801) 520-4500

Ent 1075757 Bk 1741 Pg 0108
Date 15-Nov-2012 03:47PM Fee $10.00
Michael Gleed, Rec. - Filed By GLC
Cache County, UT
For ASSURANCE LIEN SERVICES
Electronically Recorded by Simplifile

# NOTICE OF LIEN

TO WHOM IT MAY CONCERN:

The undersigned claimant hereby gives notice of intention to hold and claim a lien and hereby claims a lien upon that certain property and improvements thereon reputed to be owned by **SUPERIOR CONSULTING, LLC, 1872 N 1850 E, NORTH LOGAN, UTAH 84341** and located in CACHE County, State of Utah, and more particularly described as follows:,

***Legal Description:*** 05-112-0001

ALL OF LOT 1, GREEN CANYON MEADOW S SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE CACHE COUNTY RECORDERS OFFICE.

**The amount demanded hereby is $2467.64, the total amount of material and/or labor + Finance Charges + Filing Fee + Attorney Fees,** owing to the undersigned on the above-described property. Staker & Parson Companies, supplied and performed the same at the insistence of CLH INC, who entered into a contract with Staker & Parson Companies, for which work and/or materials were first provided on 10/1/2012 and finished on 10/1/2012. The unpaid portion of the work and materials is now due and owing to Staker & Parson Companies, which entitles the undersigned to payment of $2467.64, for which demand the undersigned holds and claims a lien by virtue of the provisions of Chapter 1a, Title 38, Utah Code (1953). The Lien Claimant is identified as Staker & Parson Companies, P.O. Box 3429, Ogden, Utah 84409-3429, (801) 520-4500.

**PROTECTION AGAINST LIENS AND CIVIL ACTIONS:** 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 "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 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 of the contract; 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.

IN WITNESS THEREOF, the Undersigned Corporation has caused the document to be executed by its duly authorized agent the 15 day of Nov, 2012

STAKER & PARSON COMPANIES

By _____

Authorized Agent

STATE OF UTAH )
: SS.
COUNTY Of Davis )

Kelly Silvester being first duly sworn, says that he is the Authorized Agent of STAKER & PARSON COMPANIES, the claimant in the foregoing Notice of Lien, and that he has read said notice and knows the contents thereof, and that the same is true of his own knowledge and executes same on behalf of said company. Subscribed and sworn to before me this 15 day of November, 2012

NANCIE SILVESTER
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp. 03/24/2013
Commission # 578090

NOTARY PUBLIC for the State of Utah
Residing at: Centerville, Utah
My Commission Expires: 3/24/2013

# Exhibit D

Email

Dane Ishihara <dishihara@utah.gov>

# lien Recovery fund

1 message

**Janel Shamo-Wilson** <JShamo@ls-bank.com> Mon, Jul 7, 2014 at 3:38 PM
To: "dishihara@utah.gov" <dishihara@utah.gov>

Dane,

In response to CLH, Inc.'s email to me stating how much he would do the job for I issued him a check for the total amount before he had starting working the job.

Thank you!

**Janel Shamo-Wilson** | Loan Secretary

**Lewiston State Bank|** North Logan Branch
Phone 435-774-1815 | Fax 435-750-6774

jshamo@ls-bank.com

LEWISTON STATE BANK