

MEMORANDUM

To: Utah Residence Lien Recovery Fund Advisory Board
From: Lien Recovery Fund Staff
Date: March 1, 2016
Subject: Information Packet for Upcoming Board Meeting

Enclosed please find the application reports and other documents for the upcoming Board meeting. That meeting is scheduled to begin at **8:15 am** on **Wednesday, March 9, 2016** in the **North Conference Room**, on the first floor of the Heber M. Wells Building - **160 East 300 South, Salt Lake City, Utah**. We anticipate the meeting will last until 9:30 a m

We appreciate your service on the Board - see you at the meeting.

Agenda

Utah Residence Lien Recovery Fund Advisory Board

March 9, 2016 8:15 am
North Conference Room, First Floor
Heber M Wells Building
160 E 300 S. Salt Lake City, Utah

This agenda is subject to change up to 24 hours prior to the meeting

ADMINISTRATIVE BUSINESS

1. Review and approve minutes from previous board meeting
2. Travel reimbursement

CLAIMS FOR REVIEW

1. Recommended for Approval and No Explanation Required

- a) LRF-2016-0105-01 Mountain States Supply, LLC v Chris Jensen Landscaping, Inc
- b) LRF-2016-0107-01 Mountain States Supply, LLC v Chris Jensen Landscaping, Inc
- c) LRF-2016-0111-01 Mountain States Supply, LLC v Chris Jensen Landscaping, Inc
- d) LRF-2016-0127-01 Mountain States Supply, LLC v Chris Jensen Landscaping, Inc

2. Recommended for Approval with Explanation Required

- a) LRF-2016-0106-01 Premier Building Supply, LLC v Advanced Contractor Services, Inc
- b) LRF-2016-0201-01 Mountain States Supply, LLC v Chris Jensen Landscaping, Inc

NEXT SCHEDULED MEETING: April 13, 2016

Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify, Dave Taylor, ADA Coordinator, at least three working days prior to the meeting. Division of Occupational & Professional Licensing, 160 East 300 South, Salt Lake City, Utah 84115, 801-530-6628 or toll-free in Utah only 866-275-3675

MINUTES

**UTAH
RESIDENCE LIEN RECOVERY FUND
ADVISORY BOARD
MEETING
Feb 10, 2016
North Conference Room– 8:15 a.m.
Heber Wells Building
Salt Lake City, UT 84114**

CONVENED 8 25

ADJOURNED · 8:55

Board Members Present

Bradley Stevens, Chair
Calvin Bowen, Vice Chair
DeAnna Leahy
Jeff Park
Wayne Jarvis (Telephonically)

Board Members Absent

Jeff Park

DOPL Staff Present

Program Manager, Tracy Naff
Board Secretary, Tyler Brklacich
AG, Sterling Corbett

Guests:

Trent Ferguson, Homeowner

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Review and approve minutes from the July 8, 2015 Board meeting.

Mr Bowen made a motion to approve the October 14, 2015 Board minutes. Ms Leahy seconded the motion Motion passed by unanimous vote.

Discuss Board Survey

Ms. Naff reviewed the DOPL Board survey.

Review Fund Balance

Ms Naff reviewed LRF fund balance for 2015

- Homeowner Applications for Review
- 1 Recommended for Denial and Explanation Required
 - a) HAPWAL001 Mark Walker v Happy Valley Construction dba Happy Valley Concrete - Ms Naff gave a brief explanation of the application. Ms Leahy made a motion to deny the application Mr Bowen seconded the motion. Motion passed by unanimous vote.
 - b) LTTFER001 Trent & Melanie Ferguson v LTT Construction LLC - Ms. Naff gave a brief explanation of the application. Mr Bowen made a motion to deny the application. Mr Park seconded the motion Motion passed by unanimous vote.
 - 2 Recommended for Approval and Explanation Required
 - a) ARGGRA001 – Ms. Naff gave a brief explanation of the application. Mr. Bowen made a motion to approve the application. Ms. Leahy seconded the motion Motion passed by unanimous vote
- Claims for Review
- 1 Recommended for Approval & No Explanation Required
 - a) LRF-2015-0526-01 Derren Klein Tile LLC v Legacy Granite (Greenfield) – Ms Naff gave a brief explanation of the application Mr Park made a motion to approve the application. Mr. Bowen seconded the motion. Motion passed by unanimous vote

Meeting adjourned 8.55

Note These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting Discussed items are not necessarily shown in the chronological order they occurred

Date Approved (ss) Brad Stevens
Chairperson, Residence Lien Recovery Fund
Advisory Board

Date Approved (ss) Tracy Naff
Program Manager, Division of Occupational &
Professional Licensing

Claim Disposition Report

March 1, 2016

Processing Status	Active Pending Action By	Disposition	Number of Claims	
Active	Board		7	0.2%
Closed		Denied	566	19.7%
Closed		Dismissed	244	8.5%
Closed		Paid	2,050	71.3%
Prolonged			7	0.2%
Total Claims Filed			2,874	

Applications for Certificate of Compliance Disposition Report

March 1, 2016

Processing Status	Active Pending Action By	Disposition	Number of Apps	
Active	Homeowner		2	0.1%
Active	LRF		62	3.2%
Closed		Approved	1195	62.3%
Closed		Denied	565	29.5%
Closed		Withdrawn	87	4.5%
Prolonged			7	0.4%
Total Applications Filed			1,918	

Summary of Payments

Sorted by Claimant Type

March 1, 2016

Claimant Type	Number of Paid Claims	Total Payments	
Contractor	887	5,249,453.43	40.4%
Laborer	10	17,070.17	0.1%
Other	1	3,001.75	0.0%
Supplier	1152	7,715,625.76	59.4%
Total Paymen	2050	\$12,985,151.10	100.0%

Summary of Payments

Sorted by Nonpaying Party Type

March 1, 2016

Nonpaying Party Type	Number of Paid Claims	Total Payments	
Home Builder	1226	7,902,327.88	60.9%
Other	25	179,357.47	1.4%
Real Estate Developer	72	462,183.51	3.6%
Specialty Contractor	727	4,441,282.24	34.2%
Total Payments	2050	\$12,985,151.10	100.0%

APPLICATION FOR PAYMENT

RECOMMENDED FOR APPROVAL

- NO EXPLANATION REQUIRED-

Claim Report

Informal Claim

Claim Number LRF-2016-0105-01

February 23, 2016

Claim Examined by: Tracy

Claimant: Mountain States Supply, LLC

LRF Registration #: 8994051 Registration Date: 3/19/2014 Expiration Date: 11/30/2017

Contractor License #: Issue Date: Expiration Date.

Claimant Classification: Supplier

Claimant's Attorney: AnnMarie T Howard

Nonpaying Party: Chris Jensen Landscaping Inc

Contractor License # 7898005 NPP Classification: Specialty Contractor

Original Contractor: Chris Jensen Landscaping Inc

Type: Licensed Contractor Contractor License #: 7898005

License Issuance Date: 02/09/2011 License End Date: 11/30/2015

Homeowner(s) Jason & Shantel Dance

Abstract and Recommendation

Division's recommended disposition: Approve Full Payment

Detailed Analysis and Findings of Facts

Date Claimant Recorded Lien 1/27/2015

Evidence in support of date: Lien

Date Claimant file civil action or NPP filed bankruptcy: 1/30/2015

Evidence in support of date: Complaint

Number of days difference: 2

Did Claimant obtain judgment against NPP? Yes

Date Claimant obtained judgment or NPP filed for bankruptcy 9/8/2015

Evidence in support of date: Judgment

Is Claimant a qualified beneficiary? Yes

Did Homeowner enter into a written contract with Original Contractor for the performance of qualified services? Yes

Evidence of a written contract Certificate of Compliance

Was Original Contractor Licensed on contract date? Yes

Did Homeowner pay Original Contractor in full? Yes

Evidence of full payment: Certificate of Compliance

Does residence qualify as "owner-occupied"? Yes

Evidence of Owner Occupancy: Certificate of Compliance

Did Claimant provide qualified services? Yes

Evidence of qualified services: Invoice

Was NPP Licensed? Yes

Did NPP pay Claimant for qualified services? No

Evidence of nonpayment: Judgment

Did Claimant exhaust collection remedies? Yes

Payment Checklist

	<u>Claimed</u>	<u>Approved</u>	<u>Difference*</u>
Qualified Services: \$	10,379.80 \$	10,379.80 \$	0.00
Pre-judgment Atty Fees:	1,556.87	1,556.97	0.10
Pre-judgment Costs:	661.38	661.38	0.00
Post-judgment Atty Fees:	0.00	0.00	0.00
Post-judgment Costs:	56.79	56.79	0.00
Interest:	422.15	441.53	19.38
Totals \$	13,076.99 \$	13,096.47 \$	19.48

* Positive differences denote amounts approved in excess of amounts claimed, negative differences denote amounts denied

Evidence of qualified services amount: Invoice

Evidence of pre-judgment attorney fee amount: Judgment

Attorney fees limit per Utah Code Ann. § 38-11-203(3)(f) \$1,556.97

Evidence of pre-judgment costs: Judgment

Evidence of post-judgment attorney fees:

Maximum allowable amount issued for pre-judgment costs

Explanation of post-judgment costs:

Augmented judgment includes post-judgment costs

Explanation of interest:

Interest calculated per Utah Code Ann. § 38-11-203(3)(c) in effect on date claim was filed See attached schedule for details of interest calculations.

Schedule of Interest
All Payments Due in Same Calendar Year
 LRF-2016-0105-01

Terms of Sale	N30
Claim Filing Date	1/5/2016
Payment Due Date	9/11/2014
Interest Rate per UCA 38-11-203(3)(c)	3.250%
Daily Interest Rate	0.0089%
Total Interest Allowed per UCA 38-11-203(3)(c)	\$ 441.53

<u>Event Date</u>	<u>Stop Interest?</u>	<u>Event Description</u>	<u>Changes to Qualified Service Balance</u>	<u>Qualified Service Balance</u>	<u>Number of Days Since Last Event</u>	<u>Interest Accrued Since Last Event</u>
9/11/2014	N	Payment due	\$ 1,083.07	1,083.07	0	\$ -
9/30/2014	N	Payment due	\$ 97.22	1,180.29	19	1.83
10/30/2014	N	Payment due	\$ 2,155.08	3,335.37	30	3.15
9/11/2014	N	NPP made payment	\$ (320.45)	3,014.92	-49	(14.55)
10/30/2014	N	Payment due	\$ 87.32	3,102.24	49	13.15
10/30/2014	N	Payment due	\$ 869.92	3,972.16	0	-
11/30/2014	N	Payment due	\$ 2,611.15	6,583.31	31	10.96
11/30/2014	N	Payment due	\$ 1,222.31	7,805.62	0	-
11/30/2014	N	Payment due	\$ 1,443.28	9,248.90	0	-
11/30/2014	N	Payment due	\$ 1,130.90	10,379.80	0	-
1/27/2015	N	Claimant files lien		10,379.80	58	53.61
1/30/2015	N	Claimant files complaint against NPP		10,379.80	3	2.77
9/8/2015	N	Claimant obtains judgment		10,379.80	221	204.25
1/5/2016	N	Claimant files application for payment		10,379.80	119	109.98
3/6/2016	N	Division Director approves payment		10,379.80	61	56.38

Claim Report

Informal Claim

Claim Number LRF-2016-0107-01

February 22, 2016

Claim Examined by: Tracy

Claimant: Mountain States Supply, LLC

LRF Registration #: 8994051 Registration Date: 3/19/2014 Expiration Date: 11/30/2017

Contractor License #: Issue Date: Expiration Date:

Claimant Classification: Supplier

Claimant's Attorney: AnnMarie T. Howard

Nonpaying Party: Chris Jensen Landscaping Inc

Contractor License # 7898005 NPP Classification: Specialty Contractor

Original Contractor: Chris Jensen Landscaping Inc

Type: Licensed Contractor Contractor License #: 7898005

License Issuance Date: 02/09/2011 License End Date: 11/30/2015

Homeowner(s) Masood Safaee

Abstract and Recommendation

Division's recommended disposition: Approve Full Payment

Detailed Analysis and Findings of Facts

Date Claimant Recorded Lien 1/27/2015

Evidence in support of date: Lien

Date Claimant file civil action or NPP filed bankruptcy: 1/30/2015

Evidence in support of date: Complaint

Number of days difference: 2

Did Claimant obtain judgment against NPP? Yes

Date Claimant obtained judgment or NPP filed for bankruptcy

Evidence in support of date:

Is Claimant a qualified beneficiary? Yes

Did Homeowner enter into a written contract with Original Contractor for the performance of qualified services? Yes

Evidence of a written contract Certificate of Compliance

Was Original Contractor Licensed on contract date? Yes

Did Homeowner pay Original Contractor in full? Yes

Evidence of full payment: Certificate of Compliance

Does residence qualify as "owner-occupied"? Yes

Evidence of Owner Occupancy: Certificate of Compliance

Did Claimant provide qualified services? Yes

Evidence of qualified services: Invoice

Was NPP Licensed? Yes

Did NPP pay Claimant for qualified services? No

Evidence of nonpayment: Judgment

Did Claimant exhaust collection remedies? Yes

Payment Checklist

	<u>Claimed</u>	<u>Approved</u>	<u>Difference*</u>
Qualified Services: \$	3,012.92 \$	3,012.92 \$	0.00
Pre-judgment Atty Fees:	452.01	451.93	-0.08
Pre-judgment Costs:	192.02	192.02	0.00
Post-judgment Atty Fees:	0.00	0.00	0.00
Post-judgment Costs:	16.49	16.49	0.00
Interest:	122.56	138.56	16.00
Totals \$	3,796.00 \$	3,811.92 \$	15.92

* Positive differences denote amounts approved in excess of amounts claimed, negative differences denote amounts denied

Evidence of qualified services amount: Invoice

Evidence of pre-judgment attorney fee amount: Judgment

Attorney fees limit per Utah Code Ann. § 38-11-203(3)(f) \$451.94

Evidence of pre-judgment costs: Judgment

Evidence of post-judgment attorney fees: Other (see comments)

Maximum allowable amount issued for pre-judgment costs

Explanation of post-judgment costs:

Augmented judgment includes

Explanation of interest:

Interest calculated per Utah Code Ann § 38-11-203(3)(c) in effect on date claim was filed See attached schedule for details of interest calculations

Schedule of Interest
All Payments Due in Same Calendar Year
 LRF-2016-0107-01

Terms of Sale	N30
Claim Filing Date	1/7/2016
Payment Due Date	9/25/2014
Interest Rate per UCA 38-11-203(3)(c)	3.250%
Daily Interest Rate	0.0089%
Total Interest Allowed per UCA 38-11-203(3)(c)	\$ 138.56

<u>Event Date</u>	<u>Stop Interest?</u>	<u>Event Description</u>	<u>Changes to Qualified Service Balance</u>	<u>Qualified Service Balance</u>	<u>Number of Days Since Last Event</u>	<u>Interest Accrued Since Last Event</u>
9/25/2014	N	Payment Due	\$ 693.32	693.32	0	\$ -
9/30/2014	N	Payment Due	\$ 346.18	1,039.50	5	0.31
9/30/2014	N	Payment Due	\$ 269.26	1,308.76	0	-
9/30/2014	N	Payment Due	\$ 734.42	2,043.18	0	-
9/30/2014	N	NPP made payment	\$ (64.11)	1,979.07	0	-
10/31/2014	N	Payment Due	\$ 899.22	2,878.29	31	5.46
10/31/2014	N	Payment Due	\$ 134.63	3,012.92	0	-
1/27/2015	N	Claimant filed lien		3,012.92	88	23.61
1/30/2015	N	Claimant files complaint against NPP		3,012.92	3	0.80
2/28/2015	N	Claimant obtains judgment against NPP		3,012.92	29	7.78
1/7/2016	N	Claimant files application for payment		3,012.92	313	83.97
3/9/2016	N	Division Director authorizes payment		3,012.92	62	16.63

Claim Report

Informal Claim

Claim Number LRF-2016-0111-01

February 22, 2016

Claim Examined by: New

Claimant: Mountain States Supply, LLC

LRF Registration #: 8994051 Registration Date: 3/19/2014 Expiration Date: 11/30/2017

Contractor License #: Issue Date: Expiration Date:

Claimant Classification: Supplier

Claimant's Attorney: AnnMarie T Howard

Nonpaying Party: Chris Jensen Landscaping Inc

Contractor License # 7898005 NPP Classification: Specialty Contractor

Original Contractor: Chris Jensen Landscaping Inc

Type: Licensed Contractor Contractor License #: 7898005

License Issuance Date: 02/09/2011 License End Date: 11/30/2015

Homeowner(s) Mike Polich

Abstract and Recommendation

Division's recommended disposition: Approve Full Payment

Detailed Analysis and Findings of Facts

Date Claimant Recorded Lien 1/27/2015

Evidence in support of date: Lien

Date Claimant file civil action or NPP filed bankruptcy: 1/30/2015

Evidence in support of date: Complaint

Number of days difference: 2

Did Claimant obtain judgment against NPP? Yes

Date Claimant obtained judgment or NPP filed for bankruptcy 9/8/2015

Evidence in support of date: Judgment

Is Claimant a qualified beneficiary? Yes

Did Homeowner enter into a written contract with Original Contractor for the performance of qualified services? Yes

Evidence of a written contract Certificate of Compliance

Was Original Contractor Licensed on contract date? Yes

Did Homeowner pay Original Contractor in full? Yes

Evidence of full payment: Certificate of Compliance

Does residence qualify as "owner-occupied"? Yes

Evidence of Owner Occupancy: Certificate of Compliance

Did Claimant provide qualified services? Yes

Evidence of qualified services: Invoice

Was NPP Licensed? Yes

Did NPP pay Claimant for qualified services? No

Evidence of nonpayment: Judgment

Did Claimant exhaust collection remedies? Yes

Payment Checklist

	<u>Claimed</u>	<u>Approved</u>	<u>Difference*</u>
Qualified Services: \$	2,340.55 \$	2,340.55 \$	0.00
Pre-judgment Atty Fees:	351.10	351.08	-0.02
Pre-judgment Costs:	149.15	149.15	0.00
Post-judgment Atty Fees:	0.00	0.00	0.00
Post-judgment Costs:	12.81	12.81	0.00
Interest:	95.20	109.63	14.43
Totals \$	2,948.81 \$	2,963.22 \$	14.41

* Positive differences denote amounts approved in excess of amounts claimed, negative differences denote amounts denied

Evidence of qualified services amount: INVOICE

Evidence of pre-judgment attorney fee amount: Judgment

Attorney fees limit per Utah Code Ann. § 38-11-203(3)(f) \$351.08

Evidence of pre-judgment costs: Judgment

Evidence of post-judgment attorney fees:

Explanation of post-judgment costs:

Augmented judgment includes post-judgment costs

Explanation of interest:

Interest calculated per Utah Code Ann § 38-11-203(3)(c) in effect on date claim was filed See attached schedule for details of interest calculations

Schedule of Interest
All Payments Due in Same Calendar Year
 LRF-2016-0111-01

Terms of Sale	N30
Claim Filing Date	1/11/2016
Payment Due Date	9/30/2014
Interest Rate per UCA 38-11-203(3)(c)	3.250%
Daily Interest Rate	0.0089%
Total Interest Allowed per UCA 38-11-203(3)(c)	\$ 109.63

<u>Event Date</u>	<u>Stop Interest?</u>	<u>Event Description</u>	<u>Changes to Qualified Service Balance</u>	<u>Qualified Service Balance</u>	<u>Number of Days Since Last Event</u>	<u>Interest Accrued Since Last Event</u>
9/30/2014	N	Payment due	\$ 2,340.55	2,340.55	0	\$ -
1/27/2015	N	Claimant files lien		2,340.55	119	24.80
1/30/2015	N	Claimant files complaint against NPP		2,340.55	3	0.63
9/8/2015	N	Claimant obtained judgment against NPP		2,340.55	221	46.06
1/11/2016	N	Claimant filed application for payment		2,340.55	125	26.05
3/9/2016	N	Division Director approves payment		2,340.55	58	12.09

Claim Report

Informal Claim

Claim Number LRF-2016-0127-01

February 25, 2016

Claim Examined by: New

Claimant: Mountain States Supply, LLC

LRF Registration #: 8994051 Registration Date: 3/19/2014 Expiration Date: 11/30/2017

Contractor License #: Issue Date: Expiration Date:

Claimant Classification: Supplier

Claimant's Attorney: AnnMarie T. Howard

Nonpaying Party: Chris Jensen Landscaping Inc

Contractor License # 7898005 NPP Classification: Specialty Contractor

Original Contractor: Chris Jensen Landscaping Inc

Type: Licensed Contractor Contractor License #: 7898005

License Issuance Date: 02/09/2011 License End Date: 11/30/2015

Homeowner(s) Jeff & Wendy Call

Abstract and Recommendation

Division's recommended disposition: Approve Full Payment

Detailed Analysis and Findings of Facts

Date Claimant Recorded Lien 1/27/2015

Evidence in support of date: Lien

Date Claimant file civil action or NPP filed bankruptcy: 1/28/2015

Evidence in support of date: Complaint

Number of days difference: 0

Did Claimant obtain judgment against NPP? Yes

Date Claimant obtained judgment or NPP filed for bankruptcy 9/9/2015

Evidence in support of date:

Is Claimant a qualified beneficiary? Yes

Did Homeowner enter into a written contract with Original Contractor for the performance of qualified services? Yes

Evidence of a written contract Certificate of Compliance

Was Original Contractor Licensed on contract date? Yes

Did Homeowner pay Original Contractor in full? Yes

Evidence of full payment: Certificate of Compliance

Does residence qualify as "owner-occupied"? Yes

Evidence of Owner Occupancy: Certificate of Compliance

Did Claimant provide qualified services? Yes

Evidence of qualified services: Invoice

Was NPP Licensed? Yes

Did NPP pay Claimant for qualified services? No

Evidence of nonpayment: Judgment

Did Claimant exhaust collection remedies? Yes

Payment Checklist

	<u>Claimed</u>	<u>Approved</u>	<u>Difference*</u>
Qualified Services: \$	28,171.25	\$ 28,171.25	\$ 0.00
Pre-judgment Atty Fees:	3,107.38	3,107.38	0.00
Pre-judgment Costs:	493.40	493.40	0.00
Post-judgment Atty Fees:	1,118.21	1,118.21	0.00
Post-judgment Costs:	36.75	36.75	0.00
Interest:	1,043.48	1,163.52	120.04
Totals \$	33,970.47	\$ 34,090.51	\$ 120.04

* Positive differences denote amounts approved in excess of amounts claimed, negative differences denote amounts denied

Evidence of qualified services amount: Invoice

Evidence of pre-judgment attorney fee amount: Judgment

Attorney fees limit per Utah Code Ann. § 38-11-203(3)(f) \$4,225.69

Evidence of pre-judgment costs: Judgment

Evidence of post-judgment attorney fees: Other (see comments)

Augmented judgment included post judgment attorney fees

Explanation of post-judgment costs:

Augmented judgment included post judgment costs

Explanation of interest:

Interest calculated per Utah Code Ann § 38-11-203(3)(c) in effect on date claim was filed. See attached schedule for details of interest calculations

**Schedule of Interest
Payment Due Dates Span Two Years
LRF-2016-0127-01**

Terms of Sale	N30
Claim Filing Date	1/27/2016
Year 1 of Payments	2014
Year 2 of Payments	2015
Year 1 Interest Rate per UCA 38-11-203(3)(c)	3.250%
Year 2 Interest Rate per UCA 38-11-203(3)(c)	3.250%
Year 1 Daily Interest Rate	0.0089%
Year 2 Daily Interest Rate	0.0089%
Total Interest Allowed per UCA 38-11-203(3)(c)	\$ 1,163.52

<u>Event Date</u>	<u>Number of Days Since Last Event</u>	<u>Stop Interest?</u>	<u>Event Description</u>	<u>Changes to Qualified Service Balance</u>	<u>Year</u>		<u>Year 1 Qualified Service Balance</u>	<u>Year 2 Qualified Service Balance</u>	<u>Total Qualified Services</u>	<u>Interest Accrued on Year 1 Balance</u>	<u>Interest Accrued on Year 2 Balance</u>	<u>Total Interest Accrued Since Last Event</u>
					<u>1</u>	<u>2</u>						
11/30/2014	0	N	Payment Due	\$ 3,530.41	X		3,530.41	-	3,530.41	-	-	\$ -
11/30/2014	0	N	Payment Due	2,077.16	X		5,607.57	-	5,607.57	-	-	-
11/30/2014	0	N	Payment Due	3,461.94	X		9,069.51	-	9,069.51	-	-	-
11/30/2014	0	N	Payment Due	3,142.99	X		12,212.50	-	12,212.50	-	-	-
11/30/2014	0	N	Payment Due	13,212.28	X		25,424.78	-	25,424.78	-	-	-
11/30/2014	0	N	Payment Due	458.33	X		25,883.11	-	25,883.11	-	-	-
11/30/2014	0	N	Payment Due	262.16	X		26,145.27	-	26,145.27	-	-	-
11/30/2014	0	N	Payment Due	332.51	X		26,477.78	-	26,477.78	-	-	-
11/30/2014	0	N	Payment Due	710.45	X		27,188.23	-	27,188.23	-	-	-
12/31/2014	31	N	Payment Due	502.15	X		27,690.38	-	27,690.38	75.05	-	75.05
12/31/2014	0	N	Payment Due	417.95	X		28,108.33	-	28,108.33	-	-	-
1/31/2015	31	N	Payment Due	62.92		X	28,108.33	62.92	28,171.25	77.59	-	77.59
1/28/2015	-3	N	Claimant files complaint against NPP	-		X	28,108.33	62.92	28,171.25	(7.51)	(0.02)	(7.53)
9/9/2015	224	N	Claimant obtains judgment against NPP	-		X	28,108.33	62.92	28,171.25	560.63	1.25	561.88
1/27/2016	140	N	Claimant files application for payment	-			28,108.33	62.92	28,171.25	350.39	0.78	351.17
3/9/2016	42	N	Division Director approves payment	-			28,108.33	62.92	28,171.25	105.12	0.24	105.36

- 4 -

APPLICATION FOR PAYMENT

RECOMMENDED FOR APPROVAL

- EXPLANATION REQUIRED-

Claim Report

Informal Claim

Claim Number LRF-2016-0106-01

February 22, 2016

Claim Examined by: Tracy

Claimant: Premier Building Supply LLC

LRF Registration #:	Registration Date:	Expiration Date:
Contractor License #: 7492187	Issue Date: 10/28/2009	Expiration Date: 11/30/2015

Claimant Classification: Supplier

Claimant's Attorney: Shane Peterson

Nonpaying Party: Advanced Contractor Services, Inc

Contractor License # 5775177	NPP Classification: Other
------------------------------	---------------------------

Original Contractor: Riding Construction Inc

Type: Licensed Contractor	Contractor License #: 352857
License Issuance Date: 02/11/1998	License End Date: 11/30/2015

Homeowner(s) Michael & Carmen Shelton

Abstract and Recommendation

Division's recommended disposition: Approve Partial Payment

The Division recommends the application for payment be approved for partial payment. The Claimant's legal counsel has submitted an affidavit which includes an amount of \$810.00 for pre-judgments costs. The Claimant's judgment allows for \$560.00, a difference of \$250.

Detailed Analysis and Findings of Facts

Date Claimant Recorded Lien 1/29/2014

Evidence in support of date: Lien

Date Claimant file civil action or NPP filed bankruptcy: 5/25/2014

Evidence in support of date: Complaint

Number of days difference: 115

Did Claimant obtain judgment against NPP? Yes

Date Claimant obtained judgment or NPP filed for bankruptcy 3/26/2015

Evidence in support of date: Judgment

Is Claimant a qualified beneficiary? Yes

Did Homeowner enter into a written contract with Original Contractor for the performance of qualified services? Yes

Evidence of a written contract: Certificate of Compliance

Was Original Contractor Licensed on contract date? Yes

Did Homeowner pay Original Contractor in full? Yes

Evidence of full payment: Certificate of Compliance

Does residence qualify as "owner-occupied"? Yes

Evidence of Owner Occupancy: Certificate of Compliance

Did Claimant provide qualified services? Yes

Evidence of qualified services: Invoice

Was NPP Licensed? No (see comments)

A thorough search of Division records finds that Advanced Contractor Services Inc does not hold a valid contractor license

Did NPP pay Claimant for qualified services? No

Evidence of nonpayment: Judgment

Did Claimant exhaust collection remedies? Yes

Payment Checklist

	<u>Claimed</u>	<u>Approved</u>	<u>Difference*</u>
Qualified Services: \$	9,778 00 \$	9,788.00 \$	10.00
Pre-judgment Atty Fees:	1,466.70	1,468 20	1.50
Pre-judgment Costs:	810 00	560.00	-250 00
Post-judgment Atty Fees:	0 00	0 00	0 00
Post-judgment Costs:	529 13	529.13	0 00
Interest:	688 53	722.75	34 22
Totals \$	13,272.36 \$	13,068.08 \$	-204.28

* Positive differences denote amounts approved in excess of amounts claimed, negative differences denote amounts denied

Evidence of qualified services amount: Invoice

Claimant's judgment shows a payment from the non-paying party in the amount

of \$4999 00 Of the \$4999 00, \$2,092 00 was applied to the qualified services amount

Evidence of pre-judgment attorney fee amount: Judgment

Attorney fees limit per Utah Code Ann. § 38-11-203(3)(f) \$1,468 20

Evidence of pre-judgment costs: Judgment

Evidence of post-judgment attorney fees:

Explanation of post-judgment costs:

Claimants legal counsel has provided an affidavit of post-judgment costs

Explanation of interest:

Interest calculated per Utah Code Ann. § 38-11-203(3)(c) in effect on date claim was filed See attached schedule for details of interest calculations.

Schedule of Interest
All Payments Due in Same Calendar Year
LRF-2016-0106-01

Terms of Sale	N30
Claim Filing Date	1/6/2016
Payment Due Date	12/30/2013
Interest Rate per UCA 38-11-203(3)(c)	3.250%
Daily Interest Rate	0.0089%
Total Interest Allowed per UCA 38-11-203(3)(c)	\$ 722.75

<u>Event Date</u>	<u>Stop Interest?</u>	<u>Event Description</u>	<u>Changes to Qualified Service Balance</u>	<u>Qualified Service Balance</u>	<u>Number of Days Since Last Event</u>	<u>Interest Accrued Since Last Event</u>
12/30/2013	N	Payment Due	\$ 11,880.00	11,880.00	0	\$ -
1/29/2014	N	Claimant filed lien		11,880.00	30	31.73
5/16/2014	N	NPP pymnt \$4,999, \$2,092.00 applied to QS	\$ (2,092.00)	9,788.00	107	113.19
5/25/2014	N	Claimant filed complaint against NPP		9,788.00	9	7.84
3/26/2015	N	Claimant received judgment against NPP		9,788.00	305	265.82
1/6/2016	N	Claimant filed application for payment		9,788.00	286	249.26
3/9/2016	N	Division Director approves payment		9,788.00	63	54.91

Claim Report

Informal Claim

Claim Number LRF-2016-0201-01

February 26, 2016

Claim Examined by: Tracy

Claimant: Mountain States Supply, LLC

LRF Registration #: 8994051 Registration Date: 3/19/2014 Expiration Date: 11/30/2017

Contractor License #: Issue Date: Expiration Date:

Claimant Classification: Contractor

Claimant's Attorney: AnnMarie T. Howard

Nonpaying Party: Chris Jensen Landscaping Inc

Contractor License # 7898005 NPP Classification: Specialty Contractor

Original Contractor: Chris Jensen Landscaping Inc

Type: Licensed Contractor Contractor License #: 7898005

License Issuance Date: 02/09/2011 License End Date: 11/30/2015

Homeowner(s) Daniel and Susan Delahunty

Abstract and Recommendation

Division's recommended disposition: Approve Partial Payment

The claimant's judgment included an amount paid by another homeowner named in the original complaint. The claimant has stated this amount included payment that went towards interest, attorney fees and costs rather than the qualified services of that residence. A portion of that amount has been applied to this claim in the amount of \$863.62, therefore reducing the Pre-judgment attorney's fees from \$1785.47 to \$921.85.

Detailed Analysis and Findings of Facts

Date Claimant Recorded Lien 1/27/2015

Evidence in support of date: Lien

Date Claimant file civil action or NPP filed bankruptcy: 1/30/2015

Evidence in support of date: Complaint

Number of days difference: 2

Did Claimant obtain judgment against NPP? Yes

Date Claimant obtained judgment or NPP filed for bankruptcy 10/5/2015

Evidence in support of date: Judgment

Is Claimant a qualified beneficiary? Yes

Did Homeowner enter into a written contract with Original Contractor for the performance of qualified services? Yes

Evidence of a written contract: Certificate of Compliance

Was Original Contractor Licensed on contract date? Yes

Did Homeowner pay Original Contractor in full? Yes

Evidence of full payment: Certificate of Compliance

Does residence qualify as "owner-occupied"? Yes

Evidence of Owner Occupancy: Certificate of Compliance

Did Claimant provide qualified services? Yes

Evidence of qualified services: Invoice

Was NPP Licensed? Yes

Did NPP pay Claimant for qualified services? No

Evidence of nonpayment: Judgment

Did Claimant exhaust collection remedies? Yes

Payment Checklist

	<u>Claimed</u>	<u>Approved</u>	<u>Difference*</u>
Qualified Services: \$	11,902.50 \$	11,902.50 \$	0.00
Pre-judgment Atty Fees:	1,785.47	921.85	-863.62
Pre-judgment Costs:	497.49	497.49	0.00
Post-judgment Atty Fees:	0.00	0.00	0.00
Post-judgment Costs:	32.68	32.68	0.00
Interest:	116.46	534.54	418.08
Totals \$	14,334.60 \$	13,889.06 \$	-445.54

* Positive differences denote amounts approved in excess of amounts claimed, negative differences denote amounts denied

Evidence of qualified services amount: Invoice

Evidence of pre-judgment attorney fee amount: Judgment

Attorney fees limit per Utah Code Ann. § 38-11-203(3)(f) \$1,785.38

Per the claimants judgment, a payment of \$863 62 was applied towards attorney fees, costs, and interest This amount has been subtracted from the Pre-judgment attorney fees amount of \$1785 47

Evidence of pre-judgment costs: Judgment

Evidence of post-judgment attorney fees: Other (see comments)

Explanation of post-judgment costs:

post judgment costs included in judgment

Explanation of interest:

Interest calculated per Utah Code Ann § 38-11-203(3)(c) in effect on date claim was filed See attached schedule for details of interest calculations.

Schedule of Interest
All Payments Due in Same Calendar Year
LRF-2016-0201-01

Terms of Sale: N30
 Claim Filing Date: 2/1/2016
 Payment Due Date: 9/30/2014
 Interest Rate per UCA 38-11-203(3)(c) 3.250%
 Daily Interest Rate 0.0089%

Total Interest Allowed per UCA 38-11-203(3)(c) \$ 534.54

<u>Event Date</u>	<u>Stop Interest?</u>	<u>Event Description</u>	<u>Changes to Qualified Service Balance</u>	<u>Qualified Service Balance</u>	<u>Number of Days Since Last Event</u>	<u>Interest Accrued Since Last Event</u>
9/30/2014	N	Payment Due	\$ 93.20	93.20	0	\$ -
9/30/2014	N	Payment Due	\$ 382.83	476.03	0	-
9/30/2014	N	Payment Due	\$ 3,058.36	3,534.39	0	-
9/30/2014	N	Payment Due	\$ 299.64	3,834.03	0	-
9/30/2014	N	Payment Due	\$ 272.85	4,106.88	0	-
9/30/2014	N	Payment Due	\$ 676.51	4,783.39	0	-
9/30/2014	N	Payment Due	\$ 194.89	4,978.28	0	-
10/31/2014	N	Payment Due	\$ 5,846.10	10,824.38	31	13.74
10/31/2014	N	Payment Due	\$ 843.05	11,667.43	0	-
11/30/2014	N	Payment Due	\$ 235.07	11,902.50	30	31.17
1/27/2015	N	Claimant filed lien		11,902.50	58	61.47
1/30/2015	N	Claimant filed complaint against NPP		11,902.50	3	3.18
10/5/2015	N	Claimant obtained judgment against NPP		11,902.50	248	262.83
2/1/2016	N	Claimant filed application for payment		11,902.50	119	126.12
3/6/2016	N	Division Director approves payment		11,902.50	34	36.03