MEMORANDUM

To: Utah Residence Lien Recovery Fund Advisory Board
From: Lien Recovery Fund Staff
Date: June 5, 2013
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, June 12, 2013** in the **Room 210,** on the second floor of the Heber M. Wells Building – **160 East 300 South, Salt Lake City, Utah**. We anticipate the meeting will last until 10:00 a.m.

Please note the room change
We appreciate your service on the Board - see you at the meeting.

MINUTES

UTAH
RESIDENCE LIEN RECOVERY FUND
ADVISORY BOARD
MEETING

February 13, 2013
North Conference Room– 8:15 am
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 8:37 am

ADJOURNED: 9:50 am

Board Members Present:

Bradley Stevens, Chair
Patty Fullmer, Vice Chair
Jeff Park
Jeff Richards
Dave McArthur

Board Members Absent:

Calvin Bowen
Douglas W Darrington

DOPL Staff Present:

Program Manager, Dane Ishihara
Fund Secretary, Tracy Naff
AAG, Tony Patterson

Guests:

Scott Bone, Scott Bone Drywall Inc
Jeremy Humes, counsel for Bryan & Kari Anderson
Bryan & Kari Anderson, homeowners
Kristen Kariger, representative of Smith Knowles

TOPICS FOR DISCUSSION	DECISIONS AND RECOMMENDATIONS
ADMINISTRATIVE BUSINESS:	
Review and approve minutes from the December 12, 2013 board meeting.	Mr Richards made a motion to approve the December 12, 2012 minutes as written. Mr Park seconded the motion. Motion passed by unanimous vote.
Discuss Fund revenue and expenses	Mr Ishihara gave a summary of the 2012 Residence Lien Recovery Fund report.
Board Review Requested	1. SMAAND001 Bryan & Kari Anderson v SMA Enterprises Inc dba Elite Builder Group – Mrs Fullmer recused herself. Mr Ishihara gave a brief explanation of the application. Mr Patterson clarified the land purchase agreement in relation to the construction contract. Mr Richards questioned the warranty deed. Mr Humes gave a summary of events regarding the land purchase prior to the construction contract. Open discussion about original contractor acting as an agent for the homeowner. Mr Richards made a motion to approve the application. Mr McArthur seconded the motion.
Homeowner applications for Review	1. Recommended for Approval & Explanation Required a) ELIAND001 Joseph & Cami Anderson v SMA Enterprises Inc dba Elite Builder Group- Mrs Fullmer recused herself. Mr Ishihara gave a brief explanation of the application. Open discussion regarding evidence submitted by the homeowners Mr Richards made a motion to approve the application. Mr McArthur seconded the motion. Motion passed by unanimous

vote.

2. Recommended for Denial & Explanation Required

   a) CHACAR001 Chad & Michele Carnesecca v Chadwick Homes Inc- Mr Ishihara gave a brief explanation of the application. Mrs Fullmer made a motion to deny the application. Mr Park seconded the motion. Motion passed by unanimous vote.

1. Recommended for Approval & Explanation Required

Claims for review

   a) LRF-2011-1103-02 United Subcontractors inc dba All Purpose Windows and Doors v First Western Construction & Supply- Mr Ishihara gave a brief explanation of the application. Mr Richards made a motion to approve the application. Mrs Fullmer seconded the motion. Motion passed by unanimous vote.

2. Recommended for Approval & No Explanation Required

   a) LRF-2012-1025-01 Staker & Parson Companies dba Western Rock Products v Jo Boss Construction Inc - Mr Ishihara gave a brief explanation of the application. Mrs Fullmer made a motion to approve the application. Mr Richards seconded the motion. Motion passed by unanimous vote.
   b) LRF-2012-1101-01 Staker & Parson Companies dba Western Rock Products v Highstandard Concrete Inc – Mr Ishihara gave a brief explanation of the application. Mrs Fullmer made a motion to approve the application. Mr Richards seconded the motion. Motion passed by unanimous vote.

3. Recommended for Denial & Explanation Required

   a) LRF-2012-1113-01 Scott Bone Drywall Inc v Pineridge Homes Inc- Mr Richards recused himself. Mr Ishihara gave a brief explanation of the application clarifying that Ray Morin was not a licensed contractor. Open discussion regarding statutorial requirements. Open discussion regarding giving the applicant more time to correct the deficiencies in his application. Mrs Fullmer made a motion to grant Mr Bone 60 days to provide the Division with more evidence. Mr McArthur seconded the motion. Motion passed by unanimous vote.

ADJOURN: Meeting adjourned at 9:50

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.

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

(ss) Dane Ishihara
Date Approved — Program Coordinator, Division of Occupational & Professional Licensing

Claim Disposition Report

June 5, 2013

Processing Status	Active Pending Action By	Disposition	Number of Claims	
Active	Board		5	0.2%
Active	Claimant		11	0.4%
Active	LRF		13	0.5%
Closed		Denied	560	20.1%
Closed		Dismissed	241	8.6%
Closed		Paid	1,960	70.2%
Prolonged			1	0.0%
Total Claims Filed			**2,791**	

Applications for Certificate of Compliance Disposition Report

June 5, 2013

Processing Status	Active Pending Action By	Disposition	Number of Apps	
Active	Homeowner		4	0.2%
Active	LRF		45	2.5%
Closed		Approved	1118	62.2%
Closed		Denied	549	30.5%
Closed		Withdrawn	74	4.1%
Prolonged			8	0.4%
Total Applications Filed			**1,798**	

Summary of Payments

Sorted by Claimant Type

June 5, 2013

Claimant Type	Number of Paid Claims	Total Payments	
Contractor	813	4,584,234.03	37.4%
Laborer	10	17,070.17	0.1%
Other	1	3,001.75	0.0%
Supplier	1136	7,661,600.89	62.5%
Total Payment	**1960**	**$12,265,906.85**	**100.0%**

Summary of Payments

Sorted by Nonpaying Party Type

June 5, 2013

Nonpaying Party Type	Number of Paid Claims	Total Payments	
Home Builder	1218	7,841,158.13	63.9%
Other	25	179,357.47	1.5%
Real Estate Developer	72	462,183.51	3.8%
Specialty Contractor	645	3,783,207.74	30.8%
Total Payments	**1960**	**$12,265,906.85**	**100.0%**

Claim Report

Informal Claim

Claim Number LRF-2012-1019-02

May 8, 2013

Claim Examined by: Dane

Claimant: Allreds Inc

LRF Registration #: 315250 **Registration Date:** 10/16/199 **Expiration Date:** 11/30/2013

Contractor License #: **Issue Date:** **Expiration Date:**

Claimant Classification: Supplier

Claimant's Attorney: Dana Farmer

Nonpaying Party: Jakes Heating & Air Conditioning Inc

Contractor License # 4764492 **NPP Classification:** Specialty Contractor

Original Contractor: Jakes Heating & Air Conditioning Inc

Type: Licensed Contractor **Contractor License #:** 4764492

License Issuance Date: 12/14/2000 **License End Date:** 11/30/2013

Homeowner(s) Scott & Natalie Ward

Abstract and Recommendation

Division's recommended disposition: Approve Partial Payment

Detailed Analysis and Findings of Facts

Date Claimant Recorded Lien 2/28/2012

Evidence in support of date: Lien

Date Claimant file civil action or NPP filed bankruptcy: 3/23/2012

Evidence in support of date: Complaint

Number of days difference: 23

Did Claimant obtain judgment against NPP? Yes

Date Claimant obtained judgment or NPP filed for bankruptcy 9/25/2012

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

		Claimed		Approved		Difference*
Qualified Services:	$	4,903.35	$	4,667.35	$	-236.00
Pre-judgment Atty Fees:		698.22		698.22		0.00
Pre-judgment Costs:		307.52		307.52		0.00
Post-judgment Atty Fees:		0.00		0.00		0.00
Post-judgment Costs:		0.00		0.00		0.00
Interest:		653.80		195.71		-458.09
Totals	$	**6,562.89**	$	**5,868.80**	$	**-694.09**

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

Evidence of qualified services amount: Invoice

The applicant claimed the principal judgment amount of $4,903.35. However, the invoices submitted as evidence of "qualified services" total $4,667.35. Thus, $236.00 of the claimed amount is denied.

Evidence of pre-judgment attorney fee amount: Judgment

Attorney fees limit per Utah Code Ann. § 38-11-203(3)(f) $700.10

Evidence of pre-judgment costs: Judgment

Evidence of post-judgment attorney fees:

None claimed

Explanation of post-judgment costs:

None claimed

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-2012-1019-02

Terms of Sale:	10th
Claim Filing Date:	10/19/2012
Payment Due Date:	10/10/2011
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)	**$ 195.71**

Event Date	Stop Interest?	Event Description	Changes to Qualified Service Balance	Qualified Service Balance	Number of Days Since Last Event	Interest Accrued Since Last Event
10/10/2011	N	Payment due	$ 255.84	255.84	0	$ -
10/10/2011	N	Payment due	1,517.21	1,773.05	0	-
10/10/2011	N	Payment due	182.29	1,955.34	0	-
10/10/2011	N	Payment due	747.02	2,702.36	0	-
11/10/2011	N	Payment due	108.16	2,810.52	31	7.46
11/10/2011	N	Payment due	7.37	2,817.89	0	-
11/10/2011	N	Payment due	625.15	3,443.04	0	-
11/10/2011	N	Payment due	948.26	4,391.30	0	-
11/10/2011	N	Payment due	276.05	4,667.35	0	-
2/28/2012	N	Claimant filed lien on residence		4,667.35	110	45.71
3/23/2012	N	Claimant filed complaint against NPP		4,667.35	24	9.97
9/25/2012	N	Claimant obtained judgment against NPP		4,667.35	186	77.30
10/19/2012	N	Applicant filed application for payment		4,667.35	24	9.97
12/17/2012	Y	Application was conditionally denied		4,667.35	59	24.52
2/19/2013	Y	Application was placed on prolonged status		4,667.35	64	-
4/23/2013	N	Application was removed from prolonged status		4,667.35	63	-
6/12/2013	N	Division director authorizes payment		4,667.35	50	20.78

Allocation Schedule
LRF-2012-1019-02
May 7, 2013

Gross Qualified Services for all Related Properties	29,886.33	(1)
Gross Qualified Services for Claim	4,903.35	(2)
Allocation Ratio for Claim Items	0.1641	(3)=(2)÷(1)
Pre-Judgment Items (total items if no judgment)		
Attorney Fees	4,254.84	(4)
Costs	1,874.00	(5)
Payments Received (if any)	-	(6)
Post-Judgment Items		
Attorney Fees	-	(7)
Costs		(8)
Allocation of Items		
Pre-Judgment Attorney Fees	698.22	(9)=(4)×(3)
Pre-Judgment Costs	307.52	(10)=(5)×(3)
Post-Judgment Attorney Fees	-	(11)=(7)×(3)
Post-Judgment Costs	-	(12)=(8)×(3)
Payments Received	-	(12)=(6)×(3)

Claim Report

Informal Claim

Claim Number LRF-2012-1019-12

June 5, 2013

Claim Examined by: Dane

Claimant: Allreds Inc

LRF Registration #: 315250 **Registration Date:** 10/16/199 **Expiration Date:** 11/30/2013

Contractor License #: **Issue Date:** **Expiration Date:**

Claimant Classification: Supplier

Claimant's Attorney: Dana Farmer

Nonpaying Party: Jakes Heating & Air Conditioning Inc

Contractor License # 4764492 **NPP Classification:** Specialty Contractor

Original Contractor: Visionary Homes LLC

Type: Licensed Contractor **Contractor License #:** 629880

License Issuance Date: 08/18/2006 **License End Date:** 11/30/2013

Homeowner(s) Ron & Katie Wells

Abstract and Recommendation

Division's recommended disposition: Approve Partial Payment

Detailed Analysis and Findings of Facts

Date Claimant Recorded Lien 2/28/2012

Evidence in support of date: Lien

Date Claimant file civil action or NPP filed bankruptcy: 3/23/2012

Evidence in support of date: Complaint

Number of days difference: 23

Did Claimant obtain judgment against NPP? Yes

Date Claimant obtained judgment or NPP filed for bankruptcy 9/25/2012

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

		Claimed		Approved		Difference*
Qualified Services:	$	4,121.28	$	4,187.75	$	66.47
Pre-judgment Atty Fees:		423.98		0.00		-423.98
Pre-judgment Costs:		88.83		0.00		-88.83
Post-judgment Atty Fees:		0.00		0.00		0.00
Post-judgment Costs:		0.00		0.00		0.00
Interest:		416.52		156.87		-259.65
Totals	$	**5,050.61**	$	**4,344.62**	$	**-705.99**

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

Evidence of qualified services amount: Invoice

Invoices submitted as of evidence of "qualified services" total $4,187.75.

Evidence of pre-judgment attorney fee amount: Judgment

Attorney fees limit per Utah Code Ann. § 38-11-203(3)(f) $628.16

Evidence of pre-judgment costs: Judgment

Evidence of post-judgment attorney fees:

None Claimed

Explanation of post-judgment costs:

None Claimed

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-2012-1019-12

Terms of Sale:	N15
Claim Filing Date:	10/19/2012
Payment Due Date:	9/10/2011
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)	**$ 156.87**

Event Date	Stop Interest?	Event Description	Changes to Qualified Service Balance	Qualified Service Balance	Number of Days Since Last Event	Interest Accrued Since Last Event
12/10/2011	N	Payment due	$ 701.24	701.24	0	$ -
12/10/2011	N	Payment due	682.24	1,383.48	0	-
12/10/2011	N	Payment due	38.71	1,422.19	0	-
12/10/2011	N	Payment due	107.48	1,529.67	0	-
12/10/2011	N	Payment due	136.64	1,666.31	0	-
12/10/2011	N	Payment due	127.54	1,793.85	0	-
12/10/2011	N	Payment due	7.29	1,801.14	0	-
12/10/2011	N	Payment due	146.64	1,947.78	0	-
12/10/2011	N	Payment due	309.25	2,257.03	0	-
12/10/2011	N	Payment due	78.01	2,335.04	0	-
12/10/2011	N	Payment due	27.37	2,362.41	0	-
12/10/2011	N	Payment due	175.36	2,537.77	0	-
12/10/2011	N	Payment due	579.02	3,116.79	0	-
12/10/2011	N	Payment due	124.44	3,241.23	0	-
12/10/2011	N	Payment due	64.70	3,305.93	0	-
12/10/2011	N	Payment due	307.63	3,613.56	0	-
12/10/2011	N	Payment due	307.63	3,921.19	0	-
12/10/2011	N	Payment due	4.34	3,925.53	0	-
1/10/2012	N	Payment due	79.33	4,004.86	31	10.84

1/10/2012	N	Payment due	10.27	4,015.13	0	-
1/10/2012	N	Payment due	16.42	4,031.55	0	-
1/10/2012	N	Payment due	0.30	4,031.85	0	-
1/10/2012	N	Payment due	105.31	4,137.16	0	-
1/10/2012	N	Payment due	1.49	4,138.65	0	-
2/10/2012	N	Payment due	49.10	4,187.75	31	11.42
2/28/2012	N	Claimant filed on lien on residence		4,187.75	18	6.71
3/23/2012	N	Claimant filed complaint against NPP	-	4,187.75	24	8.95
9/25/2012	N	Claimant obtained judgment against NPP	-	4,187.75	186	69.36
10/19/2012	N	Claimant filed application for payment	-	4,187.75	24	8.95
12/17/2012	Y	Application was conditionally denied	-	4,187.75	59	22.00
2/16/2013	Y	Application was placed on prolonged status	-	4,187.75	61	-
4/23/2013	N	Application removed from prolonged status	-	4,187.75	66	-
6/12/2013	N	Division director authorizes payment	-	4,187.75	50	18.64

Allocation Schedule
LRF-2012-1019-12
June 5, 2013

Gross Qualified Services for all Related Properties	29,886.33	(1)
Gross Qualified Services for Claim	4,187.75	(2)
Allocation Ratio for Claim Items	0.1401	(3)=(2)÷(1)
Pre-Judgment Items (total items if no judgment)		
Attorney Fees	4,254.84	(4)
Costs	1,874.00	(5)
Payments Received (if any)	-	(6)
Post-Judgment Items		
Attorney Fees	-	(7)
Costs	120.00	(8)
Allocation of Items		
Pre-Judgment Attorney Fees	596.10	(9)=(4)×(3)
Pre-Judgment Costs	262.55	(10)=(5)×(3)
Post-Judgment Attorney Fees	-	(11)=(7)×(3)
Post-Judgment Costs	16.81	(12)=(8)×(3)
Payments Received	-	(12)=(6)×(3)

Claim Report

Informal Claim

Claim Number LRF-2012-1019-14

June 5, 2013

Claim Examined by: Dane

Claimant: Allreds Inc

LRF Registration #: 315250 **Registration Date:** 10/16/199 **Expiration Date:** 11/30/2013

Contractor License #: **Issue Date:** **Expiration Date:**

Claimant Classification: Contractor

Claimant's Attorney: Dana Farmer

Nonpaying Party: Jakes Heating & Air Conditioning Inc

Contractor License # 4764492 **NPP Classification:** Specialty Contractor

Original Contractor: International Housing Division

Type: Licensed Contractor **Contractor License #:** 240847

License Issuance Date: 01/01/1911 **License End Date:** 11/30/2013

Homeowner(s) Bill & Lois Shupe

Abstract and Recommendation

Division's recommended disposition: Approve Full Payment

Detailed Analysis and Findings of Facts

Date Claimant Recorded Lien 2/24/2012

Evidence in support of date: Lien

Date Claimant file civil action or NPP filed bankruptcy: 3/23/2012

Evidence in support of date: Complaint

Number of days difference: 27

Did Claimant obtain judgment against NPP? Yes

Date Claimant obtained judgment or NPP filed for bankruptcy 9/25/2012

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

		Claimed		Approved		Difference*
Qualified Services:	$	0.00	$	2,303.64	$	2,303.64
Pre-judgment Atty Fees:		0.00		345.55		345.55
Pre-judgment Costs:		0.00		555.07		555.07
Post-judgment Atty Fees:		0.00		0.00		0.00
Post-judgment Costs:		0.00		0.00		0.00
Interest:		0.00		102.99		102.99
Totals	$	**0.00**	$	**3,307.25**	$	**3,307.25**

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

Evidence of qualified services amount: Invoice

The claimed amounts were not filled out when the application was submitted.

Evidence of pre-judgment attorney fee amount: Judgment

Attorney fees limit per Utah Code Ann. § 38-11-203(3)(f) $345.55

Evidence of pre-judgment costs: Judgment

Evidence of post-judgment attorney fees:

Explanation 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-2012-1019-14

Terms of Sale:	10th
Claim Filing Date:	10/19/2012
Payment Due Date:	9/15/2011
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)	**$ 102.99**

Event Date	Stop Interest?	Event Description	Changes to Qualified Service Balance	Qualified Service Balance	Number of Days Since Last Event	Interest Accrued Since Last Event
9/10/2011	N	Payment due	$ 1,154.93	1,154.93	0	$ -
9/10/2011	N	Payment due	407.27	1,562.20	0	-
9/10/2011	N	Payment due	252.23	1,814.43	0	-
9/10/2011	N	Payment due	3.75	1,818.18	0	-
9/10/2011	N	Payment due	37.86	1,856.04	0	-
11/10/2011	N	Payment due	447.60	2,303.64	61	10.08
2/24/2012	N	Claimant filed lien on residence		2,303.64	106	21.74
3/23/2012	N	Claimant filed complaint against NPP		2,303.64	28	5.74
10/19/2012	N	Claimant filed application for payment		2,303.64	210	43.07
11/13/2012	N	Claimant obtained judgment against NPP		2,303.64	25	5.13
12/17/2012	Y	Application was conditionally denied		2,303.64	34	6.97
2/19/2013	Y	Application was placed on prolonged status		2,303.64	64	-
4/23/2013	N	Application removed from prolonged status		2,303.64	63	-
6/12/2013	N	Division director authorizes payment		2,303.64	50	10.26

Claim Report

Informal Claim

Claim Number LRF-2012-1031-01

May 23, 2013

Claim Examined by: Dane

Claimant: Wimmer Electric & Lighting Company Inc

LRF Registration #:

Registration Date:

Expiration Date:

Contractor License #: 242537

Issue Date: 5/6/1983

Expiration Date: 11/30/2013

Claimant Classification: Contractor

Claimant's Attorney: Dana Farmer

Nonpaying Party: Disaster Solutions LLC

Contractor License # 6434216

NPP Classification: Specialty Contractor

Original Contractor: Disaster Solutions LLC

Type: Licensed Contractor

Contractor License #: 6434216

License Issuance Date: 02/14/2007

License End Date: 07/25/2012

Homeowner(s) Tate Howell

Abstract and Recommendation

Division's recommended disposition: Approve Full Payment

Detailed Analysis and Findings of Facts

Date Claimant Recorded Lien 1/13/2012

Evidence in support of date: Lien

Date Claimant file civil action or NPP filed bankruptcy: 7/2/2012

Evidence in support of date: Complaint

Number of days difference: 170

Did Claimant obtain judgment against NPP? Yes

Date Claimant obtained judgment or NPP filed for bankruptcy 10/22/2012

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

		Claimed		Approved		Difference*
Qualified Services:	$	6,260.07	$	6,260.07	$	0.00
Pre-judgment Atty Fees:		777.64		939.01		161.37
Pre-judgment Costs:		688.00		688.00		0.00
Post-judgment Atty Fees:		0.00		0.00		0.00
Post-judgment Costs:		0.00		0.00		0.00
Interest:		203.45		310.50		107.05
Totals	$	**7,929.16**	$	**8,197.58**	$	**268.42**

* 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) $939.01

Evidence of pre-judgment costs: Judgment

Evidence of post-judgment attorney fees:

None claimed

Explanation of post-judgment costs:

None claimed

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-2012-1031-01

Terms of Sale:	N30
Claim Filing Date:	10/31/2012
Payment Due Date:	7/15/2011
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)	**$ 310.50**

Event Date	Stop Interest?	Event Description	Changes to Qualified Service Balance	Qualified Service Balance	Number of Days Since Last Event	Interest Accrued Since Last Event
7/15/2011	N	Payment due	$ 4,639.20	4,639.20	0	$ -
8/6/2011	N	Payment due	225.00	4,864.20	22	9.09
9/30/2011	N	Payment due	1,395.87	6,260.07	55	23.82
1/13/2012	N	Claimant filed lien on residence		6,260.07	105	58.53
7/2/2012	N	Claimant filed complaint against NPP		6,260.07	171	95.32
10/22/2012	N	Claimant obtained judgment against NPP		6,260.07	112	62.43
10/31/2012	N	Claimant filed application for payment		6,260.07	9	5.02
1/11/2013	Y	Application conditionally denied		6,260.07	72	40.13
2/27/2013	Y	Application placed on prolonged status		6,260.07	47	-
5/14/2013	N	Application removed from prolonged status		6,260.07	76	-
6/12/2013	N	Division director authorizes payment		6,260.07	29	16.16

Claim Report

Informal Claim

Claim Number LRF-2012-1113-01

May 13, 2013

Claim Examined by: Dane

Claimant: Scott Bone Drywall Inc

LRF Registration #: **Registration Date:** **Expiration Date:**

Contractor License #: 251952 **Issue Date:** 4/12/1995 **Expiration Date:** 11/30/2013

Claimant Classification: Contractor

Claimant's Attorney:

Nonpaying Party: Pineridge Homes Inc

Contractor License # 291443 **NPP Classification:** Specialty Contractor

Original Contractor: Pineridge Homes Inc

Type: Licensed Contractor **Contractor License #:** 291443

License Issuance Date: 04/12/1995 **License End Date:** 11/30/2013

Homeowner(s) David & Elise Ermer

Abstract and Recommendation

Division's recommended disposition: Approve Partial Payment

Detailed Analysis and Findings of Facts

Date Claimant Recorded Lien 3/28/2012

Evidence in support of date: Lien

Date Claimant file civil action or NPP filed bankruptcy: 6/25/2012

Evidence in support of date: Complaint

Number of days difference: 88

Did Claimant obtain judgment against NPP? Yes

Date Claimant obtained judgment or NPP filed for bankruptcy 9/21/2012

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

		Claimed		Approved		Difference*
Qualified Services:	$	4,490.00	$	4,375.00	$	-115.00
Pre-judgment Atty Fees:		165.00		0.00		-165.00
Pre-judgment Costs:		140.00		125.00		-15.00
Post-judgment Atty Fees:		0.00		0.00		0.00
Post-judgment Costs:		40.00		40.00		0.00
Interest:		145.93		145.29		-0.64
Totals	$	**4,980.93**	$	**4,685.29**	$	**-295.64**

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

Evidence of qualified services amount: Invoice

Judgment and Invoice show $4,375. Therefore, $115 of the claimed qualified services are denied.

Evidence of pre-judgment attorney fee amount: Other (see comments)

Attorney fees limit per Utah Code Ann. § 38-11-203(3)(f) $656.25

UTAH CODE ANN. § 38-11-203 (f) states:

If a judgment has been obtained with attorney's fees, notwithstanding the amount stated in a judgment, or if no judgment has been obtained but the contract provides for attorneys' fees, the director shall order payment of attorneys' fees not to exceed 15% of qualified services. If the judgment does not state a sum for attorney's fees, no attorney's fees will be paid by the director.

The judgment does not state a sum for attorney's fees, thus, no attorney's fees will be paid as per UTAH CODE ANN. § 38-11-203 (f).

Evidence of pre-judgment costs: Judgment

Amount shown in judgment is $125. Therefore, $15 of the claimed costs are denied.

Evidence of post-judgment attorney fees:

Explanation of post-judgment costs:

Invoice

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-2012-1113-01

Terms of Sale:	N15
Claim Filing Date:	11/13/2012
Payment Due Date:	2/14/2012
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)	**$ 145.29**

Event Date	Stop Interest?	Event Description	Changes to Qualified Service Balance	Qualified Service Balance	Number of Days Since Last Event	Interest Accrued Since Last Event
2/14/2012	N	Payment due	$ 4,375.00	4,375.00	0	$ -
3/28/2012	N	Claimant filed lien on residence		4,375.00	43	16.75
6/25/2012	N	Claimant filed small claims affidavit		4,375.00	89	34.67
9/21/2012	N	Claimant obtained judgment against Ray Morin		4,375.00	88	34.28
10/8/2012	N	Claimant filed motion to identify debtor		4,375.00	17	6.62
11/13/2012	N	Claimant filed application for payment		4,375.00	36	14.02
12/20/2012	Y	Application conditionally denied		4,375.00	37	14.41
1/17/2013	N	Claimant responded to conditional denial		4,375.00	28	-
2/13/2013	Y	Board granted extension to gather evidence		4,375.00	27	10.52
4/22/2013	Y	Judge accepted motion to change defendant		4,375.00	68	-
4/22/2013	Y	Judgment entered against Pineridre Home Inc		4,375.00	0	-
5/7/2013	N	Claimant submitted additional evidence		4,375.00	15	-
6/12/2013	N	Division director authorizes payment		4,375.00	36	14.02