

STATE OF INDIANA )

COUNTY OF LAKE )

SS: 2002 041657

2002 11 15 10:18

AFFIDAVIT TO RENDER MECHANIC'S LIEN  
NULL AND VOID FOR FAILURE OF LIENHOLDER  
TO ENFORCE LIEN WITHIN ONE YEAR FROM  
DATE OF RECORDING OF NOTICE OF INTENTION  
TO HOLD MECHANIC'S LIEN

ROY DAKICH, residing at 1732 Wintergreen Court, Schererville, (Crown Point Mailing), Indiana, and being first duly sworn upon his oath says;

1. That he is the husband of Barbara J. Dakich and they, as husband and wife, acquired the fee simple title to the following described real estate located in Lake County, Indiana, in January, 1990, to wit:

PART OF LOT 7, BRANDONWOOD LAKES TOWNHOMES, AS RECORDED IN PLAT BOOK 64, PAGE 36, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 7 AND 169.86 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00 DEGREES 08 MINUTES 53 SECONDS EAST ALONG THE WEST LINE OF SAID LOT A DISTANCE OF 34.33 FEET; THENCE SOUTH 81 DEGREES 52 MINUTES 06 SECONDS EAST 125.85 FEET TO THE EAST LINE OF SAID LOT; THENCE SOUTH 08 DEGREES 07 MINUTES 54 SECONDS WEST, 34.00 FEET; THENCE NORTH 81 DEGREES 52 MINUTES 06 SECONDS WEST, 121.09 FEET TO THE POINT OF BEGINNING. (TAX KEY # 13-412-26) COMMON ADDRESS IS 1732 WINTERGREEN COURT, CROWN POINT, INDIANA.

2. That Heim Contracting, Inc. of Indianapolis, Indiana, did on the 15<sup>th</sup> day of November, 2000 file for record in the Office of the Recorder of Lake County, Indiana, a Sworn Statement and Notice of Intention to Hold Mechanic's Lien on the above described real estate, a copy of which is attached hereto and made a part hereof as Exhibit "A".

3. That pursuant to Indiana Code 32-8-3-6 the above named lienholder had within on (1) year of November 15, 2000 to file a complaint in the Circuit or Superior Court of Lake County, Indiana, to enforce his lien.

4. That Heim Contracting, Inc., the lien holder, did not at any time file such a timely Complaint to enforce said lien as provided by law and therefore said lien is now null and void.

5. That he makes this affidavit for the sole purpose of showing of record that the above described Notice of Intention to Hold Mechanic's Lien is now null and void for failure of lien holder to timely enforce the same as provided by law.

*Roy Dakich*  
ROY DAKICH

Subscribed and sworn to before me, a Notary Public this *7<sup>th</sup>* day of May, 2002.  
My Commission Expires  
9-20-2006

*Nancy O' Bryan*  
Nancy O' Bryan Notary Public  
Resident of Lake County

Prepared by Attorney Roy Dakich, 100 E. 90<sup>th</sup> Drive, Merrillville, IN. 46410

16.00  
CS

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2000 083510

STATE OF INDIANA  
NOTARY PUBLIC  
BRYAN K. HEIM

Note: Use of this form constitutes practice of law and is limited to practicing lawyers.  
Must be completed in black ink, including signatures.  
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Form 23

### SWORN STATEMENT AND NOTICE OF INTENTION TO HOLD MECHANIC'S LIEN

November 10, 19 2000

To: Roy Dakich and Barbara J. Dakich, husband and wife  
Address: 1732 Wintergreen Court,  
Schererville, Indiana 46375

You are hereby notified that Heim Contracting, Inc.  
(hereinafter called "Claimant") whose address  
is 8637 Seaward Lane, Indianapolis, Indiana 46256

intend(s) to hold a Mechanic's Lien on the following described real estate:

See Exhibit A attached hereto

commonly known as 1732 Wintergreen Court, Schererville, Indiana 46375  
(including Street and Number, if any, and other common description)  
and improvements

thereon, for the amount of Four Thousand  
Dollars (\$4,000.00) for (work and labor done) and

(materials furnished) by Claimant for improvement(s) of said real estate within the last sixty (60) days,  
which improvement(s) (is) (are) more specifically described as follows:

Removal of existing roof, installation of felt on roof, purchase and delivery  
of roofing products.

The undersigned individual executing this instrument, having been duly sworn upon his oath, under the  
penalties of perjury hereby states that Claimant intends to hold a mechanic's lien upon the above-  
described real estate and the described improvement(s), and that the facts and matters set forth in the  
foregoing statement are true and correct.

HEIM CONTRACTING, INC.

By: Bryan K. Heim  
(Signature)

STATE OF INDIANA

SS.

COUNTY OF MARION

Bryan K. Heim, President

(Printed)

Before me, a Notary Public in and for said County and State, personally appeared  
Bryan K. Heim, President of Heim Contracting, Inc.  
who acknowledged the execution of the foregoing Sworn Statement and Notice of Intention to Hold  
Mechanic's Lien, and who, having been duly sworn, under the penalties of perjury, stated that the facts  
and matters therein set forth are true and correct.

McHale Cook & Welch PC  
320 N Meridian St #100  
Indianapolis, In 46204

15  
54651

EXHIBIT "A"

25X10

Witness my hand and Notarial Seal this 10<sup>th</sup> day of November, 192000.

My Commission Expires

12/11/00

Signature Donna Morgan Bennett

Printed DONNA MORGAN BENNETT  
Notary Public

Residing in Hamilton County, Indiana

This instrument was prepared by William M. Braman, attorney at law,  
McHale, Cook & Welch, p.c., 320 N. Meridian St., #1100, Indpls., IN 46204; 317.634.7588

I hereby certify that I have this day mailed first class a duplicate of this Sworn Statement and  
Notice of Intention to hold Mechanic's Lien to the property owner(s) named therein at the address set forth  
therein.

Date: \_\_\_\_\_

Recorder of \_\_\_\_\_ County, Indiana



EXHIBIT A

LEGAL DESCRIPTION

The following described real estate located in Lake County, Indiana:

Part of Lot 7, Brandonwood Lakes Townhomes, as recorded in Plat Book 64, Page 36, in the Office of the Recorder of Lake County, Indiana, more particularly described as follows: Beginning at a point on the West line of said Lot 7 and 169.86 feet North of the Southwest corner thereof; thence North 00 degrees 08 minutes 53 seconds East along the West line of said Lot a distance of 34.33 feet; thence South 81 degrees 52 minutes 06 seconds East 125.85 feet to the East line of said lot; thence South 08 degrees 07 minutes 54 seconds West, 34.00 feet; thence North 81 degrees 52 minutes 06 seconds West 121.09 feet to the point of beginning, Unit 7-4, Brandonwood Lakes Townhomes, Schererville, Lake County, Indiana.

