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STATE OF INDIANA LAKE COUNTY FILED FOR RECORD

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MICHAEL A. MROWN RECORDER

THIS FORM HAS BEEN PREPARED FOR USE IN THE STATE OF INDIANA BY LAWYERS ONLY. SELECTING A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS, AND INSERTING SPECIAL CLAUSES MAY CONSTITUTE THE PRACTICE OF LAW, WHICH SHOULD BE PERFORMED ONLY BY A LAWYER.

## SWORN STATEMENT OF INTENTION TO HOLD A LIEN (NOTICE OF MECHANIC'S LIEN) (FILE IN DUPLICATE IN RECORDER'S OFFICE)

To: Peters Land Development Co.

P. O. Box 278 Lansing, IL 60438 Pat McCarthy/McCarthy Homes 247 Lynn's Way

Lowell, IN 46356

STATE OF INDIANA, COUNTY OF LAKE, SS:

The undersigned, being first duly sworn, makes this Sworn Statement of Intention to Hold a Lien (Notice of Mechanics' Lien) and says that:

1. The Claimant, J.R. Burrus Excavating & Trucking, Inc., whose address is 697 N 500 E, Valparaiso, IN 46383, wishes to acquire a lien upon the property described below and files this Sworn Statement of Claimant's intention to hold a lien pursuant to IC 32-28-3-3. The claim [in the amount as stated in #5 below and whether the claim is due or not,] is for performing labor or furnishing materials or machinery described in Section 1 of IC 32-28-3.

Throughout this Sworn Statement, "IC" refers to Indiana Code, as it may be amended or replaced, and material in brackets [] is instructive.

2. Here is a description, though general, brief or even incomplete, of the claim for which Claimant wishes to acquire a lien:

Excavation and grading site at 770 Coachlight Lane, Lowell, IN including all sand and stone for basement and garage.

Claimant verifies that Claimant did perform the labor or furnish the materials or machinery for which a lien is claimed.

3. The property upon which Claimant intends to hold a lien is the real estate described in this #3 and all buildings, other structures and improvements on it or connected with it. The address of the real estate is 770 Coachlight Lane, Lowell, Indiana 46356 and its legal description [substantially as set forth in "transfer books"\*] is:

Lot 34, Carriage Crossing Subdivision, Unit Two, Phase 2, as per plat thereof, recorded in Plat Book 93 page 87, in the Office of the Recorder of Lake County, Indiana.

Key No. 29-04-0220-0013

\*[The term "transfer books" refers to the transfer books of the county auditor described in IC 6-1.1-5-4 or, if IC 6-1.1-5-9 applies, to the transfer books of the township assessor. The entry to be made for owner's name and for legal description is the "latest entry", as is appropriate, in the transfer books.]

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4. The claim [Claimant is to select one-by marking or initialing] \_related to a "Class 2 structure", OR \_did not relate to a Class 2 structure"

[Refer to the end of this form for the meaning of "Class 2 structure",]
[IC 32-28-3-3 requires that a Sworn Statement for a claim related to a Class 2 structure be filed within 60 days after performing labor or furnishing materials or machinery. For a claim **not** related to a "Class 2 structure", the statute gives 90 days within which to file.]

The amount claimed under this Sworn Statement is Four Thousand Eight Hundred Eighty-four Dollars (\$4,884.00).

This Sworn Statement may be verified and filed on behalf of the Claimant by the attorney at law for the Claimant, 6. and such attorney, by so acting, certifies that he/she is an attorney registered with the Clerk of the Supreme Court of the State of Indiana as an attorney in good standing.

J.R. BURRUS/EXCAVATING & TRUCKING, INC.

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MES R. BURRUS, President

STATE OF INDIANA ) **COUNTY OF LAKE** 

Before me, a Notary Public in and for said County and State, personally appeared James R. Burrus, as President of J.R. Burrus Excavating & Trucking, Inc., who acknowledged the execution of the foregoing Sworn Statement of Intention to Hold A Lien (Notice of 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. ARY PUNING

Witness my hand and Notarial Seal this 8th day of March, 2005 perty

the Lake County Recorders Denise Kessler, Notary Public

My Commission Expires: County of Residence:

6/25/08 Porter

This instrument prepared by Richard E. Anderson, #2408-45. Attorney at Law

Thumanna I hereby certify that I have this <u>day of March, 2005, mai</u>led first class, postage prepaid, a duplicate of this Sworn Statement to the owner named above, to the owner's latest address shown in this Sworn Statement.

, Recorder of Lake County, Indiana

(Signature of Recorder)

Mail to: Richard E. Anderson, Anderson & Ward, P.C., 9211 Broadway, Merrillville, IN 46410

[IC 22-12-1-5 defines a "Class 2 structure" as a building for one or two dwelling units (and an outbuilding such as a garage or a family swimming pool), unless any part is used as a "Class 1 structure", which IC 22-12-1-4 defines as a building that is used in any part, by the public or by three or more tenants or by employees. The definitions here stated are paraphrases of the definitions contained in the statutes themselves. See the statute (as it may be amended or replaced) for the exact definition.]