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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

STATE OF INDIANA)
COUNTY OF LAKE)

2008: 066666

2008 SEP 24 PM 1:03

MICHAEL A. BROWN
RECORDER

**AFFIDAVIT OF SERVICE OF NOTICE TO COMMENCE SUIT
PURSUANT TO I.C. 32-28-3-10 IN SUPPORT OF
RELEASE OF MECHANIC'S LIEN FOR FAILURE TO COMMENCE SUIT**

The undersigned, A. Jay Gallagher (hereinafter "Affiant"), as agent and representative of East Edge, LLC., an Indiana Limited Liability Company, after being duly sworn upon his oath, states as follows:

1. The Affiant is eighteen years of age or older and is competent to testify to the matters contained in this Affidavit.
2. The statements contained in this Affidavit are made based upon the personal knowledge of the Affiant, and as agent and representative for East Edge, LLC, an Indiana Limited Liability Company (hereinafter "Owner") of 8525 Lake Shore Drive, Gary, Indiana.
3. On April 25, 2008, Vincent T. Smith of VTS Decorating, Inc. (hereinafter "Lien Claimant"), recorded documents titled "Claim of Lien" with the office of the Recorder of Lake County, Indiana, which documents were recorded in said office as Document No. 2008-030210 and Document No. 2008-030211 (hereinafter "Lien Notices"), and purporting to claim a lien against the property described in these Lien Notices as follows:

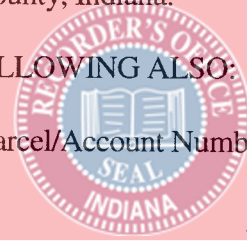
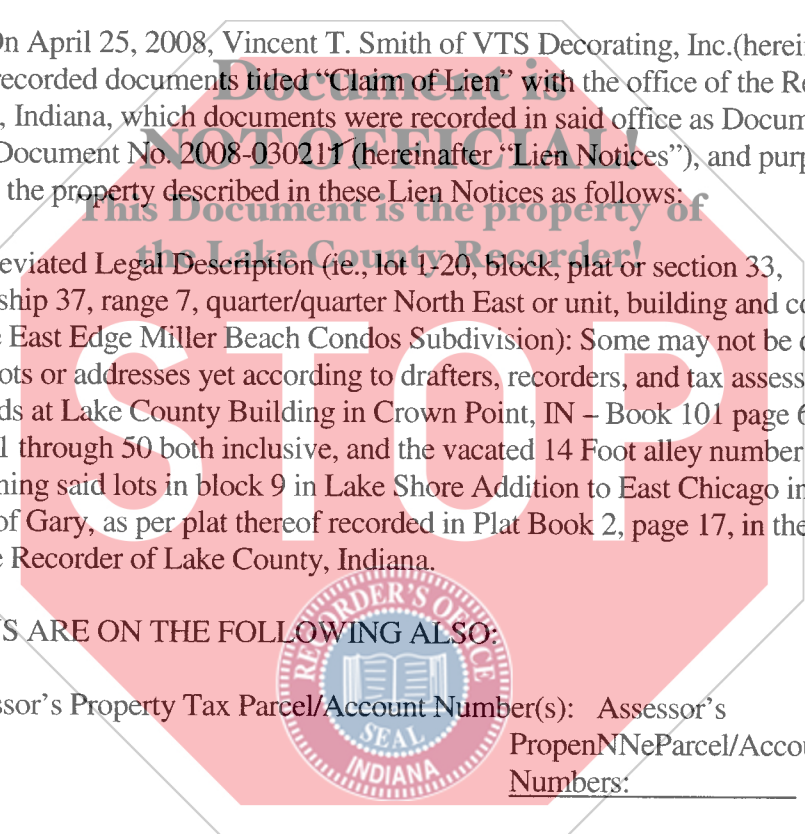
Abbreviated Legal Description (ie., lot 1-20, block, plat or section 33, township 37, range 7, quarter/quarter North East or unit, building and condo name East Edge Miller Beach Condos Subdivision): Some may not be divided into lots or addresses yet according to drafters, recorders, and tax assessors records at Lake County Building in Crown Point, IN - Book 101 page 68, Lots 1 through 50 both inclusive, and the vacated 14 Foot alley number 5 East adjoining said lots in block 9 in Lake Shore Addition to East Chicago in the City of Gary, as per plat thereof recorded in Plat Book 2, page 17, in the office of the Recorder of Lake County, Indiana.

LIENS ARE ON THE FOLLOWING ALSO:

Assessor's Property Tax Parcel/Account Number(s): Assessor's
PropenNNeParcel/Account
Numbers: _____

Lot 20 East Edge Sub Division - Miller
Number 9561 Oak Street
Gary, IN 46403

Parcel # 25-42-0338-0020



26⁰⁰
CASH
PB

Lot 20 East Edge Sub Division – Miller Parcel # 25-42-0338-0020
Number 9571 Oak Street
Gary, IN 46403

Lot 20 East Edge Sub Division – Miller Parcel # 25-42-0338-0020
Number 9581 Oak Street
Gary, IN 46403

Lot 20 East Edge Sub Division – Miller Parcel # 25-42-0338-0020
Number 9591 County Line Road
Gary, IN 46403

Property Parcel Number in addition to Parcel Property # 25-42-0338-0020

25-42-0338-0001	East Edge Lot 1
25-42-0338-0002	East Edge Lot 2
25-42-0338-0003	East Edge Lot 3
25-42-0338-0004	East Edge Lot 4
25-42-0338-0005	East Edge Lot 5
25-42-0338-0006	East Edge Lot 6
25-42-0338-0007	East Edge Lot 7
25-42-0338-0008	East Edge Lot 8
25-42-0338-0009	East Edge Lot 9
25-42-0338-0010	East Edge Lot 10
25-42-0338-0011	East Edge Lot 11
25-42-0338-0012	East Edge Lot 12
25-42-0338-0013	East Edge Lot 13
25-42-0338-0014	East Edge Lot 14
25-42-0338-0015	East Edge Lot 15
25-42-0338-0016	East Edge Lot 16
25-42-0338-0017	East Edge Lot 17
25-42-0338-0018	East Edge Lot 18
25-42-0338-0019	East Edge Lot 19

All of the above are in State of Indiana, County of Lake.

4. The real estate attempted to be described in these Lien Notices, is in actuality real estate that is owned by East Edge, LLC, an Indiana limited liability company, and is legally described as follows:

Lots 1 through 20, both inclusive, in East Edge an Addition to the City of Gary, as per plat thereof recorded as Document No. 2007- 057970 in Plat Book 101, page 68, in the office of the Recorder of Lake County, Indiana, being a re-subdivision of Lots 1 through 50, both inclusive, in Block 9, in Lake Shore Addition to East Chicago in the City of Gary, as per plat thereof recorded in Plat Book 2, page 17, in the office of the Recorder of Lake County, Indiana.

Real Estate Key Numbers: 25-42-0338-0001 through and including 25-42-0338-0020

This property otherwise owned and held in fee simple title by East Edge, LLC, and is commonly known as East Edge, an addition to the City of Gary, Lake County, Indiana (hereinafter "Owner's Real Estate").

5. On August 21, 2008, the Lien Claimant received by certified mail, return receipt requested, a letter bearing certified mail number 7007 0710 0000 8370 8727 addressed to Vincent T. Smith VTS Decorating 530 N. Tippecanoe Place, Gary, Indiana 46403, which contained a Notice to Mechanic's Lien Claimant to Commence Suit Pursuant to Indiana Code § 32-28-3-10 (hereinafter "Notice to Commence Suit") sent by the Owner in regard to the Lien Notices and any other claim of lien that the Lien Claimant may purport to assert against the Owner's Real Estate. A copy of this Notice to Commence Suit that was served by Owner on the Lien Claimant is attached hereto as Exhibit "A."

6. That more than thirty (30) days have passed since the Notice to Commence Suit was received by the Lien Claimant.

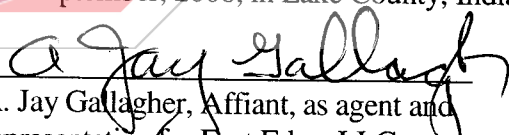
7. That no action for foreclosure of the lien claimed under the Lien Notices is pending, and the Owner has not been served with a summons or complaint by the Lien Claimant as to any action to foreclose any claim of lien against the Owner's Real Estate or otherwise against the Owner during the thirty (30) days period since the Lien Claimant received the Notice to Commence Suit.

8. That no unsatisfied judgment has been rendered on the lien claimed under the Lien Notices or otherwise against the Owner's Real Estate or the Owner upon any claim of the Lien Claimant under the Lien Notices.

9. No suit having been timely filed by the Lien Claimant on or before September 22, 2008, or otherwise within thirty (30) days of the date of the Lien Claimant received the Notice to Commence Suit, any liens asserted under the Lien Notices or otherwise by the Lien Claimant are void and unenforceable pursuant to the limitation periods set forth in Indiana Code § 32-28-3-10.

10. The Owner, pursuant to Indiana Code § 32-28-3-10(c), is entitled on the recording of this Affidavit to have certified on the record of the mechanic's lien claimed pursuant to the Lien Notices that any claim of lien there under is fully satisfied and the lien is released of record as to the Owner's Real Estate by the Lake County Recorder.

So stated and executed on this 24th day of September, 2008, in Lake County, Indiana.


A. Jay Gallagher, Affiant, as agent and representative for East Edge, LLC.

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

Before me the undersigned, a Notary Public in Lake County, State of Indiana, personally appeared A. Jay Gallagher, as agent and representative for East Edge, LLC., an Indiana Limited Liability Company, and being first duly sworn by me upon his oath, says that the facts alleged in the foregoing instrument are true and stated under penalties for perjury based on his personal knowledge on this 24 day of September, 2008.

My Commission Expires:
7/26/2014

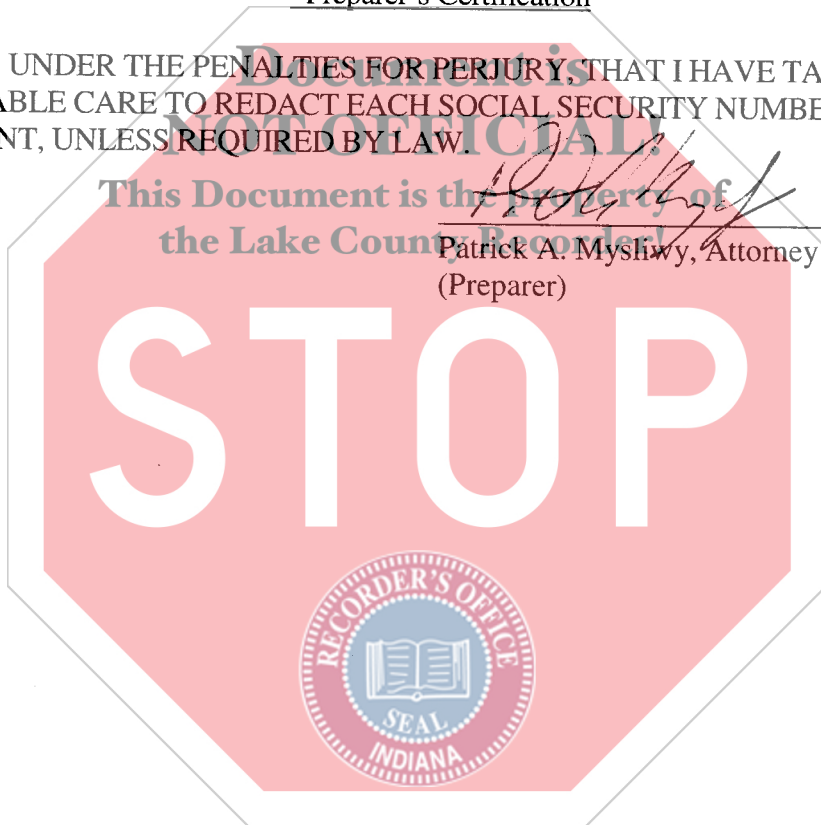
Bruce E. Applegate
Notary Public
A resident of LAKE County, Indiana

This instrument was prepared by: Patrick A. Mysliwy (Attorney No. 10002-45),
Maish & Mysliwy, Attorneys at Law,
53 Muenich Court, P.O. Box 685,
Hammond, Indiana 46320

Preparer's Certification

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

Patrick A. Mysliwy
This Document is the property of
the Lake County Recorder
Patrick A. Mysliwy, Attorney at Law
(Preparer)



**NOTICE TO MECHANIC'S LIEN CLAIMANT
TO COMMENCE SUIT
PURSUANT TO INDIANA CODE § 32-28-3-10**

**BY FIRST CLASS MAIL AND
CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

TO: VTS Decorating, Inc.
ATTENTION: Vincent T. Smith
530 N. Tippecanoe Place
Gary, IN 46403

On or about April 24, 2008, you executed two (2) documents each titled Claim of Lien (hereinafter "Mechanic's Lien Notices") purporting to assert encumbrances or liens against certain property owned by the undersigned. Said Mechanic's Lien Notices were recorded in the Office of the Recorder of Lake County, Indiana on April 25, 2008, as Document No. 2008-030210 and Document No. 2008-030211. The legal description of the effected property, as stated in your Mechanic's Lien Notices, is:

Abbreviated Legal Description (ie., lot 1-20, block, plat or section 33, township 37, range 7, quarter/quarter North East or unit, building and condo name East Edge Miller Beach Condos Subdivision): Some may not be divided into lots or addresses yet according to drafters, recorders, and tax assessors records at Lake County Building in Crown Point, IN – Book 101 page 68, Lots 1 through 50 both inclusive, and the vacated 14 Foot alley number 5 East adjoining said lots in block 9 in Lake Shore Addition to East Chicago in the City of Gary, as per plat thereof recorded in Plat Book 2, page 17, in the office of the Recorder of Lake County, Indiana.

LIENS ARE ON THE FOLLOWING ALSO

Assessor's Property Tax Parcel/Account Number(s):	Assessor's PropenNNeParcel/Account Numbers: _____
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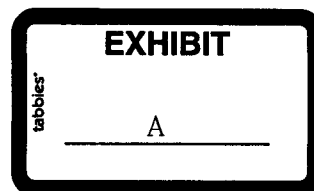
Lot 20 East Edge Sub Division – Miller
Number 9561 Oak Street
Gary, IN 46403

Parcel # 25-42-0338-0020

Lot 20 East Edge Sub Division – Miller
Number 9571 Oak Street
Gary, IN 46403

Parcel # 25-42-0338-0020

1



Lot 20 East Edge Sub Division – Miller
Number 9581 Oak Street
Gary, IN 46403

Parcel # 25-42-0338-0020

Lot 20 East Edge Sub Division – Miller
Number 9591 County Line Road
Gary, IN 46403

Parcel # 25-42-0338-0020

Property Parcel Number in addition to Parcel Property # 25-42-0338-0020

25-42-0338-0001	East Edge Lot 1
25-42-0338-0002	East Edge Lot 2
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25-42-0338-0016	East Edge Lot 16
25-42-0338-0017	East Edge Lot 17
25-42-0338-0018	East Edge Lot 18
25-42-0338-0019	East Edge Lot 19

All of the above are in State of Indiana, County of Lake.

Said real estate is referred to in your Mechanic's Lien Notice, as being commonly known as the East Edge Miller Beach Condos Subdivision. This real estate is owned by East Edge, LLC, an Indiana limited liability company, and is legally described as follows:

Lots 1 through 20, both inclusive, in East Edge an Addition to the City of Gary, as per plat thereof recorded as Document No. 2007- 057970 in Plat Book 101, page 68, in the office of the Recorder of Lake County, Indiana, being a re-subdivision of Lots 1 through 50, both inclusive, in Block 9, in Lake Shore Addition to East Chicago in the City of Gary, as per plat thereof recorded in Plat Book 2, page 17, in the office of the Recorder of Lake County, Indiana.

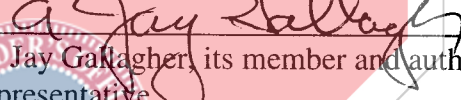
Real Estate Key Numbers: 25-42-0338-0001 through and including 25-42-0338-0020

This Notice to Mechanic's Lien Claimant to Commence Suit Pursuant to Indiana Code §32-28-3-10 (hereinafter "Notice to Commence Suit") is intended to and shall serve as notice and demand, pursuant to Indiana Code §32-28-3-10(a), to file an action to foreclose any and all mechanic's lien claims that you assert in the said real estate, including, but not limited to, any mechanic's lien claims asserted in the Mechanic's Lien Notices executed by Vincent T. Smith of VTS Decorating, Inc., and recorded in the Office of the Recorder of Lake County, Indiana on April 25, 2008 as Document No. 2008-0030210 and Document No. 2008-030211.

IF YOU FAIL TO FILE AN ACTION TO FORECLOSE THE LIEN IN LAKE COUNTY, INDIANA WITHIN THIRTY DAYS (30) OF YOUR RECEIPT OF THIS NOTICE TO COMMENCE SUIT, THEN ANY AND ALL MECHANIC'S LIEN CLAIMS THAT YOU ASSERT IN THE REAL ESTATE, INCLUDING, BUT NOT LIMITED TO, ANY MECHANIC'S LIEN CLAIMS ASSERTED IN THE MECHANIC'S LIEN NOTICES EXECUTED BY VINCENT T. SMITH OF VTS DECORATING, INC., AND RECORDED IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA ON APRIL 25, 2008 AS DOCUMENT NO. 2008-0030210 AND DOCUMENT NO. 2008-030211, WILL BECOME VOID AND TERMINATE PURSUANT TO INDIANA CODE §32-28-3-10(A). THEREAFTER, UPON APPLICATION AND THE FILING OF AN AFFIDAVIT OF SERVICE OF THIS NOTICE TO COMMENCE SUIT WITH THE RECORDER OF LAKE COUNTY, INDIANA, ALL SUCH MECHANIC'S LIEN RIGHTS, INCLUDING, BUT NOT LIMITED TO, ANY MECHANIC'S LIEN RIGHTS ASSERTED IN YOUR MECHANIC'S LIEN NOTICES WILL BE CERTIFIED AS RELEASED OF RECORD BY THE RECORDER OF LAKE COUNTY, INDIANA PURSUANT TO INDIANA CODE §32-28-3-10(C).

The record title owner of the effected real estate is: EAST EDGE, LLC, an Indiana Limited Liability Company.
8525 Lake Shore Drive
Gary, Indiana 46403

EAST EDGE, LLC, an Indiana Limited Liability Company

BY: 
A. Jay Gallagher, its member and authorized representative.

This Instrument was prepared by: Patrick A. Mysliwy, Attorney at Law
(Indiana Attorney No. 10002-45)
Maish & Mysliwy, Attorneys at Law
P.O. Box 685, Hammond, IN 46320