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2009 FEB 16 10:20 AM
LAKE COUNTY
FILED FOR RECORD

2009 021542

2009 FEB 16 10:20 AM ID: 20

MICHAEL A. BROWN
RECORDER

STATE OF INDIANA)
)ss:
COUNTY OF LAKE)

**AFFIDAVIT OF SERVICE OF NOTICE TO
COMMENCE SUIT ON COMMON LAW LIEN**

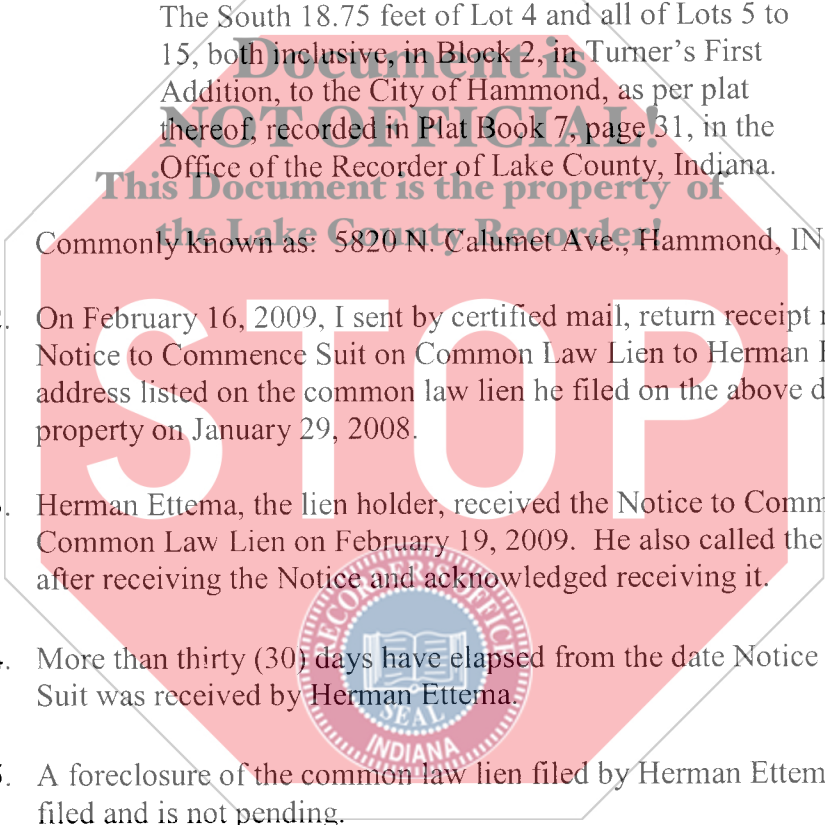
Comes now David Cerven, who being duly sworn upon his oath, deposes and says:

1. I am an attorney for Plaza Bank, the owner of the following described property:

The South 18.75 feet of Lot 4 and all of Lots 5 to 15, both inclusive, in Block 2, in Turner's First Addition, to the City of Hammond, as per plat thereof, recorded in Plat Book 7, page 31, in the Office of the Recorder of Lake County, Indiana.

Commonly known as: 5820 N. Calumet Ave., Hammond, IN 46320

2. On February 16, 2009, I sent by certified mail, return receipt requested a Notice to Commence Suit on Common Law Lien to Herman Ettema at the address listed on the common law lien he filed on the above described property on January 29, 2008.
3. Herman Ettema, the lien holder, received the Notice to Commence Suit on Common Law Lien on February 19, 2009. He also called the undersigned after receiving the Notice and acknowledged receiving it.
4. More than thirty (30) days have elapsed from the date Notice to Commence Suit was received by Herman Ettema.
5. A foreclosure of the common law lien filed by Herman Ettema has not been filed and is not pending.
6. An unsatisfied judgment has not been rendered on Herman Ettema's common law lien.



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CS
CA

7. Herman Ettema's common law lien was filed in the office of the Recorder of Lake County, Indiana on January 29, 2008, as document number 2008 006980.
8. Attached hereto as Exhibits "A" and "B" respectively are true and accurate copies of the Notice to Commence Suit on Common Law Lien I sent to Herman Ettema pursuant to I.C. § 32-28-13-6 and the return receipt of the Notice to Commence Suit.
9. Bonnie Sutherlan is Herman Ettema's daughter and 11934 S. Halsted, Chicago, Illinois 60628 is the address of Ettema's business and the address he listed on his common law lien.
10. Pursuant to I.C. § 32-28-13-7, the Recorder is to certify that the common law lien is released.

FURTHER AFFIANT SAYETH NOT.

Dated:

4-3-09

DAVID CERVEN

STATE OF INDIANA)

) ss:

COUNTY OF LAKE)

David Cerven appeared before me and swore to the truth of the foregoing under the penalties provided for perjury. Subscribed and sworn to before me this 3rd day of April, 2009.

County of Residence: Porter

Notary Public

Commission Expires: April 29, 2012

Jennifer L. Ross

Printed Name



Smith & DeBonis, LLC
ATTORNEYS AT LAW

9696 Gordon Drive • Highland, Indiana 46322 • (219) 922-1000 FAX (219) 922-1600
www.SmithAndDeBonis.com

February 16, 2009

ATTORNEYS AT LAW:

Terrance L. Smith, Ph.D.*†
Anthony DeBonis, Jr.*
Dennis F. Smith (1935-1997)
Hawk P.C. Kautz
David Cerven

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

* Also Licensed in Illinois
† Board Certified in
Civil Trial Advocacy

Herman Ettema
11934 S. Halsted
Chicago, IL 60628

LAW CLERK

Linda A. Phillips, J.D.

Re: Notice to Commence Suit on Common Law Lien

Dear Mr. Ettema:

As you know, we represent Plaza Bank which recently obtained a foreclosure judgment against Antonia Loubroukos in regards the property commonly known as 5820 Calumet Avenue, Hammond, Indiana 46320, legally described as follows:

The South 18.75 feet of Lot 4 and all of Lots 5 to 15, both inclusive, in Block 2, in Turner's First Addition, to the City of Hammond, as per plat thereof, recorded in Plat Book 7, page 31, in the Office of the Recorder of Lake County, Indiana.

The above-referenced property foreclosed upon is scheduled for a sheriff's sale on April 3, 2009.

You filed a statement of intention to hold a common law lien upon the above-referenced property on January 29, 2008. Your lien bears document number 2008 0062980. The lien does not comply with I.C. 32-28-13 *et seq.* because, among other things, it does not state the legal basis upon which you assert the right to hold the common law lien.

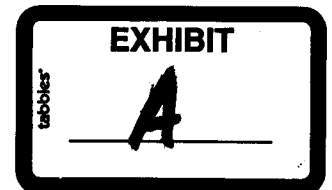
This notwithstanding and in an abundance of caution, we hereby notify you pursuant to I.C. 32-28-13-6 to commence suit upon the common law lien. Pursuant to I.C. 32-28-13-6, if you fail to commence suit within thirty (30) days after receiving this notice to commence suit, the common law lien is void. If you do not commence suit within the requisite time, we will file a affidavit of service of this notice to commence suit with the Recorder of Lake County, Indiana and pursuant to I.C. 32-28-13-7, the real estate described above will be released from your common law lien.

Sincerely,

SMITH & DeBONIS, LLC

DAVID CERVEN

DC:jr




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For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Notice to Commence Postmark Here Suit 2-16-09 JE
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total Postage: 


Sent To: **Herman Ettema**
11934 S. Halsted
Chicago, IL 60628

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:


Herman Ettema
11934 S. Halsted
Chicago, IL 60628

2. Article Number
(Transfer from service label)

7005 3110 0000 0787 7422

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Bonnie Suttelton Addressee

B. Received by (Printed Name) *MS* C. Date of Delivery *2-19-09*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

FEB 23 2009

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



UNITED STATES POSTAL SERVICE



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

SMITH & DeBONIS
ATTORNEYS AT LAW
9696 Gordon Drive
Highland, IN 46322

PLAZA BANK
ETTEMA - NOTICE TO COMMENCE SUIT 2/16/09 JE

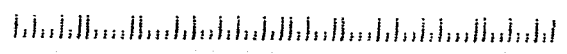


EXHIBIT
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