

APN# See Attached Document



KAREN ELLISON, RECORDER

Recording Requested by/Mail to:

Name: Robert A. Dotson, Dotson Law

Address: 5355 Reno Corporate Dr, Ste 100

City/State/Zip: Reno, NV 89511

Mail Tax Statements to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Notice and Claim of Lien

**Title of Document** (required)

------(Only use if applicable)-----

The undersigned hereby affirms that the document submitted for recording  
DOES contain personal information as required by law: (check applicable)

Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

Judgment – NRS 17.150(4)

Military Discharge – NRS 419.020(2)

Signature

Robert A. Dotson

Printed Name

This document is being (re-)recorded to correct document # \_\_\_\_\_, and is correcting

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APN Nos.:**

1318-22-311-000	1318-22-312-000
1318-22-311-001	1318-22-312-001
1318-22-311-002	1318-22-312-002
1318-22-311-003	1318-22-312-003
1318-22-311-004	1318-22-312-004
1318-22-311-005	1318-22-312-005
1318-22-311-006	1318-22-312-006
1318-22-311-007	1318-22-312-007
1318-22-311-008	1318-22-312-008
1318-22-311-009	1318-22-312-009
1318-22-311-010	1318-22-312-010
1318-22-311-011	1318-22-312-011
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1318-22-311-014	1318-22-312-014
1318-22-311-015	1318-22-312-015
1318-22-311-016	1318-22-312-016
1318-22-311-017	1318-22-312-017
1318-22-311-018	1318-22-312-018
1318-22-311-019	1318-22-312-019
1318-22-311-020	1318-22-312-020
1318-22-311-021	1318-22-312-021
1318-22-311-022	1318-22-312-022
1318-22-311-023	
1318-22-311-024	
1318-22-311-025	
1318-22-311-026	

When Recorded Mail To:

Robert A. Dotson  
Dotson Law  
5355 Reno Corporate Dr., Suite 100  
Reno, NV 89511

\_\_\_\_\_/

Lien Claimant  
Metcalf Builders, Inc.  
2578 South Curry St., Suite 6  
Carson City, NV 89703

**NOTICE AND CLAIM OF LIEN**

NOTICE IS HEREBY GIVEN that Metcalf Builders, Inc. claims a Mechanic's and Materialmen's Lien upon the property described in this notice for work, materials or equipment

furnished or to be furnished for the improvement of the property located in Douglas County, Nevada, and which claim is made pursuant to the Laws of the State of Nevada, particularly Chapter 108 of the Nevada Revised Statutes.

Claimant further states:

1. That the total amount of the original contract or contracts is \$53,992,337.00.
2. The total amount of all additional or changed work, materials and equipment, if any, is: \$15,303,660.23.
3. That the total amount of all payments received to date is \$56,339,056.36.
4. That the amount of the lien, after deducting all just credits and offsets, is as follows:

If Subcontractor Retention is paid:

Original Contract Amount:	\$53,992,337.00
Change Orders:	\$15,303,660.23
Total Approved Contract:	\$69,295,997.23
Less Work not Performed:	\$(9,983,540.34)
Less Payments Received:	\$(56,339,056.36)
Less Subcontractor Retention Due:	\$(1,673,339.61)

**TOTAL BALANCE DUE: \$1,300,060.92**

If Subcontractor Retention is not paid:

Original Contract Amount:	\$53,992,337.00
Change Orders:	\$15,303,660.23
Total Approved Contract:	\$69,295,997.23
Less Work not Performed:	\$(9,983,540.34)
Less Payments Received:	\$(56,339,056.36)

**TOTAL BALANCE DUE: \$2,973,400.53**

Pursuant to NRS 108.231, the total amount is allocated between the two buildings and their various units as follows:

**Building 1 (9 Beach Club Dr.):**

The lienable amount per unit for Building 1 is \$753,771.67 if subcontractor retention is paid by Tahoe Beach and \$1,723,969.28 if subcontractor retention is not paid. These amounts are based upon a good faith pro rata division among the various units as follows:

APN Number	Unit #	Sq. Feet	%	Amount Due With No Sub. Retention	Amount Due With Sub. Retention
1318-22-311-000	Common	17,518	8.43%	\$109,606.98	\$250,684.76
1318-22-311-001	101	3,300	1.59%	\$20,647.51	\$47,223.41
1318-22-311-002	102	2,154	1.04%	\$13,477.19	\$30,824.01
1318-22-311-003	103	2,886	1.39%	\$18,057.18	\$41,299.02
1318-22-311-004	104	2,145	1.03%	\$13,420.88	\$30,695.22
1318-22-311-005	105	2,593	1.25%	\$16,223.94	\$37,106.15
1318-22-311-006	106	2,596	1.25%	\$16,242.71	\$37,149.08
1318-22-311-007	107	2,895	1.39%	\$18,113.50	\$41,427.81
1318-22-311-008	108	2,140	1.03%	\$13,389.60	\$30,623.67
1318-22-311-009	109	1,061	0.51%	\$6,638.49	\$15,183.04
1318-22-311-010	110	3,144	1.51%	\$19,671.44	\$44,991.03
1318-22-311-011	111	3,128	1.51%	\$19,571.33	\$44,762.07
1318-22-311-012	112	4,392	2.11%	\$27,479.96	\$62,850.07
1318-22-311-013	113	2,382	1.15%	\$14,903.75	\$34,086.72
1318-22-311-014	114	2,697	1.30%	\$16,874.64	\$38,594.40
1318-22-311-015	115	2,217	1.07%	\$13,871.37	\$31,725.55
1318-22-311-016	116	4,306	2.07%	\$26,941.87	\$61,619.39
1318-22-311-017	117	4,788	2.30%	\$29,957.66	\$68,516.87
1318-22-311-018	118	4,192	2.02%	\$26,228.59	\$59,988.04
1318-22-311-019	119	2,211	1.06%	\$13,833.83	\$31,639.68
1318-22-311-020	120	1,913	0.92%	\$11,969.30	\$27,375.27
1318-22-311-021	121	4,458	2.15%	\$27,892.91	\$63,794.53
1318-22-311-022	122	3,667	1.76%	\$22,943.76	\$52,475.23
1318-22-311-023	123	3,639	1.75%	\$22,768.57	\$52,074.54
1318-22-311-024	124	3,902	1.88%	\$24,414.11	\$55,838.10
1318-22-311-025	125	2,475	1.19%	\$15,485.63	\$35,417.56
1318-22-311-026	Common	27,673	13.32%	\$173,144.99	\$396,004.07
<b>TOTAL</b>		<b>120,472</b>	<b>57.98%</b>	<b>\$753,771.67</b>	<b>\$1,723,969.28</b>

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**Building 2 (17 Beach Club Dr.):**

The lienable amount per unit for Building 2 is \$546,289.25 if subcontractor retention is paid by Tahoe Beach and \$1,249,431.25 if subcontractor retention is not paid. These amounts are based upon a good faith pro rata division among the various units as follows:

APN Number	Unit #	Sq. Feet	%	Amount Due With No Sub. Retention	Amount Due With Sub. Retention
1318-22-312-000	Common	4,312	2.08%	\$26,979.41	\$61,705.26
1318-22-312-001	201	2,290	1.10%	\$14,328.12	\$32,770.18
1318-22-312-002	202	1,752	0.84%	\$10,961.95	\$25,071.34
1318-22-312-003	203	1,488	0.72%	\$9,310.15	\$21,293.46
1318-22-312-004	204	2,146	1.03%	\$13,427.14	\$30,709.53
1318-22-312-005	205	2,899	1.40%	\$18,138.52	\$41,485.05
1318-22-312-006	206	2,899	1.40%	\$18,138.52	\$41,485.05
1318-22-312-007	207	2,140	1.03%	\$13,389.60	\$30,623.67
1318-22-312-008	208	3,112	1.50%	\$19,471.23	\$44,533.11
1318-22-312-009	209	2,149	1.03%	\$13,445.91	\$30,752.46
1318-22-312-010	210	4,918	2.37%	\$30,771.04	\$70,377.19
1318-22-312-011	211	5,118	2.46%	\$32,022.41	\$73,239.22
1318-22-312-012	212	1,475	0.71%	\$9,228.81	\$21,107.43
1318-22-312-013	213	2,219	1.07%	\$13,883.88	\$31,754.17
1318-22-312-014	214	3,745	1.80%	\$23,431.79	\$53,591.42
1318-22-312-015	215	3,745	1.80%	\$23,431.79	\$53,591.42
1318-22-312-016	216	2,211	1.06%	\$13,833.83	\$31,639.68
1318-22-312-017	217	4,748	2.29%	\$29,707.38	\$67,944.47
1318-22-312-018	218	3,071	1.48%	\$19,214.70	\$43,946.39
1318-22-312-019	219	3,347	1.61%	\$20,941.58	\$47,895.99
1318-22-312-020	220	3,340	1.61%	\$20,897.78	\$47,795.81
1318-22-312-021	221	1,503	0.72%	\$9,404.00	\$21,508.12
1318-22-312-022	Common	22,684	10.92%	\$141,929.71	\$324,610.86
<b>TOTAL</b>		<b>87,311</b>	<b>42.02%</b>	<b>\$546,289.25</b>	<b>\$1,249,431.25</b>

5. That the name of the owners or reputed owners of the property sought to be charged are:

With respect to each APN number stated above, other than those noted below, the owner is Beach Club Development, LLC, P.O. Box 12520, Zephyr Cove, Nevada 89448; P.O. Box 5536, Stateline, NV 89449; Registered Agent: CT Corporation System, 701 S. Carson St., Suite 200, Carson City, NV 89701. The remainder of the units are owned as follows:

APN 1318-22-311-001 (Bldg. 1, Unit 101): Transformational Technologies, 1743 Terracina Dr., El Dorado Hills, CA 95762

APN 1318-22-311-002 (Bldg. 1, Unit 102): Jeffery J. Weiner and Sonia I. Weiner, 4804 Fern St., Bellaire, TX 77401

APN 1318-22-311-003 (Bldg. 1, Unit 103): B. Keith Byer and Viktoria Sergeevna Byer, Trustees of the B. Keith and Viktoria Sergeevna Byer Revocable Trust dated January 25, 2012, PMB 7172-206, Stateline, NV 89449.

APN 1318-22-311-004 (Bldg. 1, Unit 104): Glenn A. Pearson, Trustee of the Pearson Family Trust 1998, P.O. Box 4617, Stateline, NV 89449.

APN 1318-22-311-013 (Bldg. 1, Unit 113): Gerard M. Flaherty and Linda Sue Flaherty, 28472 Hidden Lake, Bonita Sprints, FL 34134.

APN 1318-22-311-014 (Bldg. 1, Unit 114): Laura S. Lehman, 301 Mission #40D, San Francisco, CA 94105.

APN 1318-22-311-023 (Bldg. 1, Unit 123): John F. Nicolai and Claudette M. Nicolai, Trustees and successor of the John and Claudette Nicolai Living Revocable Trust dated 11-3-1999, 531 St. Francis Blvd., San Francisco, CA 94127.

APN 1318-22-311-025 (Bldg. 1, Unit 125): Nancy Elizabeth Lang, Trustee of the Lang Revocable Living Trust, 699 Marron Way, Gardnerville, NV 89460.

\*In addition, each owner owns a fractional share of the common areas.

6. That the name of the person or entity with whom lien claimant contracted, and/or to whom lien claimant provided materials is:

Beach Club Development, LLC.

7. That the terms, time given, and conditions of the contract were as follows:

Applications for Payment were to be provided to the Owner or Owner's Representative on a monthly basis. Applications for Payment were to be provided at least 10 days before the date established for each progress payment. (AIA Document A201, § 9.3.1.) Section 1.1.1 of the Contract Addendum provides that Metcalf Builders is to be paid for work, materials and expenses through the date of termination.

8. That work, labor, materials, and/or services have been furnished to and actually used on the above-described project in the total amount of \$59,312,436.89, of which \$1,518,865.33 has not been paid and is now due and owing to lien claimant, **together with interest, and costs and fees incurred in the preparation of this Lien Claim.**

9. A description of the property to be charged with the lien is:

APN Nos. 1318-22-311-000 through 1318-22-311-026: This parcel is also known as The Tahoe Beach Club Residential Building 1, located at 9 Beach Club Drive, Stateline, NV 89449, and contains a number of individual residential units numbered 101 through 125.

APN Nos. 1318-22-312-000 through 1318-22-311-022: This parcel is also known as The Tahoe Beach Club Residential Building 2, located at 17 Beach Club Drive, Stateline, NV 89449, and contains a number of individual residential units numbered 201 through 221.

Dated this 27<sup>th</sup> day of December, 2019

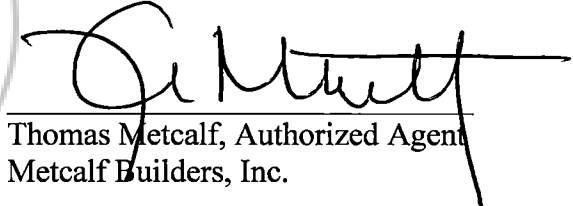
METCALF BUILDERS, INC.

  
Thomas Metcalf, Authorized Agent

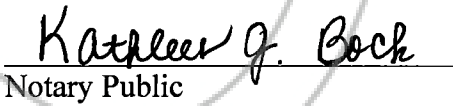
STATE OF NEVADA )  
                                  ) ss:  
COUNTY OF WASHOE )

Thomas Metcalf, being first duly sworn on oath according to law, deposes and says:

I have read the foregoing Notice and Claim of Lien, know the contents thereof, and state that the same is true of my own personal knowledge, except those matters stated upon information and belief, and, as to those matters, I believe them to be true. I further state that it contains, among other things, a correct statement of the demand of said lien claimant after deducting all just credits and offsets.

  
Thomas Metcalf, Authorized Agent  
Metcalf Builders, Inc.

Sworn to and subscribed before me on the 27<sup>th</sup> day of December, 2019

  
Notary Public

