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September 14, 2011

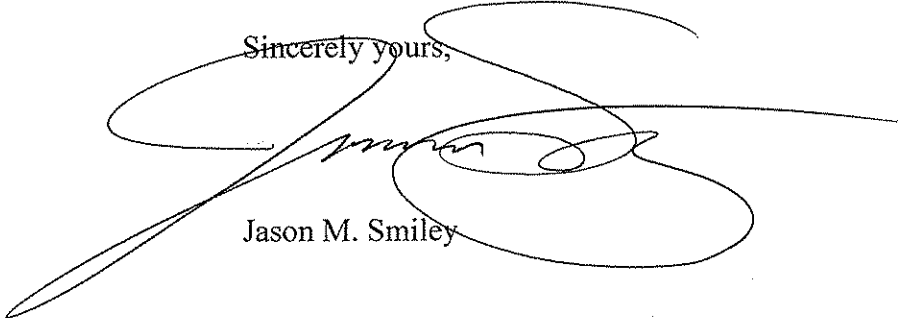
Pauline Sumption
Finance Officer
City of Rapid City
300 Sixth Street
Rapid City, SD 57701

Re: R. G. Joens Construction v. Black Hills Excavating Services, Inc.
GPNA File No. 10545.0002

Dear Ms. Sumption:

I am enclosing a Mechanic's Lien Statement on Public Improvement for filing in your office pursuant to SDCL §§ 5-22-3 and 9-14-17. Also pursuant to SDCL § 5-22-3, please send me a receipt showing the date of filing or a certified copy of the lien statement showing the filing information. A preaddressed, stamped envelope is enclosed for your use in this regard. Thank you for your assistance.

Sincerely yours,


Jason M. Smiley

JMS:dp

Enclosure

c: Ronald Joens

MECHANIC'S LIEN STATEMENT ON PUBLIC IMPROVEMENT

NOTICE is hereby given to the City of Rapid City that Ronald Joens, d/b/a R. G. Joens Construction, lien claimant, whose address is P.O. Box 414, Black Hawk, South Dakota 57718, intends to claim and hold a lien in the amount of Twelve Thousand Two Hundred Fifty-two and 50/100 Dollars (\$12,252.50), plus interest thereon, which amount is due and owing for furnished skill, labor, machinery, services, and equipment to Mitchel E. Morris, d/b/a MMC Enterprises and Black Hills Excavating, LLC, acting as a subcontractor to Moltz Construction, Inc., the general contractor, in connection with the construction of the Jackson Springs Water Treatment Plant owned by the City of Rapid City.

Upon recording of this lien, the lien claimant shall have a lien upon all monies in the control of the City of Rapid City due or to become due to Mitchel E. Morris, d/b/a MMC Enterprises and Black Hills Excavating, LLC, or Moltz Construction, Inc., under the contracts and subcontracts therefor.

Pursuant to SDCL § 5-22-3 this lien shall be filed with the officer of the public body who is by law made the custodian of its official records. Pursuant to SDCL § 9-14-17 the custodian of official records for the City of Rapid City is the Finance Officer. Pursuant to SDCL § 5-22-3, the lien claimant hereby demands a receipt showing the date of filing or a certified copy of the account or substantial abstraction thereof and filing thereon.

A just and true account of the demand due or to become due after allowing all credits and verified by affidavit of the lien claimant is as follows:

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF PENNINGTON)

AFFIDAVIT OF RONALD JOENS

I, Ronald Joens, being first duly sworn, depose and state as follows:

1. I make this just and true account of the demand due or to become due after allowing all credits.

2. I Ronald Joens, doing business as R. G. Joens Construction, do claim and hold a lien in the amount of Twelve Thousand Two Hundred Fifty-two and 50/100 Dollars (\$12,252.50), plus interest thereon, which amount is due and owing for furnished skill, labor, machinery, services, and equipment to Mitchel E. Morris, d/b/a MMC Enterprises and Black Hills Excavating, LLC, acting as a subcontractor for Moltz Construction, Inc., in connection with the construction of the Jackson Springs Water Treatment Plant owned by the City of Rapid City.


3. I provided two dump trucks for removal of debris from the Jackson Springs Water Treatment Plant as specified in the contract attached hereto as Exhibit A.

4. True and correct copies of my unpaid invoices are attached hereto as Exhibit B.

5. The total amount of my unpaid invoices is Twelve Thousand Two Hundred Fifty-two and 50/100 Dollars (\$12,252.50).

6. I hereby claim a lien upon all monies in the control of the City of Rapid City due or to become due to Mitchel E. Morris, d/b/a MMC Enterprises and Black Hills Excavating, LLC, or Moltz Construction, Inc., under the contracts and subcontracts therefor.

Dated this 14 day of September 2011.



Ronald Joens

State of South Dakota)
) ss.
County of Pennington)

Ronald Joens, being first duly sworn, on his oath deposes and states that he made the above and foregoing Mechanic's Lien Statement on Public Improvement and Affidavit; that he has read the above and foregoing and knows the contents thereof, and that he has personal knowledge of the facts therein stated and that the same are true to his own knowledge.



Ronald Joens

State of South Dakota)
) ss.
County of Pennington)

On this 14th day of September, 2011, before me, Denise R. Pauly, the undersigned, personally appeared Ronald Joens, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same in the capacity and for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.



Notary Public, South Dakota

(SEAL)

My Commission Expires:

DENISE R. PAULY, Notary Public
Pennington County, South Dakota
My Commission Expires October 9, 2016

Rental Agreement / Purchase Order

Agreement between MMC Enterprises a Division of Black Hills Excavating Services Inc. and R. G. Joens Const. Ronald G. Joens for rental of Two Dump Truck's 1977 Red - 1996 White Dump Truck at a hourly rate of \$65.00 per Hour per Truck to be paid bi-weekly. Time shall be submitted daily and signed for R. G. Joens Construction (rentee) will supply MMC with a insurance certificate and a W-9 form.

MMC

by [Signature]

Rentee

by Ronald G. Joens
8-10-2011

Fax # 605-718-1724

R.G. JOENS CONSTRUCTION

BOX 414
BLACK HAWK, S.D. 57718
605-787-5547

Customer's Order No. _____ Phone No. 381-0111 Date 7-29-2011
Name MMC - Black Hills Excavating
Address P.O. Box 8051 Rapid City S.D. 57709

SOLD BY	CASH	C. O. D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT	
Quantity	DESCRIPTION				PRICE	AMOUNT	
	Truck Rent Per Hour						
	Hauled Rubble To				65.00		
	Where Site						
	Invoice # 735856 -						
	735856 - 735857						
	White Truck # C22						
	Red Invoice # 618101 -						
	618102						
	48.5 Hours on Two Trucks				3152.50		
				TAX			
				TOTAL	3152.50		

ALL claims and returned goods MUST be accompanied by this bill.

Rec'd by _____

44607

Thank You

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R.G. JOENS CONSTRUCTION

BOX 414
BLACK HAWK, S.D. 57718
605-787-5547

Customer's Order No. _____ Phone No. 381-0111 Date 8-5-2011
Name MMC - Black Hills Excavating
Address P.O. Box 8051 Rapid City S.D. 57709

SOLD BY	CASH	C. O. D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT	
Quantity	DESCRIPTION				PRICE	AMOUNT	
	Truck Rent Per Hour				65.00		
	Total Hours Two Trucks						
	Security Six hr						\$4940.00
	White Truck # C22						}
	Invoice # 735856 -						
	735859 - 735858						
	735860 - 735861						
	Red Truck # C20						}
	Invoice # 618104 -						
	# 618105 - # 618106						
	# 618107						
				No TAX			
				TOTAL	4940.00		

ALL claims and returned goods MUST be accompanied by this bill.

Rec'd by _____

44608

Thank You

EXHIBIT B

R.G. JOENS CONSTRUCTION

BOX 414
BLACK HAWK, S.D. 57718
605-787-5547

Customer's Order No. _____ Phone No. 381-0111 Date 8-12-2011

Name Mmc - Black Hills Excavation
Address P.O. Box 8051 Rapid City So Dak
57709

SOLD BY	CASH	C. O. D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT	
Quantity	DESCRIPTION					PRICE	AMOUNT
	Truck Rent Per Hour					65.00	
	Total Hours Two Trucks						
	33.5 Hours						2177.50
	white truck # C22						
	Invoice # 735862						
	735863 - 735864						
	735865 - 735866						
	Red Truck # C20						1462.50
	Invoice # 618108						
	618109 - 618110						
	22.5 Hours						
	No TAX						
	TOTAL						3640.00

ALL claims and returned goods MUST be accompanied by this bill.

Rec'd by _____

44609

Thank You

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R.G. JOENS CONSTRUCTION

BOX 414
BLACK HAWK, S.D. 57718
605-787-5547

Customer's Order No. _____ Phone No. 381-0111 Date 8-18-2011

Name Mmc - Black Hills Excavation
Address P.O. Box 8051 Rapid City So Dak
57709

SOLD BY	CASH	C. O. D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT	
Quantity	DESCRIPTION					PRICE	AMOUNT
	Truck Rent per Hour #65.00						
	Total Hours						
	white truck # C22						
	8 hr # 735867						520.00
	No TAX						
	TOTAL						520.00

ALL claims and returned goods MUST be accompanied by this bill.

Rec'd by _____

44611

Thank You

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