

MOISTURE PROTECTION)	IN THE
TECHNOLOGIES, INC.)	
10630 Riggs Hill Road)	CIRCUIT COURT
Suite T)	
Jessup, MD 20794)	FOR
)	
Plaintiff)	BALTIMORE CITY
)	
v.)	Case No. _____
)	
OLD TOWN PROPERTIES, LLC)	
c/o Khaushik (Ken) Talati, Resident Agent)	
1025 Hoods Mill Road)	
Cooksville, MD 21723)	
)	
Defendant)	
_____)	

PETITION TO ESTABLISH AND ENFORCE MECHANICS LIEN

Moisture Protection Technologies, Inc., Plaintiff, through counsel, as its Petition to establish and enforce mechanics lien, respectfully alleges:

1. Plaintiff Moisture Protection Technologies, Inc. (“Moisture Protection Technologies”) is a Maryland corporation. Its principal offices are located at 10630 Riggs Hill Road, Suite T, Jessup, MD 20794.

2. Defendant Old Town Properties, LLC [“Old Town Properties”] is a Maryland limited liability company. Its principal offices are located at 5801 Baltimore National Pike, Baltimore, MD 21228.

3. Old Town Properties is and at all relevant times was the equitable owner of improved real property in Baltimore City commonly known as 221 N. Gay St., Baltimore, MD 21202 [the “Property”]. The Property is more particularly described in a Deed recorded among the land records of Baltimore City in liber 7628 at folio 33. A true and correct copy of the Deed is attached hereto and incorporated herein as **Exhibit A**.

4. Moisture Protection Technologies, as subcontractor, contracted with Harbor View Contractors, Inc., 10611 Iron Bridge Road, Suite L, Columbia, MD 20794, to perform work and furnish materials in connection with the renovation and restoration of the Property. The work done or materials provided by Moisture Protection Technologies included but was not necessarily limited to masonry cleaning and restoration work.

5. Pursuant to its contract with Harbor View Contractors, Moisture Protection Technologies furnished labor and materials in connection with the renovation and restoration of the Property during the period from 5/1/09 through 8/31/09.

6. Harbor View Contractors agreed to pay Moisture Protection Technologies \$50,700.00 for labor and materials provided in connection with the renovation and restoration of the Property. The total amount still due and owing by Harbor View Contractors to Moisture Protection Technologies is \$38,527.50.

7. On 11/6/09, Plaintiff caused to be sent to Khaushik (Ken) Talati, Resident Agent for Old Town Properties, LLC, by certified mail - return receipt requested, a "Notice to Owner of Intention to Claim a Lien" [hereinafter the "Notice"], a copy of which is attached hereto and incorporated herein as **Exhibit B**. The resident agent failed and refused to accept service of the Notice by certified mail, as evidenced by the stamp placed on the certified mail envelop returned by the Post Office. A copy of the returned envelop is attached hereto and incorporated herein as **Exhibit C**. Plaintiff further attempted on multiple occasions to serve the resident agent personally at the resident agent's current address according to the records of the Maryland State Department of Assessments and Taxation. Efforts to serve the resident agent personally were also unsuccessful, for the reasons stated in the Affidavit attached hereto as **Exhibit D**.

Accordingly, on 12/4/09, Plaintiff delivered a copy of the Notice by placing the Notice on the door or other front part of the building located on the Property, in the presence of a competent witness, as evidenced by the Affidavit of Service by posting attached hereto as **Exhibit E.**

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- A. Establish a Mechanics Lien against the Property and the improvements thereon in the sum of \$38,527.50;
- B. Pass an Order requiring Defendant to show cause why a Mechanics Lien upon the land and improvements described for the amount claimed should not be established;
- C. Grant such Order, after the Mechanics Lien requested is established, enforcing the Lien and directing that the land and improvements be sold unless the Mechanics Lien is paid and satisfied on or before a date specified by this Court; and
- D. Grant the costs of this action and such other and further relief as the nature of the cause may require.

Date: _____

James P. Koch
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Suite 404
Baltimore, MD 21202
410 539 7816
Attorney for Plaintiff

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**AFFIDAVIT IN SUPPORT OF PETITION TO
ESTABLISH AND ENFORCE MECHANICS LIEN**

I, Gary Wilson, declare and affirm as follows::

1. I am over the age of 18 years, am competent to testify, and have personal knowledge of the facts and matters stated herein.
2. I am the President of Moisture Protection Technologies, Inc., Plaintiff herein.
3. The facts and matters set forth in the Petition to Establish and Enforce Mechanics Lien, including the Exhibits attached thereto, are adopted herein by reference and made a part hereof. The facts and matters set forth in the Petition are true and correct. Furthermore, the Exhibits attached to the Petition are true and correct copies of the originals and are genuine.

I DECLARE AND AFFIRM under the penalties of perjury that the foregoing Affidavit.

Gary Wilson

AS WITNESS my hand and Notarial Seal this ____ day of November, 2009.

Notary Public

My Commission Expires: _____

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SHOW CAUSE ORDER

It appearing from the Petition to Establish and Enforce Mechanics Lien that there is reasonable grounds for the lien in the amount prayed by Plaintiff to attach to the land and improvements described in the foregoing pleadings and documents, it is, by the Circuit Court for Baltimore City this ____ day of _____ 2009

ORDERED, that Defendant is directed to show cause, by filing a Counter-Affidavit or Verified Answer on or before the ____ day of _____, 2009 why a lien for the amount claimed should not attach upon the land described in the Complaint; provided that a copy of this Order, together with copies of the Petition to Establish and Enforce Mechanics Lien and Exhibits filed shall have been served on Defendant by the ____ day of _____, 2009; and it is further

ORDERED, that a hearing will be held in this case on the ____ day of _____, 20__; and it is further

ORDERED, that Defendant is advised that it has the right to appear and present evidence at the aforementioned hearing; and it is further

ORDERED, that Defendant is warned that if it fails to file a timely Counter-Affidavit or Verified Answer, the facts set forth in Plaintiff's Affidavit shall be deemed admitted and the hearing waived, and the Court may pass an Order establishing the lien.

JUDGE

