

FILED MAR 18 1976

SENATE FILE 1266

By COMMITTEE ON COMMERCE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the time of filing mechanic's liens by
2 subcontractors.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S-5522

1 Amend Senate File 1266 as follows:
2 1. Page 1, by inserting before line 1 the following
3 new section:
4 "Section 1. Section five hundred seventy-two point
5 eight (572.8), Code 1975, is amended to read as
6 follows:
7 572.8 PERFECTION OF LIEN. Every person who wishes
8 to avail himself of a mechanic's lien shall file with
9 the clerk of the district court of the county in which
10 the building, land, or improvement to be charged with
11 the lien is situated two copies of a verified statement
12 or account of the demand due him, after allowing all
13 credits, setting forth:
14 1. The time when such material was furnished or
15 labor performed, and when completed.
16 2. The correct description of the property to
17 be charged with the lien.
18 3. The name and address of the owner of the
19 property to be charged with the lien, as that name
20 and address is shown in the real estate tax records
21 in the office of the county auditor.
22 The clerk of the district court shall forward by
23 ordinary mail a copy of each lien claim filed to the
24 owner of the property to be charged with the lien."
25 2. By renumbering sections of the bill.
26 3. Amend the title, line 1, by inserting after
27 the word "to" the words "mechanic's liens, and
28 providing for the mailing of copies of lien claims
29 to affected property owners, and for".

S-5522 FILED
APRIL 15, 1976

BY RICHARD R. RAMSEY

1 Section 1. Section five hundred seventy-two point nine
2 (572.9), Code 1975, is amended to read as follows:

3 572.9 TIME OF FILING. The statement or account required
4 by section 572.8 shall be filed by a principal contractor
5 within ninety days, and by a subcontractor within sixty ninety
6 days, from the date on which the last of the material was
7 furnished or the last of the labor was performed. A failure
8 to file the same within said periods shall not defeat the
9 lien, except as otherwise provided in this chapter.

10 Sec. 2. Section five hundred seventy-two point ten
11 (572.10), Code 1975, is amended to read as follows:

12 572.10 PERFECTING SUBCONTRACTOR'S LIEN AFTER LAPSE OF
13 SIXTY NINETY DAYS. After the lapse of the sixty ninety days
14 prescribed in section 572.9, a subcontractor may perfect a
15 mechanic's lien by filing his claim with the clerk of the
16 district court and giving written notice thereof to the owner,
17 his agent, or trustee. Such notice may be served by any
18 person in the manner original notices are required to be
19 served. If the party to be served, his agent, or trustee,
20 is out of the county wherein the property is situated, a
21 return of that fact by the person charged with making such
22 service shall constitute sufficient service from and after
23 the time it was filed with the clerk of the district court.

24 EXPLANATION

25 This bill extends the time in which a subcontractor may
26 file a mechanic's lien from sixty days to ninety days.

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