

FILED JAN 16 1978

SENATE FILE **2039**

By WILLITS

Passed Senate, Date 2-23-78 (p. 415) Passed House, Date _____
Vote: Ayes 47 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

7th time to re-introduce 3/1 (-g 4.29) w/cd

A BILL FOR

1 An Act relating to the perfection and enforcement of
2 mechanics' liens.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SENATE FILE 2039

S-5218

- 1 Amend Senate File 2039 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "lien-;" the following: "and
- 4 3. A statement that notice of the lien was mailed
- 5 by restricted certified mail to the owner, agent or
- 6 trustee;".
- 7 2. Page 1, by striking lines 16 through 18 and
- 8 inserting in lieu thereof the following: "Code,
- 9 notice of the lien to the owner, agent or trustee
- 10 shall be by restricted certified mail and such notice
- 11 shall be mailed prior to filing with the clerk of
- 12 the district court the verified statement or account
- 13 provided for in this section of the Code."
- 14 3. Page 1, line 25, by striking the figure "1978"
- 15 and inserting in lieu thereof the figure "1979".

S-5218 FILED *Out of order* BY GENE W. GLENN, CHAIRPERSON
FEBRUARY 21, 1978 *w/cd* COMMITTEE ON JUDICIARY

*adoption of 5218
2/25*

1 Section 1. Section five hundred seventy-two point eight
2 (572.8), Code 1977, is amended to read as follows:

3 572.8 PERFECTION OF LIEN. Every person who wishes to
4 avail himself of a mechanic's lien shall file with the clerk
5 of the district court of the county in which the building,
6 land, or improvement to be charged with the lien is situated
7 a verified statement or account of the demand due him, after
8 allowing all credits, setting forth:

9 1. The time when such material was furnished or labor
10 performed, and when completed; and

11 2. The correct description of the property to be charged
12 with the lien;

13 And the person shall give written notice thereof to the
14 owner, agent or trustee. Except as otherwise provided in
15 section five hundred seventy-two point ten (572.10) of the
16 Code, the person shall give such notice by causing delivery
17 within five days after the date of filing by first class mail,
18 restricted delivery, return receipt to the person requested.
19 Failure to give notice as required by this section shall
20 defeat the lien.

21 Sec. 2. This Act shall not apply to any lien arising under
22 section five hundred seventy-two point two (572.2) of the
23 Code pursuant to an original contract between an owner, agent,
24 or trustee and a contractor which was executed prior to January
25 1, 1978.

26 EXPLANATION

27 This bill provides that a contractor or subcontractor must
28 give written notice to a property owner of the filing of a
29 lien claim within five days after the claim is filed with
30 the court clerk. Notice shall be given by restricted delivery
31 mail. Failure to give notice defeats the lien.

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LSB 1219S
lb/rh/8A

SENATE FILE 2039

S-5262

1 Amend Senate File 2039 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section five hundred seventy-
5 two point eight (572.8), Code 1977, is amended by
6 striking the section and inserting in lieu thereof
7 the following:

8 572.8 PERFECTION OF LIEN.

9 A person may perfect a mechanics lien by:

10 1. Filing with the clerk of the district
11 court of the county in which the building, land, or
12 improvement to be charged with the lien is situated
13 a verified statement or account of the demand due
14 the person, after allowing all credits, setting
15 forth:

16 (a.) The time when such material was
17 furnished or labor performed, and when completed, and

18 (b.) The correct description of the pro-
19 perty to be charged with the lien, and

20 (c.) A statement that notice of the
21 filing of the statement or account was mailed by re-
22 stricted certified mail to the owner, agent or
23 trustee; and

24 2. Giving written notice of the filing of
25 the statement or account as set out in subsection
26 one (1) to the owner, agent or trustee. Except as
27 otherwise provided in section five hundred seventy-
28 two point ten (572.10), of the Code, the notice to
29 the owner, agent or trustee shall be by restricted
30 certified mail and such notice shall be mailed
31 prior to filing with the clerk of the district
32 court the verified statement or account provided
33 for in this section of the Code.

34 Sec. 2. This Act shall not apply to any lien
35 arising under section five hundred seventy-two
36 point two (572.2) of the Code pursuant to an original
37 contract between an owner, agent, or trustee and a
38 contractor which was executed prior to January 1,
39 1979."

S-5262 FILED & ADOPTED (p. 4/5) BY
FEBRUARY 28, 1978

EARL M. WILLITS
LUCAS J. DE KOSTER
JAMES M. REDMOND

See Judiciary 3/14

Senate File 2039
Judiciary and Law Enforcement: Woods, Chair; Conlon and Connors.

SENATE FILE 2039

By WILLITS

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 28, 1978)

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

A BILL FOR

1 An Act relating to the perfection and enforcement of
2 mechanics' liens.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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_____ = New Language
by the Senate

1 Section 1. Section five hundred seventy-two point eight
2 (572.8), Code 1977, is amended by striking the section and
3 inserting in lieu thereof the following:

4 572.8 PERFECTIO.I OF LIEN.

5 A person may perfect a mechanics lien by:

6 1. Filing with the clerk of the district court of the
7 county in which the building, land, or improvement to be
8 chnarged with the lien is situated a verified statement or
9 account of the demand due the person, after allowing all
10 credits, setting forth:

11 a. The time when such material was furnished or labor
12 performed, and when completed, and

13 b. The correct description of the property to be charged
14 with the lien, and

15 c. A statement that notice of the filing of the statement
16 or account was mailed by restricted certified mail to the
17 owner, agent or trustee; and

18 2. Giving written notice of the filing of the statement
19 or account as set out in subsection one (1) to the owner,
20 agent or trustee. Except as otherwise provided in section
21 five hundred seventy-two point ten (572.10), of the Code,
22 the notice to the owner, agent or trustee shall be by
23 restricted certified mail and such notice shall be mailed
24 prior to filing with the clerk of the district court the
25 verified statement or account provided for in this section
26 of the Code.

27 Sec. 2. This Act shall not apply to any lien arising under
28 section five hundred seventy-two point two (527.2) of the
29 Code pursuant to an original contract between an owner, agent,
30 or trustee and a contractor which was executed prior to January
31 1, 1979.

32 EXPLANATION

33 This bill provides that a contractor or subcontractor must
34 give written notice to a property owner of the filing of a
35 lien claim within five days after the lien is filed with the

1 court clerk. Notice shall be given by restricted delivery
2 mail. Failure to give notice defeats the lien.

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SF 2039
lb/slc/26a