

*Reprinted 2/79*

FILED FEB 5 1979

SENATE FILE 190

By COMMITTEE ON JUDICIARY  
*Approved 2/6 (p. 356)*

Passed Senate, Date 2-19-79 (p. 502) Passed House, Date \_\_\_\_\_  
Vote: Ayes 42 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved May 26, 1980

### A BILL FOR

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

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SENATE FILE 190

S-3071

1 Amend Senate File 190 as follows:  
2 1. Page 1, by striking lines 23 through 30.

S-3071 FILED *Adopted 2/19 (p. 502)*  
FEBRUARY 13, 1979

BY A. R. KUDART

1 Section 1. Section five hundred seventy-two point eight  
2 (572.8), Code 1979, is amended by striking the section and  
3 inserting in lieu thereof the following:

4 572.8 PERFECTION OF LIEN. A person shall perfect a  
5 mechanic's lien by filing with the clerk of the district court  
6 of the county in which the building, land, or improvement  
7 to be charged with the lien is situated a verified statement  
8 of account of the demand due the person, after allowing all  
9 credits, setting forth:

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

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

14 3. The name and last known mailing address of the owner,  
15 agent, or trustee of the property.

16 Upon the filing of the lien, the clerk of court shall mail  
17 a copy of the lien to the owner, agent, or trustee. If the  
18 statement of the lien consists of more than one page, the  
19 clerk may omit such pages as consist solely of an accounting  
20 of the material furnished or labor performed. In this case,  
21 the clerk shall attach a notification that pages of accounting  
22 were omitted and may be inspected in the clerk's office.

23 Sec. 2. Section six hundred thirty-one point one (631.1),  
24 subsection one (1), Code 1979, is amended by adding the  
25 following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. Pleading and proof of mechanic's  
27 lien foreclosures where the amount in controversy is less  
28 than one thousand dollars. However, entry of decrees of  
29 foreclosure and all subsequent proceedings shall be conducted  
30 as in ordinary actions.

31 EXPLANATION

32 This bill relates to mechanics' liens which are established  
33 under chapter 572 of the code.

34 Section 1 of the bill rewrites existing Code section 572.8  
35 to provide that when the lien statement is filed to perfect

1 the lien, as is presently required, the clerk of court shall  
2 mail a copy of the statement to the owner, agent or trustee  
3 of the real property at his or her last known address.

4 Section 2 of the bill amends section 631.1 of the Code,  
5 defining those actions which may be tried as small claims,  
6 to include foreclosures of mechanics' liens where the amount  
7 in controversy is less than one thousand dollars. However,  
8 in lieu of the procedures existing in chapter 631 of the Code  
9 for entry of judgment and execution of the judgment, the new  
10 language provides that entry of the decree and execution of  
11 the judgment shall be conducted as in ordinary actions.

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*Ho. Judiciary 2/22*

SENATE FILE 190

*To Pass per 3340 2/8 (p. 845)*

BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 19, 1979)

Re Passed Senate, Date 4/25/80 (p. 1753) Passed House, Date 4-17-79 (p. 1541)

Vote: Ayes 45 Nays 2 Vote: Ayes 95 Nays 0

Approved May 26, 1980

*Motion to reconsider 4/18 (p. 1615) w/d 4/24  
Request House 4/26/80 (p. 2224)  
80-12*

# A BILL FOR

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

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\* = Language Stricken  
by the Senate

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1 Section 1. Section five hundred seventy-two point eight  
2 (572.8), Code 1979, is amended by striking the section and  
3 inserting in lieu thereof the following:

4 572.8 PERFECTION OF LIEN. A person shall perfect a  
5 mechanic's lien by filing with the clerk of the district court  
6 of the county in which the building, land, or improvement  
7 to be charged with the lien is situated a verified statement  
8 of account of the demand due the person, after allowing all  
9 credits, setting forth:

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

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

14 3. The name and last known mailing address of the owner,  
15 agent, or trustee of the property.

16 Upon the filing of the lien, the clerk of court shall mail  
17 a copy of the lien to the owner, agent, or trustee. If the  
18 statement of the lien consists of more than one page, the  
19 clerk may omit such pages as consist solely of an accounting  
20 of the material furnished or labor performed. In this case,  
21 the clerk shall attach a notification that pages of accounting  
22 were omitted and may be inspected in the clerk's office.

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23 EXPLANATION

24 This bill relates to mechanics' liens which are established  
25 under chapter 572 of the code.

26 Section 1 of the bill rewrites existing Code section 572.8  
27 to provide that when the lien statement is filed to perfect  
28 the lien, as is presently required, the clerk of court shall  
29 mail a copy of the statement to the owner, agent or trustee  
30 of the real property at his or her last known address.

31 Section 2 of the bill amends section 631.1 of the Code,  
32 defining those actions which may be tried as small claims,  
33 to include foreclosures of mechanics' liens where the amount  
34 in controversy is less than one thousand dollars. However,  
35 in lieu of the procedures existing in chapter 631 of the Code

1 for entry of judgment and execution of the judgment, the new  
2 language provides that entry of the decree and execution of  
3 the judgment shall be conducted as in ordinary actions.

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sf 190  
lb/slc/26c

SENATE FILE 190

H-3926

1 Amend Senate File 190 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section five hundred seventy-two point  
6 two (572.2), Code 1979, is amended to read as follows:

7 572.2 PERSONS ENTITLED TO LIEN.

8 1. Every person who shall furnish any material  
9 or labor for, or perform any labor upon, any building  
10 or land for improvement, alteration, or repair thereof,  
11 including those engaged in the construction or repair  
12 of any work of internal or external improvement, and  
13 those engaged in grading, sodding, installing nursery  
14 stock, landscaping, sidewalk building, fencing on  
15 any land or lot, by virtue of any contract with the  
16 owner, his agent, trustee, contractor, or subcontractor  
17 shall have a lien upon such building or improvement,  
18 and land belonging to the owner on which the same  
19 is situated or upon the land or lot so graded,  
20 landscaped, fenced, or otherwise improved, altered,  
21 or repaired, to secure payment for material or labor  
22 furnished or labor performed; provided, however, that  
23 if the material or labor is furnished or performed  
24 by a person by virtue of a contract with a contractor  
25 or subcontractor, a lien for the person shall be  
26 treated as a subcontractor's lien filed after sixty  
27 days pursuant to sections five hundred seventy-two  
28 point ten (572.10) and five hundred seventy-two point  
29 eleven (572.11) of the Code, unless prior to extending  
30 credit to the contractor or subcontractor the person  
31 has obtained from the owner, agent or trustee who  
32 initiated the building alteration or improvement  
33 express authority to extend credit as provided in  
34 subsection two (2) of this section.

35 2. A person who is required by subsection one  
36 (1) of this section to have express written authority  
37 to extend credit before a lien exists for the person's  
38 benefit obtains the required written authority in  
39 either of the following ways:

40 a. A writing signed by the owner, agent or trustee  
41 which is addressed to the person and which expressly  
42 authorizes the person to extend credit, and which  
43 states the names and addresses of the persons to whom  
44 credit may be extended under the authority contained  
45 in the writing. The writing must contain the following  
46 statement in conspicuous print: "It is understood  
47 and agreed that debt arising out of the credit which  
48 may be extended pursuant to this written authority  
49 is the legal responsibility of the owner of the  
50 property upon which the work is done, and is secured

1 by a mechanic's lien as provided in chapter five  
 2 hundred seventy-two (572) of the Code of Iowa."  
 3 b. The person has been engaged as a subcontractor  
 4 by virtue of a written contract between the owner,  
 5 agent or trustee and the contractor which authorizes  
 6 the building, alteration or improvement, and which  
 7 expressly authorizes all subcontractors to furnish  
 8 labor and materials on credit, and which contains  
 9 the following statement in conspicuous print: "It  
 10 is understood and agreed that debt arising out of  
 11 the credit which may be extended by subcontractors  
 12 under this contract is the legal responsibility of  
 13 the owner of the property upon which the work is done,  
 14 and is secured by mechanics' liens as provided in  
 15 chapter five hundred seventy-two (572) of the Code  
 16 of Iowa."

17 2. Page 1, line 1, by striking the word and figure  
 18 "Section 1" and inserting in lieu thereof the word  
 19 and figure "Sec. 2".

20 3. Page 1, by inserting after line 22 the  
 21 following:

22 "Sec. 2. Section one (1) of this Act applies only  
 23 to liens arising from those works or improvements  
 24 which are commenced on or after January first next  
 25 following the enactment of this Act. Section two  
 26 (2) of this Act applies to any statement filed under  
 27 section five hundred seventy-two point eight (572.8)  
 28 of the Code on or after the effective date of this  
 29 Act."

BY EVANS of Grundy  
 DAVITT of Warren  
 CHIODO of Polk  
 CONLON of Muscatine

H-3926 FILED *Adopted 4/11 (p. 1561)*  
 APRIL 12, 1979

SENATE FILE 190

H-3340

1 Amend Senate File 190, as amended, passed and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 22 the  
 4 following section:

5 "Sec. 2. Section six hundred thirty-one point  
 6 one (631.1), Code 1979, is amended by adding the  
 7 following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. In a mechanic's lien  
 9 foreclosure pursuant to chapter five hundred seventy-  
 10 two (572) of the Code, the district court may appoint  
 11 the district court sitting in small claims as a  
 12 referee to determine as a small claim issues affecting  
 13 accounting, contract, and similar matters, where the  
 14 amount in controversy is less than one thousand  
 15 dollars. The court shall not refer to small claims  
 16 issues affecting title to real property."

H-3340 FILED *Adopted 4/17 (p. 1559)*  
 MARCH 7, 1979

BY COMMITTEE ON JUDICIARY  
 AND LAW ENFORCEMENT  
 SHIMANEK of Jones, Chair

SENATE CLIP SHEET

APRIL 25, 1979

HOUSE AMENDMENT TO SENATE FILE 190

8-3599

1 Amend Senate File 190 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section five hundred seventy-two point  
6 two (572.2), Code 1979, is amended to read as follows:

7 572.2 PERSONS ENTITLED TO LIEN.

8 1. Every person who shall furnish any material  
9 or labor for, or perform any labor upon, any building  
10 or land for improvement, alteration, or repair thereof,  
11 including those engaged in the construction or repair  
12 of any work of internal or external improvement, and  
13 those engaged in grading, sodding, installing nursery  
14 stock, landscaping, sidewalk building, fencing on  
15 any land or lot, by virtue of any contract with the  
16 owner, his agent, trustee, contractor, or subcontractor  
17 shall have a lien upon such building or improvement,  
18 and land belonging to the owner on which the same  
19 is situated or upon the land or lot so graded,  
20 landscaped, fenced, or otherwise improved, altered,  
21 or repaired, to secure payment for material or labor  
22 furnished or labor performed; provided, however, that  
23 if the material or labor is furnished or performed  
24 by a person by virtue of a contract with a contractor  
25 or subcontractor, a lien for the person shall be  
26 treated as a subcontractor's lien filed after sixty  
27 days pursuant to sections five hundred seventy-two  
28 point ten (572.10) and five hundred seventy-two point  
29 eleven (572.11) of the Code, unless prior to extending  
30 credit to the contractor or subcontractor the person  
31 has obtained from the owner, agent or trustee who  
32 initiated the building alteration or improvement  
33 express authority to extend credit as provided in  
34 subsection two (2) of this section.

35 2. A person who is required by subsection one  
36 (1) of this section to have express written authority  
37 to extend credit before a lien exists for the person's  
38 benefit obtains the required written authority in  
39 either of the following ways:

40 a. A writing signed by the owner, agent or trustee  
41 which is addressed to the person and which expressly  
42 authorizes the person to extend credit, and which  
43 states the names and addresses of the persons to whom  
44 credit may be extended under the authority contained  
45 in the writing. The writing must contain the following  
46 statement in conspicuous print: "It is understood  
47 and agreed that debt arising out of the credit which  
48 may be extended pursuant to this written authority  
49 is the legal responsibility of the owner of the  
50 property upon which the work is done, and is secured

APRIL 25, 1979

S-3599

PAGE 2

1 by a mechanic's lien as provided in chapter five  
 2 hundred seventy-two (572) of the Code of Iowa."  
 3 b. The person has been engaged as a subcontractor  
 4 by virtue of a written contract between the owner,  
 5 agent or trustee and the contractor which authorizes  
 6 the building, alteration or improvement, and which  
 7 expressly authorizes all subcontractors to furnish  
 8 labor and materials on credit, and which contains  
 9 the following statement in conspicuous print: "It  
 10 is understood and agreed that debt arising out of  
 11 the credit which may be extended by subcontractors  
 12 under this contract is the legal responsibility of  
 13 the owner of the property upon which the work is done,  
 14 and is secured by mechanics' liens as provided in  
 15 chapter five hundred seventy-two (572) of the Code  
 16 of Iowa."

17 2. Page 1, line 1, by striking the word and figure  
 18 "Section 1" and inserting in lieu thereof the word  
 19 and figure "Sec. 2".

20 3. Page 1, by inserting after line 22 the following  
 21 section:

22 "Sec. 3. Section six hundred thirty-one point  
 23 one (631.1), Code 1979, is amended by adding the  
 24 following new unnumbered paragraph:

25 NEW UNNUMBERED PARAGRAPH. In a mechanic's lien  
 26 foreclosure pursuant to chapter five hundred seventy-  
 27 two (572) of the Code, the district court may appoint  
 28 the district court sitting in small claims as a referee  
 29 to determine as a small claim issues affecting  
 30 accounting, contract, and similar matters, where the  
 31 amount in controversy is less than one thousand  
 32 dollars. The court shall not refer to small claims  
 33 issues affecting title to real property."

34 4. Page 1, by inserting after line 22 the  
 35 following:

36 "Sec. 4. Section one (1) of this Act applies only  
 37 to liens arising from those works or improvements  
 38 which are commenced on or after January first next  
 39 following the enactment of this Act. Section two  
 40 (2) of this Act applies to any statement filed under  
 41 section five hundred seventy-two point eight (572.8)  
 42 of the Code on or after the effective date of this  
 43 Act."

S-3599 FILED  
 APRIL 24, 1979

RECEIVED FROM THE HOUSE

*Senate amended & concurred 4/25 (p. 1758)*

SENATE FILE 190

S-5837

1 Amend the House amendment S-3599 to Senate File  
2 190 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 1, by striking line 34 and inserting in  
5 lieu thereof the words "subsection two (2) of this  
6 section; and provided further that a lien under this  
7 chapter is unenforceable notwithstanding any contrary  
8 provision of this chapter as against a purchaser,  
9 encumbrancer or other person who acquires in good  
10 faith, for valuable consideration and subsequent to  
11 the date of completion of the improvement, alteration  
12 or repair, an interest in the real property to which  
13 the lien attaches unless the lien was perfected and  
14 filed of record under this chapter prior to the time  
15 the interest is acquired."

S-5837 FILED  
APRIL 23, 1980

BY ARTHUR A. SMALL, JR.  
STEPHEN BISENIUS

*Placed out of order 4/25 (p. 1157)*

SENATE FILE 190

S-5958

1 Amend the House amendment, S-3599 to Senate File  
2 190 as amended, passed and reprinted by the Senate,  
3 as follows:  
4 1. Page 2, by inserting after line 33 the  
5 following:  
6 "\_\_\_\_. Page 1, by inserting after line 22 the  
7 following:  
8 "Sec. \_\_\_\_ Chapter five hundred seventy-two (572),  
9 Code 1979, is amended by adding the following new  
10 section:  
11 NEW SECTION. MISAPPROPRIATION--PENALTY. A  
12 contractor who receives payment of the contract price  
13 of an improvement, alteration or repair for which  
14 a lien arises under this chapter and who knowingly  
15 fails to use these proceeds to pay for goods or  
16 services obtained by the contractor on credit for  
17 use in the improvement, alteration or repair commits  
18 a fraudulent practice; provided that a contractor  
19 shall not be in violation of this section if the  
20 person engaging the contractor for purposes of the  
21 improvement, alteration or repair agreed to pay the  
22 costs of goods and services used in completing the  
23 improvement, alteration or repair in addition to the  
24 contract price."

S-5958 FILED & WITHDRAWN  
APRIL 25, 1980 *(p. 1157)*

BY RICHARD RAMSEY  
STEPHEN W. BISENIUS

S-3622

1 Amend the amendment, S-3599, to Senate File  
2 190 as amended, passed and reprinted by the Senate  
3 as follows:

4 1. Page 1, line 23, by inserting after the word  
5 "performed" the words "with respect to consumer  
6 improvements as defined in subsection three (3) of  
7 this section".

8 2. Page 2, by striking line 16 and inserting  
9 in lieu thereof the following: "of Iowa."

10 3. As used in this section, the term "consumer  
11 improvements" means improvements, alterations or  
12 repairs to a building or land which is, as of the time  
13 the improvements are begun, used wholly or in major  
14 part for personal, family, household, or agricultural  
15 purposes, and not held primarily for purposes of  
16 investment or resale."

S-3622 FILED  
APRIL 25, 1979

BY EARL M. WILLITS

*Placed out of order 4/25 (S 1757)*

## SENATE FILE 190

S-5001

1 Amend the House Amendment S-3599, to Senate File  
2 190 as amended, passed and reprinted by the Senate  
3 as follows:

4 1. Page 1, line 40, by striking the word "writing"  
5 and inserting in lieu thereof the words "written  
6 authority".

7 2. Page 1, line 44, by striking the words "authority  
8 contained" and inserting in lieu thereof the words  
9 "written authorization.".

10 3. Page 1, by striking line 45 and inserting in  
11 lieu thereof the following: "The written authority  
12 must contain the following".

S-5001 FILED  
JANUARY 14, 1980

BY WILLIAM D. PALMER

*Placed out of order 4/25 (S 1757)*

## SENATE FILE 190

S-5002

1 Amend the House Amendment S-3599 to Senate File 190  
2 as follows:

3 1. Page 1, line 33 by inserting after the word  
4 "express", the word "written".

S-5002 FILED  
JANUARY 17, 1980

BY DICK RAMSEY

*Placed out of order  
4/25 (S 1757)*

SENATE FILE 190

S-5944

1 Amend the House amendment, S-3599 to Senate File  
2 190 as amended, passed and reprinted by the Senate  
3 as follows:

4 1. By striking everything after page 1, line 2  
5 and inserting in lieu thereof the following:

6 "1. Page 1, by inserting after line 22 the  
7 following:

8 "Sec. 2. Chapter five hundred seventy-two (572),  
9 Code 1979, is amended by adding the following new  
10 section:

11 NEW SECTION. COOPERATIVE AND CONDOMINIUM HOUSING.

12 A lien arising under this chapter as a result of the  
13 construction of an apartment house or apartment  
14 building which is owned on a cooperative basis under  
15 chapter four hundred ninety-nine A (499A) of the Code,  
16 or which is submitted to a horizontal property regime  
17 under chapter four hundred ninety-nine B (499B) of  
18 the Code, is not enforceable, notwithstanding any  
19 contrary provision of this chapter, as against the  
20 interests of an owner in an owner-occupied dwelling  
21 unit contained in the apartment house or apartment  
22 building acquired in good faith and for valuable  
23 consideration, unless a lien statement specifically  
24 describing the dwelling unit is filed under section  
25 five hundred seventy-two point eight (572.8) of the  
26 Code within the applicable time period specified in  
27 section five hundred seventy-two point nine (572.9)  
28 of the Code, but determined from the date on which  
29 the last of the material was supplied or the last  
30 of the labor was performed in the construction of  
31 that dwelling unit."

BY ARTHUR A. SMALL, JR.

S-5944 FILED & ADOPTED (p 1757) STEPHEN W. BISENIUS  
APRIL 25, 1980 DICK RAMSEY

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SENATE AMENDMENT TO  
HOUSE AMENDMENT TO  
SENATE FILE 190

H-6404

1 Amend the House amendment, S-3599 to Senate File  
2 190 as amended, passed and reprinted by the Senate  
3 as follows:

4 1. By striking everything after page 1, line 2  
5 and inserting in lieu thereof the following:

6 "1. Page 1, by inserting after line 22 the  
7 following:

8 "Sec. 2. Chapter five hundred seventy-two (572),  
9 Code 1979, is amended by adding the following new  
10 section:

11 NEW SECTION. COOPERATIVE AND CONDOMINIUM HOUSING.  
12 A lien arising under this chapter as a result of the  
13 construction of an apartment house or apartment  
14 building which is owned on a cooperative basis under  
15 chapter four hundred ninety-nine A (499A) of the Code,  
16 or which is submitted to a horizontal property regime  
17 under chapter four hundred ninety-nine B (499B) of  
18 the Code, is not enforceable, notwithstanding any  
19 contrary provision of this chapter, as against the  
20 interests of an owner in an owner-occupied dwelling  
21 unit contained in the apartment house or apartment  
22 building acquired in good faith and for valuable  
23 consideration, unless a lien statement specifically  
24 describing the dwelling unit is filed under section  
25 five hundred seventy-two point eight (572.8) of the  
26 Code within the applicable time period specified in  
27 section five hundred seventy-two point nine (572.9)  
28 of the Code, but determined from the date on which  
29 the last of the material was supplied or the last  
30 of the labor was performed in the construction of  
31 that dwelling unit."

H-6404 FILED APRIL 25, 1980 RECEIVED FROM THE SENATE

*Have referred to committee 4/26 (p. 2215)  
Committee's concern (p. 2223)*

SENATE FILE 190

H-6420

1 Amend the Senate amendment, H-6404 to amendment  
2 S-3599 to Senate File 190, as amended, passed and  
3 reprinted by the Senate, as follows:

4 1. Page 1, by striking lines 6 through 31 and  
5 inserting in lieu thereof the following:

6 "\_\_\_\_. By striking everything after the enacting  
7 clause and inserting in lieu thereof the following:

8 Section 1. Chapter five hundred seventy-two (572),  
9 Code 1979, is repealed. This section does not apply  
10 to a lien arising out of material or labor furnished  
11 or labor performed prior to the effective date of  
12 this Act.

13 \_\_\_\_\_. Amend the title by striking lines 1 and 2  
14 and inserting in lieu thereof the words "An Act  
15 repealing chapter five hundred seventy-two (572) of  
16 the Code, relating to mechanics' liens."

H-6420 FILED APRIL 26, 1980  
OUT OF ORDER

BY WOODS of Polk  
DAVITT of Warren

SENATE FILE 190

AN ACT

RELATING TO THE PERFECTION AND ENFORCEMENT OF A MECHANIC'S LIEN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section five hundred seventy-two point eight (572.8), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

572.8 PERFECTION OF LIEN. A person shall perfect a mechanic's lien by filing with the clerk of the district court of the county in which the building, land, or improvement to be charged with the lien is situated a verified statement of account of the demand due the person, after allowing all credits, setting forth:

1. The time when such material was furnished or labor performed, and when completed.
2. The correct description of the property to be charged with the lien.
3. The name and last known mailing address of the owner, agent, or trustee of the property.

Upon the filing of the lien, the clerk of court shall mail a copy of the lien to the owner, agent, or trustee. If the statement of the lien consists of more than one page, the clerk may omit such pages as consist solely of an accounting of the material furnished or labor performed. In this case, the clerk shall attach a notification that pages of accounting were omitted and may be inspected in the clerk's office.

Sec. 2. Chapter five hundred seventy-two (572), Code 1979, is amended by adding the following new section:

NEW SECTION. COOPERATIVE AND CONDOMINIUM HOUSING. A lien arising under this chapter as a result of the construction of an apartment house or apartment building which is owned on a cooperative basis under chapter four hundred ninety-nine A (499A) of the Code, or which is submitted to a horizontal

property regime under chapter four hundred ninety-nine B (499B) of the Code, is not enforceable, notwithstanding any contrary provision of this chapter, as against the interests of an owner in an owner-occupied dwelling unit contained in the apartment house or apartment building acquired in good faith and for valuable consideration, unless a lien statement specifically describing the dwelling unit is filed under section five hundred seventy-two point eight (572.8) of the Code within the applicable time period specified in section five hundred seventy-two point nine (572.9) of the Code, but determined from the date on which the last of the material was supplied or the last of the labor was performed in the construction of that dwelling unit.

\_\_\_\_\_  
TERRY E. BRANSTAD  
President of the Senate

\_\_\_\_\_  
WILLIAM H. HARBOR  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 190, Sixty-eighth General Assembly.

\_\_\_\_\_  
FRANK J. STORK  
Secretary of the Senate

Approved *May 26*, 1980

\_\_\_\_\_  
ROBERT D. RAY  
Governor

S.F. 190