

721—45.1(572) General provisions.

45.1(1) Scope. This chapter applies to the creation and administration of a mechanics' notice and lien registry under Iowa Code chapter 572. All filed mechanics' liens must be posted in the office of the administrator in accordance with these rules.

Mechanics' liens filed prior to January 1, 2013, shall remain with the clerk of the district court of the county in which the building, land, or improvement charged with the lien is situated.

Rules 721—45.4(572) and 721—45.5(572) apply only to residential construction. All other rules in this chapter apply to both residential and commercial construction.

45.1(2) Definitions. The following terms shall have the respective meanings provided in this rule.

"Administrator" means the secretary of state.

"Building" shall be construed as if followed by the words "erection, or other improvement upon land."

"Claimant" means a person entitled to a lien under Iowa Code chapter 572.

"Filing office" means the office of the secretary of state. The address of the office is Lucas State Office Building, First Floor, 321 East 12th Street, Des Moines, Iowa 50319.

"General contractor" means every person who does work or furnishes materials by contract, express or implied, with an owner. "General contractor" does not include a person who does work or furnishes materials on contract with an owner-builder.

"Index" means the categories by which a posting may be searched and retrieved.

"Labor" means labor completed by the claimant.

"Material," in addition to its ordinary meaning, includes machinery, tools, fixtures, trees, evergreens, vines, plants, shrubs, tubers, bulbs, hedges, bushes, sod, soil, dirt, mulch, peat, fertilizer, fence wire, fence material, fence posts, tile and the use of forms, accessories, and equipment furnished by the claimant.

"Mechanics' notice and lien registry" or *"MNLN"* means a centralized computer database maintained on the Internet by the administrator that provides a central repository for the submission and management of preliminary notices, notices of commencement of work on residential construction properties, and mechanics' liens on all construction properties.

"Mechanics' notice and lien registry number" or *"MNLN number"* means a number provided by the administrator for all construction properties posted to the mechanics' notice and lien registry.

"Owner" means the legal or equitable titleholder of record.

"Owner-builder" means the legal or equitable titleholder of record who furnishes material for or performs labor upon a building, erection, or other improvement, or who contracts with a subcontractor to furnish material for or perform labor upon a building, erection, or other improvement and who offers or intends to offer to sell the owner-builder's property without occupying or using the structures, properties, developments, or improvements for a period of more than one year from the date the structure, property, development, or improvement is substantially completed or abandoned.

"Owner notice" means notification to the owner.

"Post" or *"posting"* means to enter notices, liens and any other document on the mechanics' notice and lien registry.

"Residential construction" means construction on single-family or two-family dwellings occupied or used, or intended to be occupied or used, primarily for residential purposes, and includes real property pursuant to Iowa Code chapter 499B.

"Subcontractor" means every person furnishing material or performing labor upon any building, erection, or other improvement, except those having contracts directly with the owner. "Subcontractor" shall include those persons having contracts directly with an owner-builder.

"Submit" or *"submission"* means to mail, fax, or deliver by person or courier a paper document.

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