

721—45.5(572) Posting of preliminary notice; renewal of notice; inactive notice.**45.5(1) Posting by subcontractor.**

a. A subcontractor for residential construction who has provided or will provide labor or furnish material for residential construction shall post a preliminary notice to the MNLR, or the subcontractor is not entitled to a lien or remedies provided in Iowa Code chapter 572.

b. Prior to the posting of a preliminary notice, a notice of commencement of work must be posted on the MNLR. If the general contractor or owner-builder has not posted a notice of commencement of work on the MNLR within ten days of commencement of work on the property, then the subcontractor may post a notice of commencement of work on the MNLR prior to posting the preliminary notice. In order to post a notice of commencement of work on the MNLR, the subcontractor must comply with subrule 45.4(2).

45.5(2) Contents of preliminary notice. The information provided by the subcontractor shall, at a minimum, include:

- a.* The name of the owner.
- b.* The MNLR number.
- c.* The name, address, and telephone number of the subcontractor furnishing the labor, service, equipment, or material.
- d.* The name and address of the person who contracted with the claimant for the furnishing of the labor, service, equipment, or material.
- e.* The name of the general contractor or owner-builder under which the claimant is performing or will perform the work.
- f.* The address of the property or a description of the location of the property if the property cannot be reasonably identified by an address.
- g.* The legal description of the property.
- h.* The date the material or materials were first furnished or the labor was first performed.
- i.* The tax parcel identification number.
- j.* The county or counties in which the building, land, or improvement to be charged with the lien is situated.
- k.* The email address of the subcontractor or the email address of another individual or entity designated to receive electronic correspondence on behalf of the subcontractor.

45.5(3) Preliminary notice owner notice. At the time that a preliminary notice is posted on the MNLR, the administrator shall mail a written owner notice, as provided in paragraphs 45.4(3) “a” and 45.4(3) “b,” to the owner’s address. An owner-builder shall not receive an owner notice.

45.5(4) Proof of service of owner notice. The administrator shall post a proof of service on the MNLR. The subcontractor may obtain a copy by downloading the proof of service from the record of postings by MNLR number.

45.5(5) Renewal of preliminary notice. A preliminary notice may be renewed on the MNLR within 60 days prior to being declared inactive.

45.5(6) Preliminary notice declared inactive. A preliminary notice that remains posted on the MNLR two years after the date of posting shall be declared inactive by the administrator, unless renewed.

45.5(7) Removal of inactive notice. A preliminary notice shall be removed from the MNLR one year after being declared inactive.

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