

FILED MAR 5 1984

SENATE FILE 2301

BY COMMITTEE ON JUDICIARY

(FORMERLY SSB 2036)

Approved 3/5 (p. 668)

Substituted for H. F. 2453 3/23

Passed Senate, Date 3-8-84 (p. 126) Passed House, Date 3-27-84 (p. 1305)

Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 0

Approved May 10, 1984

Repassed Senate per House amendments
4-2-84 (p. 1239)
43-1

A BILL FOR

- 1 An Act relating to the protection of lienholders' and
- 2 certificate holders' advancements.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2301

H-5656

- 1 Amend Senate File 2301 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. NEW SECTION. 572.33 REQUIREMENT
- 6 OF NOTIFICATION. Notwithstanding any provision to
- 7 the contrary, a claim by a person furnishing only
- 8 materials to a subcontractor who is furnishing only
- 9 materials shall not be entitled to a lien under this
- 10 chapter unless the person furnishing materials had
- 11 notified the principal contractor within thirty days
- 12 of the furnishing of the materials and the lien claim
- 13 is supported by a certified statement that the
- 14 principal contractor had been notified within thirty
- 15 days after the materials were furnished. This
- 16 requirement is in addition to all other requirements
- 17 of this chapter."
- 18 2. By renumbering to conform to this amendment.

H-5656 FILED MARCH 14, 1984 BY TABOR of Jackson

Adopted 3/27 (p. 1305)

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1 Section 1. Chapter 629, Code 1983, is amended by adding
2 the following new section:

3 NEW SECTION. LIENHOLDER'S ADVANCEMENTS--ENFORCEMENT.

4 When an advancement described in section 629.1 has been made
5 by the holder of a junior or senior lien, the amount of that
6 expenditure plus the interest on it shall be added to the
7 amount of the lienholder's original lien and have the same
8 priority as the original lien and the lienholder may recover
9 the increased amount in any action brought for the foreclosure
10 of the junior or senior lien referred to in the verified
11 statement.

12 Sec. 2. Section 629.1, Code 1983, is amended to read as
13 follows:

14 629.1 LIENHOLDER'S ADVANCEMENTS PROTECTED--AFFIDAVIT
15 FILED. The holder of a sheriff's sale certificate or junior
16 or senior lien upon any real estate after the payment of any
17 delinquency of any taxes or special assessment, ~~or of~~ insurance
18 premiums or money for necessary repairs, maintenance or
19 preservation of the property, interest on any a senior lien,
20 or any sum to cure a breach of any a condition of a senior
21 encumbrance, ~~upon payment by him, or performance of the~~
22 condition broken, shall have a lien upon said real estate
23 for such expenditures and interest thereon of equal priority
24 with the lien so held by him upon his filing may file with
25 the clerk of the district court in the county in which the
26 land is situated, a verified statement of ~~said~~ the expenditures
27 and the their dates thereof, together with a description of
28 the real estate, the name of the record owner, and a reference
29 to the ~~lien which he holds, and may recover the same in any~~
30 ~~action brought for the foreclosure of the junior lien referred~~
31 ~~to in said verified statement~~ interest of the record owner.

32 EXPLANATION

33 This bill provides that a senior lienholder receives the
34 same treatment as a junior lienholder or holder of a sheriff's
35 sale certificate in regard to advancements and provides the

1 items for which the lienholders may receive compensation after
2 payment.

3 This bill takes effect July 1 following its enactment.

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HOUSE AMENDMENT TO SENATE FILE 2301

S-5657

1 Amend Senate File 2301 as passed by the Senate
2 as follows:

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

5 "Section 1. NEW SECTION. 572.33 REQUIREMENT
6 OF NOTIFICATION. Notwithstanding any provision to
7 the contrary, a claim by a person furnishing only
8 materials to a subcontractor who is furnishing only
9 materials shall not be entitled to a lien under this
10 chapter unless the person furnishing materials had
11 notified the principal contractor within thirty days
12 of the furnishing of the materials and the lien claim
13 is supported by a certified statement that the
14 principal contractor had been notified within thirty
15 days after the materials were furnished. This
16 requirement is in addition to all other requirements
17 of this chapter."

18 2. By renumbering to conform to this amendment.

S-5657 FILED
MARCH 29, 1984

RECEIVED FROM THE HOUSE
Senate concurred 4/2 (p. 1235)

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SENATE FILE 2301

AN ACT

RELATING TO THE PROTECTION OF LIENHOLDERS' AND CERTIFICATE
HOLDERS' ADVANCEMENTS.

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

Section 1. NEW SECTION. 572.33 REQUIREMENT OF NOTIFICATION. Notwithstanding any provision to the contrary, a claim by a person furnishing only materials to a subcontractor who is furnishing only materials shall not be entitled to a lien under this chapter unless the person furnishing materials had notified the principal contractor within thirty days of the furnishing of the materials and the lien claim is supported by a certified statement that the principal contractor had been notified within thirty days after the materials were furnished. This requirement is in addition to all other requirements of this chapter.

Sec. 2. Chapter 629, Code 1983, is amended by adding the following new section:

NEW SECTION. LIENHOLDER'S ADVANCEMENTS--ENFORCEMENT.

When an advancement described in section 629.1 has been made by the holder of a junior or senior lien, the amount of that expenditure plus the interest on it shall be added to the amount of the lienholder's original lien and have the same priority as the original lien and the lienholder may recover the increased amount in any action brought for the foreclosure of the junior or senior lien referred to in the verified statement.

Sec. 3. Section 629.1, Code 1983, is amended to read as follows:

629.1 LIENHOLDER'S ADVANCEMENTS PROTECTED--AFFIDAVIT FILED. The holder of a sheriff's sale certificate or junior or senior lien upon any real estate after the payment of any delinquency of any taxes or special assessment, or of insurance premiums or money for necessary repairs, maintenance or preservation of the property, interest on any a senior lien,

or any sum to cure a breach of any a condition of a senior encumbrance, upon payment by him, or performance of the condition broken, shall have a lien upon said real estate for each expenditures and interest thereon of equal priority with the lien so held by him upon his filing may file with the clerk of the district court in the county in which the land is situated, a verified statement of said the expenditures and the their dates thereof, together with a description of the real estate, the name of the record owner, and a reference to the lien which he holds, and may recover the name in any action brought for the foreclosure of the junior lien referred to in said verified statement interest of the record owner.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2301, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved *May 10*, 1984

TERRY E. BRANSTAD
Governor