

FILED JAN 21 1998

SENATE FILE 2051  
BY DOUGLAS

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act providing that a mechanic's lien filed by a subcontractor  
2 against an owner-occupant is enforceable only to the extent of  
3 the amount due to the primary contractor under the principal  
4 contract, less any payments made under the contract prior to  
5 service and receipt of the notice of mechanic's lien.

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

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S.F. 2051

1 Section 1. Section 572.14, subsection 2, Code 1997, is  
2 amended to read as follows:

3 2. In the case of an owner-occupied dwelling, a mechanic's  
4 lien perfected under this chapter is enforceable only to the  
5 extent of the ~~balance-due-from-the-owner-to-the-principal~~  
6 ~~contractor-at-the-time-written-notice,-in-the-form~~ amount due  
7 the principal contractor by the owner-occupant under the  
8 contract, less any payments made by the owner-occupant to the  
9 principal contractor prior to the owner-occupant being served  
10 with the notice specified in subsection 3, ~~is-served-on-the~~  
11 owner. This notice may be served by delivering it to the  
12 owner or the owner's spouse personally, or by mailing it to  
13 the owner by certified mail with restricted delivery and  
14 return receipt to the person mailing the notice, or by  
15 personal service as provided in the rules of civil procedure.

16 EXPLANATION

17 This bill provides that a mechanic's lien from a  
18 subcontractor shall be enforceable only to the extent of the  
19 amount due to the principal contractor, less payments made by  
20 the owner-occupant to the principal contractor prior to  
21 service upon and receipt by the owner-occupant of the notice  
22 of the mechanic's lien.

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