

JAN 10 2000
JUDICIARY

HOUSE FILE 2009
BY GRUNDBERG

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to an award of attorney fees in an action to
2 enforce a mechanic's lien.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2009

1 Section 1. Section 572.32, Code Supplement 1999, is
2 amended by striking the section and inserting in lieu thereof
3 the following:

4 572.32 ATTORNEY FEES.

5 In a court action to enforce a mechanic's lien the
6 prevailing party shall be awarded reasonable attorney fees.

7 EXPLANATION

8 This bill provides that in a court action to enforce a
9 mechanic's lien the successful party shall be awarded
10 reasonable attorney fees. Currently, if the plaintiff
11 furnished labor or material directly to the defendant, a
12 prevailing plaintiff in such an action may be awarded
13 reasonable attorney fees. In an action to challenge a
14 mechanic's lien on an owner-occupied dwelling, the person
15 challenging the lien, if successful, may be awarded reasonable
16 attorney fees and actual damages. Additionally, in the
17 instance of a mechanic's lien on an owner-occupied dwelling,
18 if the mechanic's lien was filed in bad faith or if the
19 supporting affidavit upon which the mechanic's lien was issued
20 was materially false, the court shall award the owner
21 reasonable attorney fees plus an amount not less than \$500 or
22 the amount of the lien, whichever is less.

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