

CHAPTER 1248
PROTECTION OF ADVANCEMENTS
S.F. 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 such 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 same in any action brought for the foreclosure of the junior lien referred to in said verified statement interest of the record owner.

Approved May 10, 1984