

Effective 5/13/2014

38-12-102 Notice requirements for lien filings -- Exceptions.

- (1) A lien claimant or the lien claimant's agent shall send by certified mail a written copy of a notice of lien to the last-known address of the person against whom the notice of lien is filed no later than 30 days after the day on which the notice of lien is submitted for recording with:
 - (a) a county recorder;
 - (b) a county clerk;
 - (c) a clerk of the court; or
 - (d) in the case of a lien on an aircraft under Section 38-13-201, the Federal Aviation Administration.
- (2)
 - (a) A notice of lien submitted for recording shall contain the following information:
 - (i) the name and address of the person against whom the lien is filed;
 - (ii) a statement that the property owned by the person against whom the lien is filed is subject to a lien;
 - (iii)
 - (A) the amount of the judgment, settlement, or compromise, if the lien is based on a charge against or interest in a judgment, settlement, or compromise;
 - (B) the amount of state taxes owed, if the lien is based on unpaid state taxes;
 - (C) the total amount of the unpaid assessment that is subject to the lien, including any fees, charges, or costs, if the lien is based on an unpaid assessment under Title 57, Chapter 8, Condominium Ownership Act, or Title 57, Chapter 8a, Community Association Act; or
 - (D) the amount of the unpaid fine, if the lien is based on an unpaid fine under Title 57, Chapter 8, Condominium Ownership Act, or Title 57, Chapter 8a, Community Association Act; and
 - (iv)
 - (A) the name, address, and phone number of the lien claimant; or
 - (B) if the lien claimant has a representative for purposes of the lien, the name of the lien claimant and the name, address, and phone number of the lien claimant's representative.
 - (b) When a lien claimant mails a copy of a notice of lien to the person against whom the notice of lien is filed, in accordance with Subsection (1), the notice of lien shall contain:
 - (i) the requirements described in Subsection (2)(a);
 - (ii) the date the notice of lien was submitted for recording; and
 - (iii) the article number on the certified mail receipt.
- (3) The notice requirements of Subsections (1) and (2) do not apply to:
 - (a) a preconstruction or construction lien as provided in Title 38, Chapter 1a, Preconstruction and Construction Liens;
 - (b) a lessors' lien as provided in Title 38, Chapter 3, Lessors' Liens;
 - (c) a federal tax lien as provided in Title 38, Chapter 6, Federal Tax Liens;
 - (d) a hospital lien as provided in Title 38, Chapter 7, Hospital Lien Law;
 - (e) a self-service storage facilities lien as provided in Title 38, Chapter 8, Self-Service Storage Facilities;
 - (f) an oil, gas, or mining lien as provided in Title 38, Chapter 10, Oil, Gas, and Mining Liens;
 - (g) a claim against the Residence Lien Recovery Fund as provided in Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act;
 - (h) a trust deed;
 - (i) a mortgage;
 - (j) any interests subject to a security agreement as defined in Section 70A-9a-102;

- (k) any other liens subject to the same or stricter notice requirements than those imposed by Subsections (1) and (2); or
- (l) a court judgment or abstract of a court judgment presented for recording in the office of a county recorder.

Amended by Chapter 129, 2014 General Session