

Part 6 Construction Loans

38-1a-601 Notice of construction loan.

- (1) After recording a mortgage or trust deed securing a construction loan on a private project, the construction lender on the loan shall promptly, in conjunction with the closing of the construction loan, file with the registry a notice of construction loan.
- (2) A notice under Subsection (1) shall accurately state:
 - (a) the lender's name, address, and telephone number;
 - (b) the name of the trustor on the trust deed securing the loan;
 - (c) the tax parcel identification number of each parcel included or to be included in the construction project for which the loan was given;
 - (d) the address of the project property; and
 - (e) the name of the county in which the project property is located.
- (3) A construction lender that files a notice of construction loan containing incomplete or inaccurate information may not be held liable for damages suffered by any other person who relies on the inaccurate or incomplete information in filing a preliminary notice.

Renumbered and Amended by Chapter 278, 2012 General Session

38-1a-602 Notice concerning construction loan default.

- (1) Within five business days after a notice of default is filed for recording under Section 57-1-24 with respect to a trust deed on the project property securing a construction loan, the construction lender under the loan shall file a notice with the registry.
- (2) A notice under Subsection (1) shall:
 - (a) include:
 - (i) the information required to be included in a notice of construction loan under Subsection 38-1a-601(2); and
 - (ii) the entry number of the notice of construction loan;
 - (b) state that a notice of default with respect to the construction loan has been recorded; and
 - (c) state the date that the notice of default was recorded.

Renumbered and Amended by Chapter 278, 2012 General Session

38-1a-603 Notice of intent to finance.

- (1) An owner may file with the registry a notice of intent to finance.
- (2) A notice of intent to finance under Subsection (1) shall state:
 - (a) the anticipated date on which financing will occur;
 - (b) the anticipated lender's name, address, and telephone number;
 - (c) the name of the trustor on the trust deed securing the anticipated loan;
 - (d) the tax parcel identification number of each parcel included in the project property; and
 - (e) the name of the county in which the project property is located.
- (3) If an owner chooses to file a notice of intent to finance, the owner shall file the notice of intent to finance no less than 14 days before the date on which the financing is anticipated to occur.
- (4) If the financing does not occur within 30 days after the anticipated date specified in the notice of intent to finance, the notice of intent to finance shall automatically have no effect and shall be removed from the registry.

Enacted by Chapter 250, 2019 General Session

38-1a-604 Notice of final lien waiver.

- (1) After a notice of intent to finance is filed under Section 38-1a-603 on a project property, each subcontractor that has filed a preliminary notice pertaining to the project property may file with the registry a final lien waiver.
- (2) The final lien waiver described in Subsection (1) may be filed on the registry even if no notice of intent to finance was filed on the registry.

Enacted by Chapter 250, 2019 General Session