

**38-1a-502 Notice of construction lien -- Contents -- Recording -- Service on owner.**

- (1)
  - (a) A person who desires to claim a construction lien shall submit for recording in the office of each applicable county recorder a notice of construction lien no later than, except as provided in Subsection (1)(b):
    - (i) 180 days after the date on which final completion of the original contract occurs, if no notice of completion is filed under Section 38-1a-507; or
    - (ii) 90 days after the date on which a notice of completion is filed under Section 38-1a-507, but not later than 180 days after the date on which final completion of the original contract occurs.
  - (b) A subcontractor who provides substantial work after a certificate of occupancy is issued or a required final inspection is completed and desires to claim a construction lien shall submit for recording in the office of each applicable county recorder a notice of construction lien no later than 180 days after final completion of that subcontractor's work.
- (2) A notice of construction lien shall contain:
  - (a) the name of the reputed owner if known or, if not known, the name of the record owner;
  - (b) the name of the person by whom the claimant was employed or to whom the claimant provided construction work;
  - (c) the time when the claimant first and last provided construction work;
  - (d) a description of the project property, sufficient for identification;
  - (e) the name, current address, and current phone number of the claimant;
  - (f) the amount claimed under the construction lien;
  - (g) the signature of the claimant or the claimant's authorized agent;
  - (h) an acknowledgment or certificate as required under Title 57, Chapter 3, Recording of Documents; and
  - (i) if the construction lien is on an owner-occupied residence, as defined in Section 38-11-102, a statement describing what steps an owner, as defined in Section 38-11-102, may take to require a lien claimant to remove the lien in accordance with Section 38-11-107.
- (3)
  - (a) A county recorder:
    - (i) shall record each notice of construction lien in an index maintained for that purpose; and
    - (ii) need not verify that a valid preliminary notice is filed with respect to the claimed construction lien.
  - (b) All persons are considered to have notice of a notice of construction lien from the time it is recorded.
- (4)
  - (a) Within 30 days after filing a notice of construction lien, the claimant shall deliver or mail by certified mail a copy of the notice to the reputed owner or the record owner.
  - (b) If the record owner's current address is not readily available to the claimant, the claimant may mail a copy of the notice to the last known address of the record owner, using the names and addresses appearing on the last completed real property assessment rolls of the county where the project property is located.
  - (c) Failure to deliver or mail the notice of lien to the reputed owner or record owner precludes the claimant from an award of costs and attorney fees against the reputed owner or record owner in an action to enforce the construction lien.
- (5) The division shall make rules governing the form of the statement required under Subsection (2)(i).

Renumbered and Amended by Chapter 278, 2012 General Session