

Part 3 Mold Liens

13-31-301 Mold liens.

- (1) If a molder has possession of a mold belonging to a customer, the molder has a lien on the mold for the balance due from the customer for:
 - (a) work for the customer involving the mold; and
 - (b) the value of all materials related to work described in Subsection (1)(a).
- (2)
 - (a) Prior to enforcing the lien, the molder shall deliver or send written notice by registered mail to the last-known address of the customer notifying the customer that the molder intends to enforce the lien.
 - (b) The notice required by Subsection (2)(a) shall:
 - (i) state that the lien is claimed for damages for failure to pay under a contract for work for the customer involving the mold;
 - (ii) include a demand for payment; and
 - (iii) be accompanied by the written contract, if any, for the work performed for the customer.
- (3) If the molder is not paid the amount due within 60 days from the day the notice required by Subsection (2) is received by the customer, the molder may sell the mold at a public auction in accordance with Section 13-31-302.

Enacted by Chapter 349, 1998 General Session

13-31-302 Sale of molds for payment of lien.

- (1)
 - (a) Prior to selling a mold, the molder shall send written notice by registered mail to the last-known address of the customer.
 - (b) The notice required by Subsection (1)(a) shall include:
 - (i) the molder's intention to sell the mold 30 days from the day the customer received the notice;
 - (ii) the description of the mold to be sold;
 - (iii) the time and place of the sale; and
 - (iv) an itemized statement for the amount due the molder from the customer.
 - (c) A molder shall publish notice of the molder's intention to sell a mold in a newspaper of general circulation covering the customer's last-known address and as required in Section 45-1-101 if:
 - (i) the receipt of the mailing of the notice described in Subsection (1)(a) is not returned; or
 - (ii) the postal service returns the notice described in Subsection (1)(a) as being nondeliverable.
 - (d) The notice provided for in Subsection (1)(c) shall include a description of the mold.
- (2) A molder may sell a mold 30 days from the later of the day:
 - (a) the customer received the notice in accordance with Subsection (1)(a); or
 - (b) the date the molder published the notice under Subsection (1)(c).
- (3) If from the sale of a mold under this section the molder receives an amount in excess of the amount of the lien, the excess shall be paid as follows:
 - (a) to any prior lienholder known to the molder at the time of the sale; and
 - (b) after paying any lienholder under Subsection (3)(a), the remainder:
 - (i) if the customer's address is known at the time of sale, to the customer; or
 - (ii) if the customer's address is not known at the time of sale, to the state in accordance with Title 67, Chapter 4a, Unclaimed Property Act.

Amended by Chapter 388, 2009 General Session