

38-10-105 Notice of lien -- Recording -- Service on owner of interest -- Failure to serve notice -- Time of filing.

- (1) To perfect the lien provided by this chapter, a notice of lien as required by Subsection 38-1a-502(2) shall be filed with the county recorder in any county where any part of the land to which the lien may attach is situated. The notice of lien shall be filed within 180 days after the last day work was performed or materials or equipment were furnished by the lien claimant, except as provided in Subsection (3).
- (2) Within 30 days after filing the notice of lien, the lien claimant shall deliver or mail a copy of the notice by certified mail, return receipt requested, to the owner of the interest liened. If the owner's current address is not readily available, a copy of the notice may be mailed to the last-known address of the owner, as shown by the records of the county recorder in any county where the land is situated. Failure to deliver or mail the notice of lien to the owner shall not cause the lien to be void but precludes the lien claimant from an award of costs and attorney fees against the owner in an action to enforce the lien.
- (3) The notice of lien by a nonoperating owner pursuant to Subsection 38-10-102(3) shall be filed within 60 days after receipt by such owner of a notice of lien claim filed by a lien claimant with respect to work performed or materials or equipment furnished by the lien claimant for which such owner has paid or advanced funds to a contractor or operator.

Amended by Chapter 278, 2012 General Session