

Effective 5/13/2014

57-8-44 Lien in favor of association of unit owners for assessments and costs of collection.

- (1)
 - (a) Except as provided in Section 57-8-13.1, an association of unit owners has a lien on a unit for:
 - (i) an assessment;
 - (ii) except as provided in the declaration, fees, charges, and costs associated with collecting an unpaid assessment, including:
 - (A) court costs and reasonable attorney fees;
 - (B) late charges;
 - (C) interest; and
 - (D) any other amount that the association of unit owners is entitled to recover under the declaration, this chapter, or an administrative or judicial decision; and
 - (iii) a fine that the association of unit owners imposes against a unit owner in accordance with Section 57-8-37, if:
 - (A) the time for appeal described in Subsection 57-8-37(5) has expired and the unit owner did not file an appeal; or
 - (B) the unit owner timely filed an appeal under Subsection 57-8-37(5) and the district court issued a final order upholding a fine imposed under Subsection 57-8-37(1).
 - (b) The recording of a declaration constitutes record notice and perfection of a lien described in Subsection (1)(a).
- (2) If an assessment is payable in installments, a lien described in Subsection (1)(a)(i) is for the full amount of the assessment from the time the first installment is due, unless the association of unit owners otherwise provides in a notice of assessment.
- (3) An unpaid assessment or fine accrues interest at the rate provided:
 - (a) in Subsection 15-1-1(2); or
 - (b) in the governing documents, if the governing documents provide for a different interest rate.
- (4) A lien under this section has priority over each other lien and encumbrance on a unit except:
 - (a) a lien or encumbrance recorded before the declaration is recorded;
 - (b) a first or second security interest on the unit secured by a mortgage or deed of trust that is recorded before a recorded notice of lien by or on behalf of the association of unit owners; or
 - (c) a lien for real estate taxes or other governmental assessments or charges against the unit.
- (5) A lien under this section is not subject to Title 78B, Chapter 5, Part 5, Utah Exemptions Act.
- (6) Unless the declaration provides otherwise, if two or more associations of unit owners have liens for assessments on the same unit, the liens have equal priority, regardless of when the liens are created.

Amended by Chapter 116, 2014 General Session