

**WRONGFUL LIEN AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

Senate Sponsor: Stephen H. Urquhart

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**LONG TITLE**

**General Description:**

This bill amends the wrongful lien definitions.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**38-9-1**, as last amended by Laws of Utah 2008, Chapter 223

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **38-9-1** is amended to read:

**38-9-1. Definitions.**

As used in this chapter:

(1) "Interest holder" means a person who holds or possesses a present, lawful property interest in certain real property, including an owner, title holder, mortgagee, trustee, or



28 beneficial owner.

29 (2) "Lien claimant" means a person claiming an interest in real property who offers a  
30 document for recording or filing with any county recorder in the state asserting a lien, or notice  
31 of interest, or other claim of interest in certain real property.

32 (3) "Owner" means a person who has a vested ownership interest in certain real  
33 property.

34 (4) (a) "Record interest holder" means a person who holds or possesses a present,  
35 lawful property interest in certain real property, including an owner, titleholder, mortgagee,  
36 trustee, or beneficial owner, and whose name and interest in that real property appears in the  
37 county recorder's records for the county in which the property is located.

38 (b) "Record interest holder" includes a grantor of a deed conveying title to a person  
39 who holds or possesses a present, lawful property interest in certain real property.

40 (5) "Record owner" means an owner whose name and ownership interest in certain real  
41 property is recorded or filed in the county recorder's records for the county in which the  
42 property is located.

43 (6) "Wrongful lien" means any document that purports to create a lien, notice of  
44 interest, or encumbrance on an owner's interest in certain real property and at the time it is  
45 recorded or filed is not:

46 (a) expressly authorized by this chapter or another state or federal statute;

47 (b) authorized by or contained in an order or judgment of a court of competent  
48 jurisdiction in the state; or

49 (c) signed by or authorized pursuant to a document signed by the owner of the real  
50 property.

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**Legislative Review Note**  
**as of 1-15-09 10:48 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 266 - Wrongful Lien Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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