

150 (1) An owner of an interest in a project property that is subject to a recorded  
 151 preconstruction lien or a recorded construction lien ~~H→~~ that is not cancelled or withdrawn ~~←H~~  
 151a may petition the district court in the county  
 152 in which the project property is located for summary relief to nullify the preconstruction lien or  
 153 the construction lien if the owner claims that the preconstruction lien or the construction lien is  
 154 invalid because:

155 (a) the lien claimant did not timely file a notice of preconstruction service under  
 156 Section 38-1a-401; or

157 (b) the lien claimant did not timely file a preliminary notice under Section 38-1a-501.

158 (2) A petition under Subsection (1) shall:

159 (a) state with specificity the claim that the lien claimant's preconstruction lien or the  
 160 lien claimant's construction lien is invalid because the lien claimant did not file a notice of  
 161 preconstruction service or a preliminary notice, as applicable;

162 (b) be supported by a sworn affidavit of the petitioner; and

163 (c) be served on the lien claimant, in accordance with the Rules of Civil Procedure,  
 164 within three business days after the day on which the petitioner files the petition in the district  
 165 court.

166 (3) (a) If the court finds that a petition does not meet the requirements described in  
 167 Subsection (2), the court may dismiss the petition without a hearing.

168 (b) If the court finds that a petition meets the requirements described in Subsection (2),  
 169 the court shall schedule an expedited hearing to determine whether the preconstruction lien or  
 170 the construction lien is invalid because the lien claimant failed to file a notice of  
 171 preconstruction service or a preliminary notice, as applicable.

172 (4) (a) If the court grants a hearing, within three business days after the day on which  
 173 the court schedules the hearing ~~H→~~ and at least seven business days before the day on which the  
 173a hearing is scheduled ~~←H~~, the petitioner shall serve on the lien claimant, in accordance  
 174 with the Rules of Civil Procedure, a copy of the petition, notice of the hearing, and a copy of  
 175 the court's order granting the expedited hearing.

176 (b) The lien claimant may attend the hearing and contest the petition.

177 (5) An expedited proceeding under this section may only determine:

178 (a) whether the lien claimant filed a notice of preconstruction service or a preliminary  
 179 notice; and

180 (b) if the lien claimant failed to file a notice of preconstruction service or a preliminary

181 notice, whether the lien claimant's preconstruction lien or construction lien is valid.

182 (6) (a) If, following a hearing, the court determines that the preconstruction lien or the  
183 construction lien is invalid, the court shall issue an order that:

184 (i) contains a legal description of the property;

185 (ii) declares the preconstruction lien or the construction lien void ab initio;

186 (iii) releases the property from the lien; and

187 (iv) awards costs and reasonable attorney fees to the petitioner.

188 (b) The petitioner may submit a copy of an order issued under Subsection (6)(a) to the  
189 county recorder for recording.

190 (7) (a) If, following a hearing, the court determines that the preconstruction lien or the  
191 construction lien is valid, the court shall ~~H→~~ :

191a (i) ~~←H~~ dismiss the petition ~~H→~~ ; ~~←H~~ and ~~H→~~ [may]

191b (ii) ~~←H~~ award costs and  
192 reasonable attorney fees to the lien claimant.

193 (b) The dismissal order shall contain a legal description of the property.

194 (c) The lien claimant may submit a copy of the dismissal order to the county recorder  
195 for recording.

196 (8) If a petition under this section contains a claim for damages, the proceedings related  
197 to the claim for damages may not be expedited under this section.