

1 **CONDOMINIUM AND COMMUNITY ASSOCIATION LIEN**
2 **AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Carol Spackman Moss**

6 Senate Sponsor: J. Stuart Adams

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions relating to the required contents of a notice of lien.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires that a notice of lien, for a lien based on an unpaid assessment or an unpaid
14 fine under Title 57, Chapter 8, Condominium Ownership Act, or Title 57, Chapter
15 8a, Community Association Act, include the amount of the unpaid assessment or
16 the unpaid fine;

17 ▶ requires that a notice of lien include:

18 • the lien claimant's name, address, and phone number; or
19 • if the lien claimant has a representative for purposes of the lien, the lien
20 claimant's name and the representative's name, address, and phone number;

21 ▶ clarifies that a copy of a notice of lien that the lien claimant mails to the person
22 against whom the notice of lien is filed shall include:

23 • the date the notice of lien was submitted for recording; and
24 • the article number on the certified mail receipt; and

25 ▶ makes technical and conforming changes.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **38-12-102**, as last amended by Laws of Utah 2012, Chapter 278



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

35 Section 1. Section **38-12-102** is amended to read:

36 **38-12-102. Notice requirements for lien filings -- Exceptions.**

37 (1) A lien claimant or the lien claimant's agent shall send by certified mail a written
38 copy of ~~[the]~~ a notice of lien to the last-known address of the person against whom the notice
39 of lien is filed no later than 30 days after the day on which ~~[a lien claimant or the lien~~
40 ~~claimant's authorized agent files a notice of lien meeting the requirements of Subsection (2):~~
41 ~~(a)] the notice of lien is submitted for [recording]~~ recording with:

- 42 ~~[(i)]~~ (a) a county recorder;
- 43 ~~[(ii)]~~ (b) a county clerk; ~~[or]~~
- 44 ~~[(iii)]~~ (c) a clerk of the court; or
- 45 ~~[(b)]~~ (d) in the case of a lien on an aircraft under Section **38-13-201**, ~~[with]~~ the Federal
46 Aviation Administration.

47 (2) (a) ~~[The notice of lien described in Subsection (1)]~~ A notice of lien submitted for
48 recording shall contain the following information:

- 49 ~~[(a)]~~ (i) the name and address of the person against whom the lien is filed;
- 50 ~~[(b)]~~ (i) (ii) a statement that ~~[certain]~~ the property owned by the person against whom
51 the lien is filed is subject to a lien;
- 52 ~~[(ii)]~~ (iii) (A) the amount of the judgment, settlement, or compromise, if the lien is
53 based on a charge against or interest in a judgment, settlement, or compromise; ~~[or]~~
- 54 ~~[(iii)]~~ (B) the amount of state taxes owed, if the lien is based on unpaid state taxes;
- 55 ~~[(c)]~~ ~~the article number contained on the certified mail receipt;~~
- 56 ~~[(d)]~~ ~~the date the notice of lien was filed; and]~~
- 57 (C) the total amount of the unpaid assessment that is subject to the lien, including any
58 fees, charges, or costs, if the lien is based on an unpaid assessment under Title 57, Chapter 8,

59 Condominium Ownership Act, or Title 57, Chapter 8a, Community Association Act; or
60 (D) the amount of the unpaid fine, if the lien is based on an unpaid fine under Title 57,
61 Chapter 8, Condominium Ownership Act, or Title 57, Chapter 8a, Community Association
62 Act; and
63 [(e)] (iv) (A) the name [~~and~~], address, and phone number of the lien claimant[-]; or
64 (B) if the lien claimant has a representative for purposes of the lien, the name of the
65 lien claimant and the name, address, and phone number of the lien claimant's representative.
66 (b) When a lien claimant mails a copy of a notice of lien to the person against whom
67 the notice of lien is filed, in accordance with Subsection (1), the notice of lien shall contain:
68 (i) the requirements described in Subsection (2)(a);
69 (ii) the date the notice of lien was submitted for recording; and
70 (iii) the article number on the certified mail receipt.
71 (3) The notice requirements of Subsections (1) and (2) do not apply to:
72 (a) a preconstruction or construction lien as provided in Title 38, Chapter 1a,
73 Preconstruction and Construction Liens;
74 (b) a lessors' lien as provided in Title 38, Chapter 3, Lessors' Liens;
75 (c) a federal tax lien as provided in Title 38, Chapter 6, Federal Tax Liens;
76 (d) a hospital lien as provided in Title 38, Chapter 7, Hospital Lien Law;
77 (e) a self-service storage facilities lien as provided in Title 38, Chapter 8, Self-Service
78 Storage Facilities;
79 (f) an oil, gas, or mining lien as provided in Title 38, Chapter 10, Oil, Gas, and Mining
80 Liens;
81 (g) a claim against the Residence Lien Recovery Fund as provided in Title 38, Chapter
82 11, Residence Lien Restriction and Lien Recovery Fund Act;
83 (h) a trust deed;
84 (i) a mortgage;
85 (j) any interests subject to a security agreement as defined in Section 70A-9a-102;
86 (k) any other liens subject to the same or stricter notice requirements than those
87 imposed by Subsections (1) and (2); or
88 (l) a court judgment or abstract of a court judgment presented for recording in the
89 office of a county recorder.

Legislative Review Note
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Office of Legislative Research and General Counsel