

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 275

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO LIENS; AMENDING SECTION 45-507, IDAHO CODE, TO PROVIDE FOR CER-
2 TAIN PROOF OF A LIEN, TO PROVIDE THAT CERTAIN FEES AND COSTS SHALL BE RE-
3 COVERABLE TO A PREVAILING PARTY IN A COURT PROCEEDING, AND TO MAKE TECH-
4 NICAL CORRECTIONS.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 45-507, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 45-507. CLAIM OF LIEN. (1) Any person claiming a lien pursuant to
10 the provisions of this chapter must file a claim for record with the county
11 recorder for the county in which such property or some part thereof is sit-
12 uated.

13 (2) The claim shall be filed within ninety (90) days after the comple-
14 tion of the labor or services, or furnishing of materials.

15 (3) The claim shall contain:

16 (a) A statement of his demand, after deducting all just credits and off-
17 sets;

18 (b) The name of the owner, or reputed owner, if known;

19 (c) The name of the person by whom he was employed or to whom he fur-
20 nished the materials; ~~and~~

21 (d) A description of the property to be charged with the lien, suffi-
22 cient for identification;

23 (e) A copy of any applicable agreements between the claimant and the
24 owner, including an agreement under section 45-525, Idaho Code; and

25 (f) Proof that an officer authorized by law to serve process delivered
26 a copy to the owner or a return receipt from a certified letter signed by
27 the owner proving that the claimant notified the owner of his intent to
28 proceed with a lien.

29 (4) Such claim must be verified by the oath of the claimant, his agent,
30 or his attorney, to the effect that the affiant believes the same to be just.

31 (5) A true and correct copy of the claim of lien shall be served on the
32 owner or reputed owner of the property either by an officer authorized by law
33 to serve process delivering a copy thereof to the owner or reputed owner per-
34 sonally or by the claimant mailing a copy thereof by certified mail to the
35 owner or reputed owner at his last known address with a return receipt signed
36 by the owner. Such delivery or mailing shall be made no later than five (5)
37 business days following the filing of said claim of lien.

38 (6) For purposes of this chapter, owner or reputed owner does not in-
39 clude a trustee of a deed of trust as defined and required by ~~section 45-1502~~
40 ~~et seq.~~ chapter 15, title 45, Idaho Code.

1 (7) In any court proceeding regarding a lien filed pursuant to this sec-
2 tion, the prevailing party shall be entitled to recover attorney's fees and
3 costs.