

IN THE SENATE

SENATE BILL NO. 1135

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO CLAIMS OF LIEN; AMENDING SECTION 45-507, IDAHO CODE, TO PROVIDE  
2 THAT FOR A CLAIM OF LIEN AN OWNER OR REPUTED OWNER DOES NOT INCLUDE A  
3 TRUSTEE OF A DEED OF TRUST.  
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5 Be It Enacted by the Legislature of the State of Idaho:

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

8 45-507. CLAIM OF LIEN. (1) Any person claiming a lien pursuant to  
9 the provisions of this chapter must file a claim for record with the county  
10 recorder for the county in which such property or some part thereof is sit-  
11 uated.

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

14 (3) The claim shall contain:

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

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

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

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

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

24 (5) A true and correct copy of the claim of lien shall be served on the  
25 owner or reputed owner of the property either by delivering a copy thereof to  
26 the owner or reputed owner personally or by mailing a copy thereof by certi-  
27 fied mail to the owner or reputed owner at his last known address. Such de-  
28 livery or mailing shall be made no later than five (5) business days follow-  
29 ing the filing of said claim of lien.

30 (6) For purposes of this chapter, owner or reputed owner does not in-  
31 clude a trustee of a deed of trust as defined and required by section 45-1502  
32 et seq., Idaho Code.