

IN THE SENATE

SENATE BILL NO. 1135, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO LIENS; AMENDING SECTION 45-507, IDAHO CODE, TO PROVIDE THAT FOR
2 A CLAIM OF LIEN AN OWNER OR REPUTED OWNER DOES NOT INCLUDE A TRUSTEE OF A
3 DEED OF TRUST; AND AMENDING SECTION 45-510, IDAHO CODE, TO PROVIDE THAT
4 A TRUSTEE OF A DEED OF TRUST SHALL NOT BE INCLUDED IN A CLAIM OF LIEN,
5 FORECLOSURE OR JUDGMENT.
6

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

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

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

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

16 (3) The claim shall contain:

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

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

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

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

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

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

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

35 SECTION 2. That Section 45-510, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 45-510. DURATION OF LIEN. (1) No lien provided for in this chapter
38 binds any building, mining claim, improvement or structure for a longer
39 period than six (6) months after the claim has been filed, unless proceed-
40 ings be commenced in a proper court within that time to enforce such lien;

1 or unless a payment on account is made, or extension of credit given with
2 expiration date thereof, and such payment or credit and expiration date, is
3 endorsed on the record of the lien, then six (6) months after the date of such
4 payment or expiration of extension. The lien of a final judgment obtained
5 on any lien provided for in this chapter shall cease five (5) years from the
6 date the judgment becomes final, but if such period of five (5) years has
7 expired or will expire before September 1, 1947, the owner of such judgment
8 lien shall have until September 1, 1947, within which to levy execution under
9 such judgment.

10 (2) Nothing in this chapter requires that a trustee of a deed of trust as
11 defined and required by section 45-1502 et seq., Idaho Code, be included in a
12 claim of lien or foreclosure or judgment under this chapter.