

## Lien Recovery Language Must Be Included If You Lien Residences

If the lien is being filed on a residence as defined in the Utah Mechanic's Lien Recovery Fund Act (fourplex or smaller), the Notice of Lien must notify the owner of the three things that the owner must do to qualify for protection under the Utah Mechanic's Lien Restriction and Lien Recovery Fund Act. The appropriate language has been developed by the Utah Division of Occupational and Professional Licensing, and is as follows:

**PROTECTION AGAINST LIEN AND CIVIL ACTION:** Notice is hereby provided in accordance with Utah Code Annotated §38-11-108 that under Utah law an "Owner" may be protected against liens being maintained against an "owner occupied residence" and from other civil action being maintained to recover monies owed for "qualified services performed or provided by suppliers and subcontractors as a part of this contract, if and only if, the following conditions are satisfied:

- 1) the owner entered into a written contract with either a real estate developer or an original contractor;
- 2) the original contractor was properly licensed or exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
- 3) the owner paid in full the original contractor or real estate developer or their successors or assigns in accordance with the written contract and any written or oral amendments to the contract.