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4 **HOUSE BILL No. 2817**

5  
6 By Committee on Agriculture

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10 AN ACT concerning ~~agricultural~~ liens; relating to filing requirements;  
11 amending K.S.A. 58-204 [~~and 60-1102 and K.S.A. 2001 Supp. 60-~~  
12 ~~1103~~] and repealing the existing ~~section~~ [~~sections~~].  
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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 58-204 is hereby amended to read as follows: 58-  
16 204. Any person claiming a lien as ~~aforsaid as provided in K.S.A. 58-203,~~  
17 ~~and amendments thereto~~, shall file in the office of the register of deeds  
18 of the county in which ~~said the~~ threshing or harvesting is done, a state-  
19 ment in writing, duly verified by ~~him or her, setting such person.~~ *Such*  
20 *statement shall set forth the name of the owner or owners of the grain or*  
21 *grain crops, threshed or harvested, the kind of grain, the number of bush-*  
22 *els threshed or acres harvested, the description of the land upon which*  
23 ~~said such~~ grain or grain crop was raised, the contract price for such thresh-  
24 ing or harvesting, or the price or value of such wages, the date of the  
25 threshing or harvesting, the amount due and the name of the claimant.

26 ~~Said Such~~ statement shall be filed and entered by the register of deeds  
27 in the same manner and upon the same books as in the case of other  
28 financing statements provided for under the uniform commercial code,  
29 ~~and the said.~~ The register of deeds shall collect from the person presenting  
30 the ~~same~~ statement, a fee equal to the fee for filing financing statements  
31 under the uniform commercial code; Such statement shall be filed within  
32 ~~fifteen~~ 30 days after the completion of ~~said such~~ threshing or harvesting  
33 or the rendering of such services, ~~and in case said threshing or harvesting~~  
34 ~~has begun and the work is interrupted for more than five days, such~~  
35 ~~statement shall be filed within fifteen days after the beginning of such~~  
36 ~~interruption.~~

37 **[Sec. 2. K.S.A. 60-1102 is hereby amended to read as follows:**  
38 **60-1102. (a) Filing. Any person claiming a lien on real property,**  
39 **under the provisions of K.S.A. 60-1101, and amendments thereto,**  
40 **shall file with the clerk of the district court of the county in which**  
41 **property is located, within ~~four months~~ 120 days when such property**  
42 **is residential property, and within 180 days when such property is other**  
43 **than residential property, after the date material, equipment or sup-**

1 *plies, used or consumed was last furnished or last labor performed*  
2 *under the contract a verified statement showing:*

3 *[(1) The name of the owner,*

4 *[(2) the name and address sufficient for service of process of the*  
5 *claimant,*

6 *[(3) a description of the real property,*

7 *[(4) a reasonably itemized statement and the amount of the*  
8 *claim, but if the amount of the claim is evidenced by a written in-*  
9 *strument, or if a promissory note has been given for the same, a*  
10 *copy thereof may be attached to the claim in lieu of the itemized*  
11 *statement.*

12 *[(b) Recording. Immediately upon the receipt of such statement*  
13 *the clerk of the court shall index the lien in the general index by*  
14 *party names and file number.*

15 *[Sec. 3. K.S.A. 2001 Supp. 60-1103 is hereby amended to read*  
16 *as follows: 60-1103. (a) Procedure. Any supplier, subcontractor or*  
17 *other person furnishing labor, equipment, material or supplies,*  
18 *used or consumed at the site of the property subject to the lien,*  
19 *under an agreement with the contractor, subcontractor or owner*  
20 *contractor may obtain a lien for the amount due in the same manner*  
21 *and to the same extent as the original contractor except that:*

22 *[(1) The lien statement must state the name of the contractor*  
23 *and be filed within ~~three months~~ 90 days when such property is resi-*  
24 *dential property, and within 180 days when such property is other than*  
25 *residential property, after the date supplies, material or equipment*  
26 *was last furnished or labor performed by the claimant;*

27 *[(2) if a warning statement is required to be given pursuant to*  
28 *K.S.A. 60-1103a, and amendments thereto, there shall be attached*  
29 *to the lien statement the affidavit of the supplier or subcontractor*  
30 *that such warning statement was properly given; and*

31 *[(3) a notice of intent to perform, if required pursuant to K.S.A.*  
32 *60-1103b, and amendments thereto, must have been filed as pro-*  
33 *vided by that section.*

34 *[(b) Owner contractor is defined as any person, firm or corpo-*  
35 *ration who:*

36 *[(1) Is the fee title owner of the real estate subject to the lien;*  
37 *and*

38 *[(2) enters into contracts with more than one person, firm or*  
39 *corporation for labor, equipment, material or supplies used or con-*  
40 *sumed for the improvement of such real property.*

41 *[(c) Recording and notice. When a lien is filed pursuant to this*  
42 *section, the clerk of the district court shall enter the filing in the*  
43 *general index. The claimant shall (1) cause a copy of the lien state-*

1 *ment to be served personally upon any one owner, any holder of a*  
2 *recorded equitable interest and any party obligated to pay the lien*  
3 *in the manner provided by K.S.A. 60-304, and amendments thereto,*  
4 *for the service of summons within the state, or by K.S.A. 60-308,*  
5 *and amendments thereto, for service outside of the state, (2) mail a*  
6 *copy of the lien statement to any one owner of the property, any*  
7 *holder of a recorded equitable interest and to any party obligated*  
8 *to pay the same by restricted mail or (3) if the address of any one*  
9 *owner or such party is unknown and cannot be ascertained with*  
10 *reasonable diligence, post a copy of the lien statement in a conspic-*  
11 *uous place on the premises. The provisions of this subsection re-*  
12 *quiring that the claimant serve a copy of the lien statement shall be*  
13 *deemed to have been complied with, if it is proven that the person*  
14 *to be served actually received a copy of the lien statement. No action*  
15 *to foreclose any lien may proceed or be entered against residential*  
16 *real property in this state unless the holder of a recorded equitable*  
17 *interest was served with notice in accordance with the provisions*  
18 *of this subsection.*

19 *[(d) Rights and liability of owner. The owner of the real property*  
20 *shall not become liable for a greater amount than the owner has*  
21 *contracted to pay the original contractor, except for any payments*  
22 *to the contractor made:*

23 *[(1) Prior to the expiration of the ~~three-month~~ time period for*  
24 *filing lien claims as provided in subsection (a)(1), if no warning state-*  
25 *ment is required by K.S.A. 60-1103a, and amendments thereto; or*

26 *[(2) subsequent to the date the owner received the warning*  
27 *statement, if a warning statement is required by K.S.A. 60-1103a,*  
28 *and amendments thereto.*

29 *[The owner may discharge any lien filed under this section which*  
30 *the contractor fails to discharge and credit such payment against*  
31 *the amount due the contractor.]*

32 *Sec. ~~2~~ [4.] K.S.A. 58-204 ~~is~~ [and 60-1102 and K.S.A. 2001 Supp.*  
33 *60-1103 are] hereby repealed.*

34 *Sec. ~~2~~ [5.] This act shall take effect and be in force from and after*  
35 *its publication in the statute book.*

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