

House Substitute for SENATE BILL No. 44

By Committee on Judiciary

2-2

1 AN ACT concerning the commercial real estate broker lien act; relating to
2 conditions, recording and notice of lien; amending K.S.A. 58-30a03,
3 58-30a07 and 58-30a09 and repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 58-30a03 is hereby amended to read as follows: 58-
7 30a03. (a) Any broker shall have a lien on commercial real estate in the
8 amount of the compensation as agreed upon by the broker and the owner
9 or the owner's agent, if:

10 (1) Such real estate is listed with the broker under terms of a written
11 agreement signed by the owner or the owner's agent; and

12 (2) the broker or salespersons retained by the broker have provided
13 services that resulted in the procuring of a person or entity ready, willing
14 and able to purchase, lease or otherwise accept a conveyance of the
15 commercial real estate as provided by such agreement which were
16 otherwise acceptable to the owner or owner's agent as evidenced by a
17 written agreement signed by the owner or the owner's agent.

18 (b) A broker also shall have a lien on such commercial real estate if
19 the broker has a written agreement with a person to represent such person
20 in the purchase, lease or other conveyance to the buyer, *lessee or grantee*
21 of such real estate when the broker becomes entitled to compensation
22 pursuant to the written agreement.

23 Sec. 2. K.S.A. 58-30a07 is hereby amended to read as follows: 58-
24 30a07. In the case of a lease, the lien must be recorded within ~~90~~ 180 days
25 after the lessee takes possession of the property. If written notice of the
26 intention to sign the lease is personally served on the broker entitled to
27 claim a lien at least 10 days before the date of the intended signing of the
28 lease, the claim for lien must be recorded before the date indicated for the
29 signing of the lease. The lien attaches for purposes of this ~~paragraph~~
30 *section* when the claim for lien is recorded.

31 Sec. 3. K.S.A. 58-30a09 is hereby amended to read as follows: 58-
32 30a09. If a lease also includes provisions for a sublease or assignment of
33 lease, the notice of lien must be recorded not later than ~~90~~ 180 days after
34 the lessee takes possession of the leased premises. If the transferor
35 personally serves written notice of the intended execution of the lease on
36 the broker entitled to claim a lien at least 10 days prior to the date of the

1 intended execution of the lease, the notice of lien must be recorded before
2 the date indicated in such notice for the execution of the lease. The lien
3 shall attach as of the recording of the notice of lien and shall not relate
4 back to the date of the written instrument.

5 Sec. 4. K.S.A. 58-30a03, 58-30a07 and 58-30a09 are hereby
6 repealed.

7 Sec. 5. This act shall take effect and be in force from and after its
8 publication in the statute book.