

Instrument Prepared By  
And Recording Requested By

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## UTAH NOTICE OF PRECONSTRUCTION LIEN

STATE OF UTAH  
COUNTY OF \_\_\_\_\_

Notice is hereby given that this Preconstruction Lien, this "Lien," is filed as of \_\_\_\_\_ (mm/dd/yyyy), (the "Effective Date"), by \_\_\_\_\_ (Claimant) located at \_\_\_\_\_ (Address), with the phone number \_\_\_\_\_, and with the license number of \_\_\_\_\_ issued on \_\_\_\_\_ (mm/dd/yyyy) and expiring on \_\_\_\_\_ (mm/dd/yyyy), (the "Claimant"), claims a construction lien in the sum of \$\_\_\_\_\_ for labor, services, materials, and/or equipment furnished for improvement to certain real property owned by \_\_\_\_\_ (collectively, the "Owner"), located at \_\_\_\_\_ (Address w/County), and with the legal description of:

(the "Property").

This Lien is claimed, separately and severally, as to both the buildings and improvements thereon, and the said real property.

The Claimant and \_\_\_\_\_ (Owner, General Contractor, etc.) entered into a contract on \_\_\_\_\_ (mm/dd/yyyy) whereby the Claimant provided the following labor, services, materials, and/or equipment at the Property (the "Work"):

\_\_\_\_\_ ,  
for the total amount of \$\_\_\_\_\_ (Contract Price).

The Claimant filed a Notice of Preconstruction Service with the registry on \_\_\_\_\_ (mm/dd/yyyy), which is no later than twenty (20) days after the Claimant started providing preconstruction services.

The first day of the Work on the Property by the Claimant was \_\_\_\_\_ (mm/dd/yyyy). The last day of the Work on the Property by the Claimant was \_\_\_\_\_ (mm/dd/yyyy) (the "Completion Date").

As of the Effective Date, the Claimant has: (check one)

- Received payment of \$\_\_\_\_\_.
- NOT received any payment.

The Owner has failed to pay the Balance Due despite demands and requests for payment. Accordingly, the Claimant declares that claim amount of \$\_\_\_\_\_ is justly due to the Claimant.

In accordance with Utah Code Ann. § 38-11-107, if the Lien is against an owner-occupied residence, as defined in Utah Code Ann. § 38-11-102, the owner may take steps to require the Claimant to remove the Lien under the Residence Lien Restriction and Lien Recovery Fund Act if one (1) of the following circumstances applies:

- (i) The owner meets the conditions described in Subsections 38-11-204(4)(a) and (b); or
- (ii) (A) a subsequent owner purchases a residence from an owner;
  - (B) the subsequent owner who purchase the residence under Subsection (1)(a)(ii)(A) occupies the residence as a primary or secondary residence within 180 days from the date of transfer or the residence is occupied by the subsequent owner's tenant or lessee as a primary or secondary residence within 180 days from the date of transfer; and
  - (C) the owner from whom the subsequent owner purchased the residence met the conditions described in Subsections 38-11-204(a) and (b).

Owners must apply for a Certificate of Compliance with the Department of Commerce, Division of Occupational and Professional Licensing in order to obtain protection from the Residence Lien Restriction and Lien Recovery Fund Act.

The Claimant declares that the contents of this Lien are true and correct to the best of their knowledge. Subscribed and sworn to as of the Effective Date.

**Claimant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Claimant Printed Name: \_\_\_\_\_

## NOTARY ACKNOWLEDGMENT

State of \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_, by the undersigned, \_\_\_\_\_, who is personally known to me or satisfactorily proven to me to be the person whose name is subscribed to the within instrument.

\_\_\_\_\_  
**Notary Public**

My Commission Expires: \_\_\_\_\_

# PROOF OF SERVICE

I, \_\_\_\_\_ (the "Server"), served a copy of the Preconstruction Lien in the following manner:

Owner or Purported Owner Name: \_\_\_\_\_ (the "Recipient")

Address: \_\_\_\_\_

Date of Service: \_\_\_\_\_ (mm/dd/yyyy) Time: \_\_\_\_\_ : \_\_\_\_\_  AM  PM

The Recipient received the documents by: (check one)

- **Mail.** The Server sent the documents in the mail via: (check one)

Standard Mail

Certified Mail

FedEx

UPS

Other: \_\_\_\_\_.

- **Direct Service.** The Server handed the documents to a person identified as the Recipient.

- **Someone at the Residence/Workspace.** The Server handed the documents to a person who identified as living/working at the residence/workspace and stated their name is: \_\_\_\_\_.

- **Left at the Residence/Workspace.** The Server left the documents in the following area: \_\_\_\_\_.

- **Recipient Rejected Delivery.** The Server delivered the documents to the Recipient in person and the Recipient did not accept delivery.

- **Other:** \_\_\_\_\_.

I declare under penalty of perjury under the laws located in this State that the foregoing is true and correct.

Server's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_