

Adopted      Rejected

# COMMITTEE REPORT

**YES:                    8**  
**NO:                     5**

**MR. SPEAKER:**

*Your Committee on Judiciary, to which was referred House Bill 1303, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1            Page 3, between lines 37 and 38, begin a new paragraph and
- 2            insert:
- 3            "SECTION 2. IC 32-8-3-3, AS AMENDED BY P.L.145-1994,
- 4            SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5            JULY 1, 1998]: Sec. 3. (a) Any person who wishes to acquire a lien
- 6            upon any property, whether the claim is due or not, shall file in the
- 7            recorder's office of the county at any time within sixty (60) days after
- 8            performing labor or furnishing materials or machinery described in
- 9            section 1 of this chapter, a sworn statement ~~in duplicate~~ of the person's
- 10           intention to hold a lien upon the property for the amount of the claim.
- 11           **The person shall file with the recorder one (1) copy of the**
- 12           **statement and one (1) copy for each person who receives notice**
- 13           **under subsection (b).** The statement must specifically set forth:
- 14                  (1) the amount claimed;

- 1 (2) the name and address of the claimant and the name of the
- 2 owner;
- 3 (3) the latest address of the owner as shown on the property tax
- 4 records of the county; and
- 5 (4) the legal description, street and number, if any, of the lot or
- 6 land on which the house, mill, manufactory or other buildings,
- 7 bridge, reservoir, system of waterworks or other structure may
- 8 stand or be connected with or to which it may be removed.

9 The name of the owner and legal description of the lot or land will be  
 10 sufficient if they are substantially as set forth in the latest entry in the  
 11 transfer books described in IC 6-1.1-5-4 of the county auditor or, if  
 12 IC 6-1.1-5-9 applies, the transfer books of the township assessor at the  
 13 time of filing of the notice of intention to hold a lien.

- 14 (b) The recorder shall mail first class:
- 15 (1) one (1) ~~of the duplicates~~ **copy of the notice** to the owner
- 16 named in the notice; **and**
- 17 (2) **one (1) copy of the notice to each mortgagee with a**
- 18 **mortgage recorded:**
- 19 (A) **on the property that is the subject of the lien; and**
- 20 (B) **not less than sixty (60) days before the date the**
- 21 **notice of intention to hold a lien is filed;**

22 within three (3) business days after recordation and post records as to  
 23 the date of this action. The notice **under subsection (b)(1)** shall be  
 24 addressed to the latest address of the owner as specifically set out in the  
 25 sworn statement of the person intending to hold a lien upon the  
 26 property. The recorder shall be entitled to a fee of two dollars (\$2) to  
 27 be collected from the lien claimant for each notice that is mailed.

28 (c) **The failure of a mortgagee to receive notice under**  
 29 **subsection (b)(2) may not otherwise invalidate the notice of**  
 30 **intention to hold a lien by any person other than the mortgagee.**

31 ~~(b)~~ (d) The statement required by subsection (a) may be verified  
 32 and filed on behalf of a client by an attorney registered with the clerk

1 of the supreme court as an attorney in good standing under the  
2 requirements of the supreme court."

3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1303 as introduced.)

**and when so amended that said bill do pass.**

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Representative Villalpando