

MECHANIC'S LIEN

THIS IS FOR INFORMATIONAL PURPOSES ONLY. IF YOU NEED HELP FILLING OUT THE ATTACHED FORMS, PLEASE CONTACT AN ATTORNEY.

2019 Kansas Statutes

60-1101. Liens of contractors; priority.

Any person furnishing labor, equipment, material, or supplies used or consumed for the improvement of real property, under a contract with the owner or with the trustee, agent or spouse of the owner, shall have a lien upon the property for the labor, equipment, material or supplies furnished at the site of the property subject to the lien, and for the cost of transporting the same. The lien shall be preferred to all other liens or encumbrances which are subsequent to the commencement of the furnishing of such labor, equipment, material or supplies by such claimant at the site of the property subject to the lien. When two or more such contracts are entered into applicable to the same improvement, the liens of all claimants shall be similarly preferred to the date of the earliest unsatisfied lien of any of them. If an earlier unsatisfied lien is paid in full or otherwise discharged, the commencement date for all claimants shall be the date of the next earliest unsatisfied lien.

History: L. 1963, ch. 303, 60-1101; L. 1965, ch. 355, § 5; L. 1972, ch. 223, § 1; L. 1977, ch. 203, § 1; L. 1978, ch. 230, § 1; L. 1982, ch. 248, § 1; L. 2005, ch. 95, § 1; July 1.

60-1102. Filing and recording of lien statement; notice of extension.

(a) Filing

Any person claiming a lien on real property, under the provisions of K.S.A. 60-1101, and amendments thereto, shall file with the clerk of the district court of the county in which property is located, within four months after the date material, equipment or supplies, used or consumed was last furnished or last labor performed under the contract a verified statement showing:

- (1) The name of the owner,
- (2) the name and address sufficient for service of process of the claimant,
- (3) a description of the real property,
- (4) a reasonably itemized statement and the amount of the claim, but if the amount of the claim is evidenced by a written instrument, or if a promissory note has been given for the same, a copy thereof may be attached to the claim in lieu of the itemized statement.

(b) Recording

Immediately upon the receipt of such statement the clerk of the court shall index the lien in the general index by party names and file number.

(c) Notwithstanding subsection (a)

a lien for the furnishing of labor, equipment, materials or supplies on property other than residential property may be claimed pursuant to this section within five months only if the claimant has filed a notice of extension within four months since last furnishing labor, equipment, materials or supplies to the job site. Such notice shall be filed in the office of the district court of the county where such property is located and shall be mailed by certified and regular mail to the owner. The notice of extension shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(d) As used in this section and K.S.A. 60-1103, and amendments thereto, "residential property" means a structure which is constructed for use as a residence and which is not used or intended for use as a residence for more than two families.

History: L. 1963, ch. 303, 60-1102; L. 1992, ch. 47, § 2; L. 2003, ch. 45, § 1; L. 2005, ch. 101, § 13; July 1.

60-1103. Liens of suppliers and subcontractors; procedure, recording and notice; owner's liability; notice of extension.

(a) Procedure.

Any supplier, subcontractor or other person furnishing labor, equipment, material or supplies, used or consumed at the site of the property subject to the lien, under an agreement with the contractor, subcontractor or owner contractor may obtain a lien for the amount due in the same manner and to the same extent as the original contractor except that:

- (1) The lien statement must state the name of the contractor and be filed within three months after the date supplies, material or equipment was last furnished or labor performed by the claimant;
- (2) if a warning statement is required to be given pursuant to K.S.A.60-1103a, and amendments thereto, there shall be attached to the lien statement the affidavit of the supplier or subcontractor that such warning statement was properly given; and
- (3) a notice of intent to perform, if required pursuant to K.S.A. 60-1103b, and amendments thereto, must have been filed as provided by that section.

(b) Owner contractor is defined as any person, firm or corporation who:

- (1) Is the fee title owner of the real estate subject to the lien; and
- (2) enters into contracts with more than one person, firm or corporation for labor, equipment, material or supplies used or consumed for the improvement of such real property.

(c) Recording and notice.

When a lien is filed pursuant to this section, the clerk of the district court shall enter the filing in the general index. The claimant shall:

- (1) cause a copy of the lien statement to be served personally upon any one owner, any holder of a recorded equitable interest and any party obligated to pay the lien in the manner provided by K.S.A. 60-304, and amendments thereto, for the service of summons within the state, or by K.S.A. 60-308, and amendments thereto, for service outside of the state,
- (2) mail a copy of the lien statement to any one owner of the property, any holder of a recorded equitable interest and to any party obligated to pay the same by restricted mail or
- (3) if the address of any one owner or such party is unknown and cannot be ascertained with reasonable diligence, post a copy of the lien statement in a conspicuous place on the premises.

The provisions of this subsection requiring that the claimant serve a copy of the lien statement shall be deemed to have been complied with, if it is proven that the person to be served actually received a copy of the lien statement. No action to foreclose any lien may proceed or be entered against residential real property in this state unless the holder of a recorded equitable interest was served with notice in accordance with the provisions of this subsection.

(d) Rights and liability of owner.

The owner of the real property shall not become liable for a greater amount than the owner has contracted to pay the original contractor, except for any payments to the contractor made:

- (1) Prior to the expiration of the three-month period for filing lien claims, if no warning statement is required by K.S.A. 60-1103a, and amendments thereto; or

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

The owner may discharge any lien filed under this section which the contractor fails to discharge and credit such payment against the amount due the contractor.

(e) Notwithstanding subsection (a)(1), a lien for the furnishing of labor, equipment, materials or supplies on property other than residential property may be claimed pursuant to this section, and amendments thereto, within five months only if the claimant has filed a notice of extension within three months since last furnishing labor, equipment, materials or supplies to the job site. Such notice shall be filed in the office of the clerk of the district court of the county where such property is located and shall be mailed by certified and regular mail to the general contractor or construction manager and a copy to the owner by regular mail, if known. The notice of extension shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

History: L. 1963, ch. 303, 60-1103; L. 1967, ch. 325, § 1; L. 1978, ch. 230, § 3; L. 1982, ch. 248, § 2; L. 1986, ch. 217, § 1; L. 1992, ch. 47, § 3; L. 2000, ch. 175, § 7; L. 2003, ch. 45, § 2; L. 2005, ch. 101, § 14; July 1.

Once the lien has been satisfied, the plaintiff will need to file the Release of Mechanic's Lien with the Civil Department.

CIVIL COVER SHEET

The civil cover sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. **This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time.** A new case will not be accepted without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at www.kscourts.org.

<u>NATURE OF SUIT</u> (Mark only one - If the case involves more than one of the following categories, indicate the category having the highest dollar value.)			
<u>CIVIL</u>		If a CH. 61: \$ _____ (Judgment Demand Amount)	
TORT WARRANT <input type="checkbox"/> Asbestos Product Liability <input type="checkbox"/> Automobile Tort <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Legal Malpractice <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Other Professional Malpractice <input type="checkbox"/> Premises Liability <input type="checkbox"/> Slander/Libel/Defamation <input type="checkbox"/> Tobacco Product Liability <input type="checkbox"/> Toxic/Other Product Liability <input type="checkbox"/> Other Tort	CONTRACT <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Employment Dispute – Discrimination <input type="checkbox"/> Employment Dispute - Other <input type="checkbox"/> Fraud <input type="checkbox"/> Landlord/Tenant - Unlawful Detainer <input type="checkbox"/> Landlord/Tenant Dispute – Other <input type="checkbox"/> Seller Plaintiff (debt collection) <input type="checkbox"/> Other Contract CIVIL APPEALS <input type="checkbox"/> Administrative Agency <input type="checkbox"/> Other Civil Appeal	REAL PROPERTY <input type="checkbox"/> STATE TAX <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Mortgage Foreclosure <input type="checkbox"/> Other Real Property MISCELLANEOUS <input type="checkbox"/> 60-1507 <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Other Writs <input type="checkbox"/> OTHER CIVIL <input type="checkbox"/> SMALL CLAIMS	
<u>DOMESTIC</u>			
<input type="checkbox"/> MARRIAGE DISSOLUTION/DIVORCE <input type="checkbox"/> PROTECTION FROM ABUSE <input type="checkbox"/> PROTECTION FROM STALKING <input type="checkbox"/> UIFSA <input type="checkbox"/> OTHER DOMESTIC RELATIONS <input type="checkbox"/> NON-DIVORCE SUPPORT, CUSTODY OR VISITATION <input type="checkbox"/> PATERNITY			
<u>PROBATE/ESTATE</u>			
GUARDIAN/CONSERVATOR <input type="checkbox"/> DETERMINATION OF DESCENT <input type="checkbox"/> ELDER ABUSE <input type="checkbox"/> ADOPTION <input type="checkbox"/> Conservatorship/Trusteeship <input type="checkbox"/> SEXUALLY VIOLENT PREDATOR <input type="checkbox"/> OTHER PROBATE/ESTATE <input type="checkbox"/> Guardianship - Adult <input type="checkbox"/> Guardianship - Minor <input type="checkbox"/> DECEDENT ESTATE CARE AND TREATMENT <input type="checkbox"/> Guardian/Conservator - Adult <input type="checkbox"/> Guardian/Conservator – Minor			

JURY DEMAND YES (Check yes only if jury demand is included in petition or as a separate pleading)
 NO

SUMMONS ATTACHED: YES
 NO

SERVICE BY: PROCESS SERVER/ATTORNEY
 SHERIFF IN STATE _____ (County)
 SHERIFF OUT OF STATE _____ (State)

SHERIFF'S PROCESS FEE ATTACHED YES
 NO

11/25/2014

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

ATTORNEYS

(Firm Name, Address, Telephone Number and
Supreme Court ID Number)

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

ATTORNEYS

(Firm Name, Address, Telephone Number and
Supreme Court ID Number)

**FOR DOMESTIC CASES - NAME, DATE OF BIRTH AND SOCIAL SECURITY NUMBER
OF EACH DEPENDENT CHILD:**

(Name)	(Date of Birth)	(Social Security Number)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The requirement that Social Security numbers be included on domestic cases is mandatory and authorized by the Supreme Court and federal law. On non-domestic cases, the Social Security number is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Plaintiff

and

Defendant

Case No. _____
Division _____

MECHANIC'S LIEN
LIEN STATEMENT

Name of Claimant: _____

Address of Claimant: _____

Name of Owner: _____

Address of Owner: _____

Name of Contractor: _____

Description of Property: _____

Amount due from Owner to Contractor: \$ _____

Lien on the property on account of:

STATE OF KANSAS WYANDOTTE COUNTY

_____ being first duly sworn, says the above statement is true and correct, and the amount thereof is due the said claimant.

Claimant

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public

CERTIFICATE OF MAILING

I, _____, served a copy of this Mechanic's Lien on
_____ by certified USPS mail, return
receipt requested, in accordance with the law, to:

Name: _____

Address: _____

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Case No: _____

RELEASE OF MECHANIC'S LIEN AND WAIVER OF LIEN

Name of Claimant: _____
Address of Claimant: _____
Name of Owner: _____
Address of Owner: _____
Name of Contractor: _____
Description of Property: _____

Claimant _____ of _____ do hereby acknowledge that I filed the Mechanic's Lien No. _____ covering property owned by and having the legal description as follows:

(Name of property owner) (Legal Description).

In consideration of the sum of \$ _____, the receipt of which is hereby acknowledged, I hereby direct the Clerk of the District Court of Wyandotte County, Kansas to release the subject mechanic Lien and do hereby waive and relinquish any statutory right to a lien for the furnishing of labor, equipment, materials or supplies to the above-described real estate under the statutes of the state of Kansas.

Signature

Business name: _____

Address: _____

Phone Number: _____

State of Kansas
County of Wyandotte

_____ being first duly sworn, says the above statement is true and correct

Claimant

Subscribed and sworn to before me this day ____ of _____, 20__.

Notary Public