

# Construction Lien Law in Utah

Salt Lake City, Utah • June 9, 2011 • ID# 387576

**Exercise your lien rights and be prepared for any legal battles  
on the horizon – don't be caught off guard!**

Attend this seminar and learn strategies for tackling lien and bond issues in any project. Find out how to efficiently collect payment for your work or supplies – or protect your property from unwarranted liens. Or, if you're an attorney, learn how to properly advise your clients in the event of payment disputes or litigation.

Handling construction payment disputes in Utah can be a turbulent process, but armed with the necessary legal knowledge, you can successfully manage even the most complex and costly situation. Register today!

## Benefits for You

- Correctly identify what property is subject to a lien and who is entitled to recover payment
- Understand the complex law governing priority of mechanics liens on property
- Learn how you can succeed in the litigation and foreclosure of mechanics liens
- File, perfect and preserve liens in public and private works



**Bring a Colleague –  
Save \$50**

(Includes Free Manual)

## Faculty

**Darrel J. Bostwick**, *Bostwick & Price, P.C.*

**Joseph D McAllister**, *Bostwick & Price, P.C.*

For more information about our speakers, go to [www.lorman.com/ID387576](http://www.lorman.com/ID387576).

## Continuing Education Credit

- AIA 6.50
- CC 1.0
- UT CLE 6.50
- UT ENG
- CPE 8.0

## Learning Objectives

- You will be able to explain who is entitled to mechanics liens.
- You will be able to discuss property interests subject to mechanics liens.
- You will be able to explain how to enforce a mechanics lien.
- You will be able to review waivers, loss and releases of liens.

For more detailed CE credit information, visit us at [www.lorman.com/ID387576](http://www.lorman.com/ID387576) or contact us at 866-352-9540.

**REGISTER NOW • [www.lorman.com/ID387576](http://www.lorman.com/ID387576)**

8:00 AM – 8:30 AM  
8:30 AM – 9:00 AM

### Registration

#### Overview of Utah Mechanics Lien Law

— Darrel J. Bostwick

9:00 AM – 10:00 AM

#### Those Entitled to Mechanics Liens

— Joseph D McAllister

- Original Contractors and Subcontractors
- Material Suppliers, Laborers and Professionals
- Equipment Rental and Mining and Exploration
- Unlicensed Contractors

#### Nature of Improvements and Type of Services Rendered

- Improvements Upon the Land
- Personal Property vs. Fixtures
- Tools, Subdividing Land and Off-Site Improvements

10:00 AM – 10:10 AM

### Break

10:10 AM – 10:40 AM

#### Property Interests Subject to Mechanics Liens

— Darrel J. Bostwick

- Public vs. Private Property
- Buyer's Interest and Leasehold Interest
- Mining Property, Condominiums, Moved Building, Blanket Liens and Agency
- Portion of Property Subject to Mechanics Lien
- Homestead Exemption

10:40 AM – 11:00 AM

#### Amount and Extent of Lien Claim

— Joseph D McAllister

- The General Rule - Reasonable Value, Interest, Attorney's Fees for the "Successful Party" and Costs
- Recoverable Amount May Be Limited by Notice of Release of Lien and Substitution of Alternate Security
- Putting the Owner on Notice and Claims Protected

11:00 AM – 12:00 PM

#### Perfecting a Mechanics Lien

— Darrel J. Bostwick

- Preliminary Notice of Lien and Time Limitations for Filing
- Completion of the Contract and Work Stopped Before Completion

- Contents of Notice of Lien
- Notice to the Owner of the Property
- Effect of Inaccuracies in the Lien Claim
- Where to File the Notice of Lien
- Amendment of Mechanics Lien
- Nature of Lien Claim Before and After Perfection

12:00 PM – 1:00 PM

### Lunch (On Your Own)

1:00 PM – 1:40 PM

#### Enforcing a Mechanics Lien: The Lawsuit, Arbitration, Foreclosure, Recovery, Judgment

— Joseph D McAllister

1:40 PM – 3:00 PM

#### Priority of Liens

— Darrel J. Bostwick

### Waiver, Loss and Release of Lien

3:00 PM – 3:10 PM

### Break

3:10 PM – 4:00 PM

#### Assignment of Mechanics Liens Redemption

— Joseph D McAllister

### Mechanics Lien Recovery Fund

- Owner Responsibilities
- Qualified Services and Qualified Beneficiaries
- Claims Process and Payment

4:00 PM – 4:30 PM

#### A Practical Approach to Mechanics Liens in Utah

— Darrel J. Bostwick

- Determining Lien Rights on a Project
- Alternatives to Filing a Mechanics Lien
- Effect of Lien Filing on Working Relationships
- Filing, Perfecting and Enforcing a Lien While Maintaining Good Relationships
- The Promise to Pay in Lieu of Filing a Mechanics Lien
- When to File a Mechanics Lien and Options After Filing a Mechanics Lien

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Register Online at [www.lorman.com/ID387576](http://www.lorman.com/ID387576)

## Seminar Tuition (includes free manual with attendance)

- ☐ **Yes!** I would like to attend. (\$339 per person)
- ☐ **Yes!** I would like to bring a colleague. (\$289 per each additional registrant)
- ☐ **Yes!** I would like the Best Value discount.  
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- This seminar may be recorded by Lorman.
- If you need special accommodations, please contact us two weeks in advance of the program.
- Lorman Education Services is not approved to offer self-study CPE credit for accountants; therefore, no CPE will be given for this program if ordered as a self-study package.

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## Construction Lien Law



## How Do I Register?

**EMAIL:** [customerservice@lorman.com](mailto:customerservice@lorman.com)

**WEBSITE:** [www.lorman.com/ID387576](http://www.lorman.com/ID387576)

**TELEPHONE:** 866-352-9539

**FAX:** 715-833-3953

**MAIL:** Mail this form with payment information to:

Lorman Education Services  
Dept. 5382, P.O. Box 2933  
Milwaukee, WI 53201-2933

**SEMINAR ID:** 387576

## Where Is It?

Red Lion Hotel Salt Lake Downtown  
161 West 600 South  
801-521-7373  
Salt Lake City, Utah

## Who Will Be There?

This seminar is designed for attorneys, presidents, vice presidents, owners, accountants, credit managers, lenders, controllers, construction managers, project managers, office managers, engineers, architects, contractors and subcontractors.

## **YOUR SEMINAR LEADERS**

### **Darrel J. Bostwick**

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- Shareholder at Bostwick & Price, P.C., in Salt Lake City
- Practice areas include real estate development; land use and planning; construction claims litigation; regulatory matters such as OSHA, and labor and employment; contractor licensing; and general commercial litigation
- Participated in seminars on behalf of the Utah Land Title Association, the National Association of Home Builders, the Utah Home Builders Association, Associated General Contractors, Associated Builders and Contractors, the National Electrical Contractors Association and the Utah Sheet Metal Contractors Association
- Member of the National Electrical Contractors Association, Associated General Contractors, Associated Builders and Contractors, and the National Association of Home Builders
- B.S. degree in construction management, Brigham Young University; J.D. degree, J. Reuben Clark Law School

### **Joseph D McAllister**

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- Attorney with Bostwick & Price, P.C. in Salt Lake City
- Practice areas are in construction law, commercial litigation, and administrative and regulatory law
- Admitted to practice in Utah and the U.S. District Court District of Utah
- B.A. degree, Utah State University; J.D. degree, Arizona State University, Sandra Day O'Connor College of Law, Tempe, AZ