

AMENDMENT TO HCS 2058

RESTORE PARAGRAPH 11 AS CONTAINED IN THE PRIOR DRAFT OF HCS 2058 AS FOLLOWS:

11. The Recorder of Deeds shall collect a fee of \$10.00 for the recording of each Notice of Rights, Renewal of Notice of Rights and Release of Notice of Rights. The Claimant's recording fees shall be considered "costs" under section 429.210.

REASONS: By requiring a lien claimant to record a Notice instead of mailing it as is the common practice in other states, there is a burden being placed on lien claimants that could be so costly as to effectively prevent them from preserving lien rights. For instance, there are many small subcontractors who make dozens of deliveries each day to different job sites. Take, for example, trucks delivering concrete or rebar. There could be as many as 20 or more stops per day at different houses. If the fee is not capped they will be shut out of lien rights because it will be too expensive to record so many Notices. If the system is adopted there will be plenty of added revenue for the recorders' offices generated by the requirement that Notices of Rights be recorded.