

House Substitute for SENATE BILL No. 44

AN ACT concerning the commercial real estate broker lien act; relating to conditions, recording and notice of lien; amending K.S.A. 58-30a03, 58-30a07 and 58-30a09 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 58-30a03 is hereby amended to read as follows: 58-30a03. (a) Any broker shall have a lien on commercial real estate in the amount of the compensation as agreed upon by the broker and the owner or the owner's agent, if:

(1) Such real estate is listed with the broker under terms of a written agreement signed by the owner or the owner's agent; and

(2) the broker or salespersons retained by the broker have provided services that resulted in the procuring of a person or entity ready, willing and able to purchase, lease or otherwise accept a conveyance of the commercial real estate as provided by such agreement which were otherwise acceptable to the owner or owner's agent as evidenced by a written agreement signed by the owner or the owner's agent.

(b) A broker also shall have a lien on such commercial real estate if the broker has a written agreement with a person to represent such person in the purchase, lease or other conveyance to the buyer, *lessee or grantee* of such real estate when the broker becomes entitled to compensation pursuant to the written agreement.

Sec. 2. K.S.A. 58-30a07 is hereby amended to read as follows: 58-30a07. In the case of a lease, the lien must be recorded within ~~90~~ 180 days after the lessee takes possession of the property. If written notice of the intention to sign the lease is personally served on the broker entitled to claim a lien at least 10 days before the date of the intended signing of the lease, the claim for lien must be recorded before the date indicated for the signing of the lease. The lien attaches for purposes of this ~~paragraph~~ *section* when the claim for lien is recorded.

Sec. 3. K.S.A. 58-30a09 is hereby amended to read as follows: 58-30a09. If a lease also includes provisions for a sublease or assignment of lease, the notice of lien must be recorded not later than ~~90~~ 180 days after the lessee takes possession of the leased premises. If the transferor personally serves written notice of the intended execution of the lease on the broker entitled to claim a lien at least 10 days prior to the date of the intended execution of the lease, the notice of lien must be recorded before the date indicated in such notice for the execution of the lease. The lien shall attach as of the recording of the notice of lien and shall not relate back to the date of the written instrument.

Sec. 4. K.S.A. 58-30a03, 58-30a07 and 58-30a09 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.