

HOUSE BILL NO. 465

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO ACTIONS TO FORECLOSE A LIEN; REQUIRING NOTICE; PROVIDING FOR FAILURE TO FILE A NOTICE OF ACTION; AND AMENDING SECTION 71-3-562, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-562, MCA, is amended to read:

"71-3-562. Limitation on actions -- notice. (1) All actions under this part must be commenced within 2 years from the date of the filing of the lien.

(2) No later than 90 days after the expiration of the period of limitation set forth in subsection (1), a person who filed the action against a contracting owner shall file a notice of action to foreclose the lien with the clerk and recorder. The notice must identify the parties to the action, the court where the action is located, the legal description of the real property, and the date of the filing of the complaint. A copy of the complaint must be attached to the notice.

(3) If a person fails to file a notice of action to foreclose within 90 days after the expiration of the time period of limitation set forth in subsection (1), the lien is discharged."

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