K.S.A. 60-1103b

Notice of Intent to Perform

(7/1/05)

**NOTICE OF INTENT TO PERFORM**

**I, *(name of supplier, subcontractor or contractor) , (address of supplier, subcontractor or contractor)***

**do hereby give public notice that I am a supplier, subcontractor or contractor or other person providing materials or labor on property owned by  *(name of property owner*  and having the legal description as follows:**

***(Legal description of property***

**Authority**

K.S.A. 60-1103b

**Notes on Use**

The notice of intent to perform provided for in K.S.A. 60-1103b is limited to “new residential property” which is defined as “a new 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 or for commercial purposes. ‘New residential property’ does not include any improvement of a preexisting structure or construction of any addition, garage or outbuilding appurtenant to a preexisting structure.” K.S.A. 60-1103b(a).

The lien for furnishing labor, equipment, materials or supplies for the construction of new residential property may be claimed pursuant to K.S.A. 60-1103 after the passage of title to such new residential property to a good faith purchaser for value only if the claimant has filed a notice of intent to perform prior to the recording of the deed effecting passage of title to such new residential property. K.S.A. 60-1103b(b).

**Comments**

For history of the litigation giving rise to this provision, see *Owen Lumber Co. v. Arthur Chartrand*, 27 Kan.App.2d 72, 998 P.2d 509, *judgment aff’d,* 270 Kan. 215, 14 P.3d 395 (2000) and *Owen Lumber Co. v. Chartrand*, 276 Kan. 218, 73 P.3d 753 (2003).