

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).