K.S.A. 60-1103a

Warning Statement - Residential improvement subcontractors’ Lien

(7/1/05)

**WARNING STATEMENT**

**NOTICE TO OWNER:**

***(name of supplier or subcontractor)*  is a supplier or subcontractor providing materials or labor on Job No. at (residence address) under an agreement with *(name of contractor)* . Kansas law will allow this supplier or subcontractor to file a lien against your property for materials or labor not paid for by your contractor unless you have a waiver of lien signed by this supplier or subcontractor. If you receive a notice of filing of a lien statement by this supplier or subcontractor, you may withhold from your contractor the amount claimed until the dispute is settled.**

**CERTIFICATE OF MAILING**

**The undersigned certifies that a copy of the above Warning Statement (was mailed by regular mail to  *(Name of property owner)*  at  *(Mailing address of property owner)*  on  *(date of mailing)* ) (is in undersigned’s possession and said copy has been signed and dated by (Name of property owner) acknowledging receipt of the Warning Statement).**

***(Signature of claimant)***

**Authority**

K.S.A. 60-1103a.

**Notes on Use**

The provisions in K.S.A. 60-1103a relate only to subcontractor’s or supplier’s liens on “improvement of residential property” which is defined as “1) improvement of a preexisting structure in which the owner resides at the time the claimant first furnishes labor, equipment, material or supplies and which is not used or intended for use as a residence for more than two families or for commercial purposes or improvement or construction of any addition, garage, fence, swimming pool, outbuilding or other improvement appurtenant to such structure; or 2) any construction upon real property which is (A) owned or acquired by an individual at the time the claimant first furnishes labor, equipment, material or supplies; (B) intended to become and does become the principal personal residence of that individual upon completion; and (C) not used or intended for use as a residence for more than two families or for commercial purposes.” K.S.A. 60-1103a(a).

The subcontractor or supplier may not file a lien pursuant to K.S.A. 60-1103 on improvement to residential property unless the claimant has:

1) mailed a warning statement conforming with K.S.A. 60-1103a(c) to any one of the owners of the property; or

2) has in claimant’s possession a copy of a statement signed and dated by any one owner of the property stating that the general contractor or the claimant had given the warning statement conforming with K.S.A. 60-1103a(c) to one such owner of the property. K.S.A. 60-1103a(b).