

SB093\_L.006

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

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Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

SB10-093 be amended as follows:

1 Amend reengrossed bill, page 2, strike lines 4 through 8 and substitute:

2           **"38-38-107. Fees and costs - definitions - court award. (6) THE**  
3 PREVAILING PARTY IN ANY LITIGATION ASSERTING THE VIOLATION OF A  
4 DUTY IMPOSED UNDER THIS ARTICLE SHALL BE AWARDED REASONABLE  
5 ATTORNEY FEES AND COSTS INCURRED IN SUCH LITIGATION."

6 Page 3, line 6, after "LIEN." insert "THE HOLDER MAY REQUEST IN  
7 WRITING, AND THE JUNIOR LIENOR SHALL PROVIDE, WITHIN FIVE BUSINESS  
8 DAYS AFTER RECEIVING SUCH REQUEST, A STATEMENT OF THE TOTAL  
9 AMOUNT OF THE DEBT SECURED BY THE JUNIOR LIENOR'S LIEN, ITEMIZED  
10 AS TO PRINCIPAL, INTEREST, AND EACH ADDITIONAL AMOUNT CLAIMED,  
11 INCLUDING ANY ADDITIONAL AMOUNTS ACCRUING AFTER THE DATE USED  
12 IN DETERMINING SUCH AMOUNTS."

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