

## HOUSE BILL No. 2676

By Committee on Judiciary

2-13

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1 AN ACT concerning the commercial real estate broker lien act; conditions  
2 of lien; leases; subleases; additional compensation; amending K.S.A.  
3 58-30a03, 58-30a07, 58-30a09 and 58-30a10 and repealing the existing  
4 sections.  
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 58-30a03 is hereby amended to read as follows: 58-  
8 30a03. (a) Any broker shall have a lien on commercial real estate in the  
9 amount of the compensation as agreed upon by the broker and the owner  
10 or the owner's agent, if:

11 (1) Such real estate is listed with the broker under terms of a written  
12 agreement signed by the owner or the owner's agent; and

13 (2) the broker or salespersons retained by the broker have provided  
14 services that resulted in the procuring of a person or entity ready, willing  
15 and able to purchase, lease or otherwise accept a conveyance of the  
16 commercial real estate as provided by such agreement which were  
17 otherwise acceptable to the owner or owner's agent as evidenced by a  
18 written agreement signed by the owner or the owner's agent.

19 (b) A broker also shall have a lien on such commercial real estate if  
20 the broker has a written agreement with a person *or entity* to represent  
21 such person *or entity* in the purchase, lease or other conveyance to the  
22 buyer, *lessee or grantee* of such real estate when the broker becomes  
23 entitled to compensation pursuant to the written agreement.

24 Sec. 2. K.S.A. 58-30a07 is hereby amended to read as follows: 58-  
25 30a07. In the case of a lease, the lien must be recorded within ~~90 days after~~  
26 ~~the lessee takes possession of the property. If written notice of the~~  
27 ~~intention to sign the lease is personally served on the broker entitled to~~  
28 ~~claim a lien at least 10 days before the date of the intended signing of the~~  
29 ~~lease, the claim for lien must be recorded before the date indicated for the~~  
30 ~~signing of the lease~~ *the term of the lease on the property obtained under*  
31 *the written agreement between the broker and the owner, owner's agent,*  
32 *buyer, agent of the buyer, lessee or agent of the lessee.* The lien attaches  
33 for purposes of this paragraph when the claim for lien is recorded.

34 Sec. 3. K.S.A. 58-30a09 is hereby amended to read as follows: 58-  
35 30a09. If a lease also includes provisions for a sublease or assignment of  
36 lease, the notice of lien must be recorded ~~not later than 90 days after the~~

1 lessee takes possession of the leased premises. If the transferor personally  
2 serves written notice of the intended execution of the lease on the broker  
3 entitled to claim a lien at least 10 days prior to the date of the intended  
4 execution of the lease, the notice of lien must be recorded before the date  
5 indicated in such notice for the execution of the lease. The lien shall attach  
6 as of the recording of the notice of lien and shall not relate back to the date  
7 of the written instrument *within the term of the lease on the property*  
8 *obtained under the written agreement between the broker and the owner,*  
9 *owner's agent, buyer, agent of the buyer, lessee or agent of the lessee. The*  
10 *lien shall attach as of the recording of the notice of lien.*

11 Sec. 4. K.S.A. 58-30a10 is hereby amended to read as follows: 58-  
12 30a10. If additional compensation is owed to a broker as a result of the  
13 exercise of an option to expand the leased premises, the renewal or  
14 extension of a lease, the purchase of the property or other transaction  
15 pursuant to a written agreement signed by the current owner or tenant, the  
16 broker may record its notice of lien at any time after execution of the lease  
17 or other written agreement containing such option but not later than 90  
18 days after the ~~occurrence of the transaction~~ *expansion of the leased*  
19 *premises, renewal or extension of the lease, purchase of the property or*  
20 *other transaction* for which the additional commission is claimed.

21 Sec. 5. K.S.A. 58-30a03, 58-30a07, 58-30a09 and 58-30a10 are  
22 hereby repealed.

23 Sec. 6. This act shall take effect and be in force from and after its  
24 publication in the statute book.