

HB 4698 S

FILED

2006 MAR 30 A 10: 03

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

House Bill No. 4698

(By Mr. Speaker, Mr. Kiss and Delegates Amores,
Craig, Michael, Pino, Stemple, Overington,
Azinger and Hartman)



Passed March 9, 2006

In Effect Ninety Days from Passage

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E N R O L L E D

H. B. 4698

(BY MR. SPEAKER, MR. KISS AND DELEGATES AMORES,
CRAIG, MICHAEL, PINO, STEMPLER, OVERINGTON,
AZINGER AND HARTMAN)

[Passed March 9, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §38-2-9 of the Code of West Virginia, 1931, as amended, relating to changing the filing time for a subcontractor's lien to one hundred days rather than seventy-five days to be consistent with the filing time for a mechanic's lien.

Be it enacted by the Legislature of West Virginia:

That §38-2-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. MECHANICS' LIENS.

§38-2-9. Notice and recordation of subcontractor's lien.

1 For the purpose of perfecting and preserving his or her lien,
2 every subcontractor mentioned in section two of this article
3 shall, within one hundred days after the completion of his or her
4 subcontract, give to the owner or his or her authorized agent, by
5 any of the methods provided by law for the service of a legal
6 notice or summons, a notice of lien, which notice shall be
7 sufficient if in form and effect as follows:

8 Notice of Mechanic's Lien.

9 To.....

10 You will please take notice that the undersigned
 11 was and is subcontractor with who was and is
 12 general contractor for the furnishing of materials and doing of
 13 the work and labor, necessary to the completion of (here
 14 describe the nature of the subcontract) on that certain building
 15 (or other structure or improvement as the case may be), owned
 16 by you and situate on lot number of block number as
 17 shown on the official map of (or other definite and
 18 ascertainable description of the real estate) and that the contract
 19 price and value of said work and materials is \$..... You are
 20 further notified that the undersigned has not been paid therefor
 21 (or has been paid only \$..... thereof) and that he or she claims
 22 and will claim a lien upon your interest in the said lot (or tract)
 23 of land and upon the buildings, structures and improvements
 24 thereon to secure the payment of the said sum.

25

26 State of West Virginia,

27 County of, being first duly sworn, upon his or
 28 her oath says that the statements in the foregoing notice of
 29 mechanic's lien are true, as he or she verily believes.

30 Taken, subscribed and sworn to before me this day
 31 of, 20.....

32 My commission expires

33
 34 (Official Capacity)

35 But the lien shall be discharged and avoided, unless, within
 36 one hundred days after the completion of his or her subcontract

37 as aforesaid, the subcontractor shall cause to be recorded in the
38 office of the clerk of the county commission of the county
39 wherein the property is situate, a notice of the lien, which notice
40 shall be sufficient if in form and effect as that provided in
41 section eight of this article.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

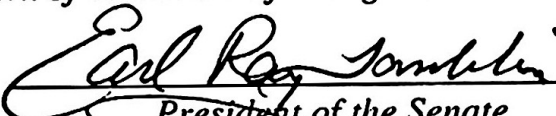

Chairman House Committee

Originating in the House.

In effect ninety days from passage.



Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 18th
day of March, 2006.


Governor

PRESENTED TO THE
GOVERNOR

MAR 20 2006

Time 11:20 am