

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 702
HOUSE BILL 1144

AN ACT TO CLARIFY FILING REQUIREMENTS FOR A CLAIM OF
STATUTORY LIEN BY A SUBCONTRACTOR DEALING WITH ONE OTHER
THAN THE OWNER OF THE PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 44A-19 is amended by adding at the end a new subsection (d) to read:

"(d) Notices under this section shall be served upon the obligor in person or by certified mail in any manner authorized by the North Carolina Rules of Civil Procedure. A copy of the notice shall be attached to any claim of lien filed pursuant to G.S. 44A-20(d)."

Sec. 2. G.S. 44A-20(d) is amended by adding at the end two new sentences to read:

"The lien is perfected as of the time set forth in G.S. 44A-10 upon filing of claim of lien pursuant to G.S. 44A-12. The claim of lien shall be in the form set out in G.S. 44A-12(c) and shall contain, in addition, a copy of the notice given pursuant to G.S. 44A-19 as an exhibit together with proof of service thereof by affidavit, and shall state the grounds the lien claimant has to believe that the obligor is personally liable for the debt under subsection (b)."

Sec. 3. G.S. 44A-18(6) is rewritten to read:

"(6) A lien upon funds granted under this section is perfected upon the giving of notice in writing to the obligor as provided in G.S. 44A-19 and shall be effective upon the obligor's receipt of the notice. The subrogation rights of a first, second, or third tier subcontractor to the lien of the contractor created by Part 1 of Article 2 of this Chapter are perfected as provided in G.S. 44A-23."

Sec. 4. G.S. 44A-23 is amended by adding after the second sentence of that section a new sentence to read: "The lien is perfected as of the time set forth in G.S. 44A-10 upon filing of claim of lien pursuant to G.S. 44A-12."

Sec. 5. This act shall become effective October 1, 1985, and applies to notices and claims filed after that date.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.