

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 43-4 of the Code of Virginia, relating to perfection of lien by general*
3 *contractor; recordation and notice.*

4 [H 1819]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 43-4 of the Code of Virginia is amended and reenacted as follows:**

8 § 43-4. Perfection of lien by general contractor; recordation and notice.

9 A general contractor, or any other lien claimant under §§ 43-7 and 43-9, in order to perfect the lien
10 given by § 43-3, provided such lien has not been barred by § 43-4.01 C, shall file a memorandum of
11 lien at any time after the work is commenced or material furnished, but not later than ~~ninety~~ 90 days
12 from the last day of the month in which he last performs labor or furnishes material, and in no event
13 later than ~~ninety~~ 90 days from the time such building, structure, or railroad is completed, or the work
14 thereon otherwise terminated. The memorandum shall be filed in the clerk's office in the county or city
15 in which the building, structure or railroad, or any part thereof is located. The memorandum shall show
16 the names of the owner of the property sought to be charged, and of the claimant of the lien, the
17 amount and consideration of his claim, and the time or times when the same is or will be due and
18 payable, verified by the oath of the claimant, or his agent, including a statement declaring his intention
19 to claim the benefit of the lien, and giving a brief description of the property on which he claims a lien.
20 It shall be the duty of the clerk in whose office the memorandum is filed to record and index the same
21 as provided in § 43-4.1, in the name of the claimant of the lien and of the owner of the property. From
22 the time of such recording and indexing all persons shall be deemed to have notice thereof. *A lien*
23 *claimant who is a general contractor also shall file along with the memorandum of lien, a certification*
24 *of mailing of a copy of the memorandum of lien on the owner of the property at the owner's last known*
25 *address.* The cost of recording the memorandum shall be taxed against the person found liable in any
26 judgment or decree enforcing such lien. The lien claimant may file any number of memoranda but no
27 memorandum filed pursuant to this chapter shall include sums due for labor or materials furnished more
28 than 150 days prior to the last day on which labor was performed or material furnished to the job
29 preceding the filing of such memorandum. However, any memorandum may include (i) sums withheld
30 as retainages with respect to labor performed or materials furnished at any time before it is filed, but not
31 to exceed ~~ten~~ 10 percent of the total contract price and (ii) sums which are not yet due because the
32 party with whom the lien claimant contracted has not yet received such funds from the owner or another
33 third party. The time limitations set forth herein shall apply to all labor performed or materials furnished
34 on construction commenced on or after July 1, 1980.

ENROLLED

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