

VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

CHAPTER 504

An Act to amend and reenact §§ 43-5, 43-8, and 43-10 of the Code of Virginia, relating to the form of a mechanic's lien memorandum.

[H 2579]

Approved March 19, 2007

Be it enacted by the General Assembly of Virginia:

1. That §§ 43-5, 43-8, and 43-10 of the Code of Virginia are amended and reenacted as follows:

§ 43-5. Sufficiency of memorandum and affidavit required by § 43-4.

The memorandum and affidavit required by § 43-4 shall be sufficient if substantially in form and effect as follows:

Memorandum for Mechanic's Lien Claimed by General Contractor.

Name of owner:

Address of owner:

Name of claimant:

Address of claimant:

1. Type of materials or services furnished:

.....

2. Amount claimed: \$

3. Type of structure on which work done or materials furnished:

.....

4. Brief description and location of real property:

.....

5. Date from which interest on the above amount is claimed:

Date:

It is the intent of the claimant to claim the benefit of a lien.

The undersigned hereby certifies that he has mailed a copy of this

memorandum of lien to the owner of the property at the owner's last

known address:.....

.....(address), on(date of mailing).

..... (Name of claimant)

Affidavit.

State of Virginia,

County (or city) of, to wit:

I, (notary or other officer) for the county (or city)

abovesaid, do certify that

claimant, or, agent for claimant, this day

made oath before me in my county (or city) abovesaid that

. (the owner) is justly indebted to claimant in the sum

of dollars, for the consideration stated in the

foregoing memorandum, and that the same is payable as therein stated.

Given under my hand this the day of

., 20.

..... (Notary Public or

Magistrate, et cetera.)

§ 43-8. Sufficiency of memorandum, affidavit and notice required by § 43-7.

The memorandum, affidavit and notice required by § 43-7 shall be sufficient if substantially in form and effect as follows:

Memorandum for Mechanic's Lien Claimed by Subcontractor.

Name of owner:

Address of owner:

Name of general contractor (if any):

Name of claimant:

Address of claimant:

1. Type of materials or services furnished:

 2. Amount claimed: \$
 3. Type of structure on which work done or materials furnished:
 4. Brief description and location of real property:

 5. Date from which interest on above amount is claimed:
 Date:

It is the intent of the claimant to claim the benefit of a lien
 (Name of claimant)
 Affidavit.

State of Virginia,
 County (or city) of to wit:
 I, (notary or other officer) for the county (or city)
 aforesaid, do certify that, claimant, or,
 agent for claimant, this day made oath before me in my county (or city)
 aforesaid that is justly indebted to claimant in the
 sum of dollars, for the consideration stated in the
 foregoing memorandum, and that the same is payable as therein stated.
 Given under my hand this the day of, 20
 (Notary Public or
 Magistrate, et cetera.)

Notice.

To (owner).
 You are hereby notified that (general contractor) is
 indebted to me in the sum of dollars (\$) with
 interest thereon from the day of, 20, for work
 done (or materials furnished, as the case may be,) in and about the
 construction (or removal, etc.,) of a (describe
 structure, whether dwelling, store, or etc.,) which he has contracted to
 construct (or remove, etc.,) for you or on property owned by you in the
 county (or city) of, and that I have duly recorded a
 mechanic's lien for the same.
 Given under my hand this the day of, 20
 (Subcontractor).

§ 43-10. Sufficiency of memorandum, affidavit and notice required by § 43-9.

The memorandum, affidavit and notice required by § 43-9 shall be sufficient if substantially in form
 and effect as follows:

Memorandum for Mechanic's Lien Claimed by Sub-subcontractor.

Name of owner:
 Address of owner:
 Name of general contractor (if any) and subcontractor:

 Name of claimant:
 Address of claimant:
 1. Type of materials or services furnished:

 2. Amount claimed: \$
 3. Type of structure on which work done or materials furnished:
 4. Brief description and location of real property:

 5. Date from which interest on above amount is claimed:
 Date:

It is the intent of the claimant to claim the benefit of a lien.
 (Name of claimant)
 (Signature of claimant or agent for claimant)
 Affidavit.

State of Virginia,
 County (or city) of, to wit:

I, (notary or other officer) for the county (or city) aforesaid do certify that claimant, or, agent for claimant, this day made oath before me in my county (or city) aforesaid that is justly indebted to claimant in the sum of dollars for the consideration stated in the foregoing memorandum, and that the same is payable as therein stated.

Given under my hand this the day of
., 20.

..... (Notary Public or
Magistrate, et cetera.)

Notice.

To (owner) and

(general contractor):

You are hereby notified that , a subcontractor under you, said (general contractor) for the construction (or removal, etc.,) of a (describe structure) for you, or on property owned by you, said .. (owner) is indebted to me in the sum of dollars (\$) with interest thereon from the day of, 20., for work done (or materials furnished) in and about the construction (or removal, etc.,) of said (naming structure), situate in the county (or city) of Virginia, and that I have duly recorded a mechanic's lien for the same.

Given under my hand this the
day of, 20.

..... (Sub-subcontractor).