

2007 SESSION

INTRODUCED

070035348

HOUSE BILL NO. 2579

Offered January 10, 2007

Prefiled January 10, 2007

A BILL 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.

Patron—Janis

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 43-5, 43-8, 43-10 of the Code of Virginia is 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)

aforesaid, do certify that

claimant, or, agent for claimant, this day

made oath before me in my county (or city) aforesaid 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.

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55 Name of owner:
56 Address of owner:
57 Name of general contractor (if any):
58 Name of claimant:
59 Address of claimant:
60 1. Type of materials or services furnished:
61
62 2. Amount claimed: \$
63 3. Type of structure on which work done or materials furnished:
64 4. Brief description and location of real property:
65
66 5. Date from which interest on above amount is claimed:
67 Date:

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

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

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

95 § 43-10. Sufficiency of memorandum, affidavit and notice required by § 43-9.

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

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

99 Name of owner:
100 Address of owner:
101 Name of general contractor (if any) and subcontractor:
102
103 Name of claimant:
104 Address of claimant:
105 1. Type of materials or services furnished:
106
107 2. Amount claimed: \$
108 3. Type of structure on which work done or materials furnished:
109 4. Brief description and location of real property:
110
111 5. Date from which interest on above amount is claimed:

112 Date:
 113 *It is the intent of the claimant to claim the benefit of a lien.*
 114 (Name of claimant).
 115 (Signature of claimant or agent for claimant).
 116 Affidavit.
 117 State of Virginia,
 118 County (or city) of, to wit:
 119 I, (notary or other officer) for the county (or city)
 120 aforesaid do certify that claimant, or ,
 121 agent for claimant, this day made oath before me in my county (or city)
 122 aforesaid that is justly indebted to claimant in the sum of
 123 dollars for the consideration stated in the foregoing memorandum,
 124 and that the same is payable as therein stated.
 125 Given under my hand this the day of
 126, 20.
 127 (Notary Public or
 128 Magistrate, et cetera.)
 129 Notice.
 130 To (owner) and
 131 (general contractor):
 132 You are hereby notified that, a subcontractor under you,
 133 said (general contractor) for the construction (or removal,
 134 etc.,) of a (describe structure) for you, or on property owned by
 135 you, said .. (owner) is indebted to me in the sum of
 136 dollars (\$) with
 137 interest thereon from the day of, 20., for work done
 138 (or materials furnished) in and about the construction (or removal, etc.,) of
 139 said
 140 (naming
 141 structure), situate in the county (or city) of Virginia,
 142 and that I have duly recorded a mechanic's lien for the same.
 143 Given under my hand this the day of
 144, 20.
 145 (Sub-subcontractor).