

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/20/19

A Bill

SENATE BILL 344

5 By: Senator B. Ballinger
6 By: Representative Breaux
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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE FILING OF A
10 MECHANIC'S OR MATERIALMAN'S LIEN; AND FOR OTHER
11 PURPOSES.
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Subtitle

15 TO AMEND THE LAW CONCERNING THE FILING OF
16 A MECHANIC'S OR MATERIALMAN'S LIEN.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 18-44-117 is amended to read as follows:
22 18-44-117. Filing of lien.

23 (a)(1) ~~It shall be the duty of every~~ A person who wishes to avail
24 himself or herself of the provisions of this subchapter has a duty to file
25 with the clerk of the circuit court of the county in which the building,
26 erection, or other improvement to be charged with the lien is situated and
27 within one hundred twenty (120) days after *the things specified* in this
28 subchapter ~~shall~~ have been furnished or the work or labor done or performed:

29 (A) A just and true account of the demand due or owing to
30 him or her after allowing all credits; and

31 (B) An affidavit of notice attached to the lien account.

32 (2)(A) *The lien account shall contain a correct description of*
33 *the property to be charged with the lien, verified by affidavit.*

34 (B) *For real property, a street address is not a correct*
35 *description of the property under this subsection.*

36 (3) The affidavit of notice shall contain:



1 (A) A sworn statement evidencing compliance with the
2 applicable notice provisions of §§ 18-44-114 – 18-44-116; ~~and~~

3 (B) A copy of each applicable notice given under §§ 18-44-
4 114 – 18-44-116; and

5 (C) A copy of the proof of service required under § 18-44-
6 114.

7 (b)(1)(A) ~~It shall be the duty of the~~ The clerk of the circuit court
8 has a duty to endorse upon every account the date of its filing and to make
9 an abstract of the account in a book kept by him or her for that purpose,
10 properly indexed.

11 (B) This abstract shall contain:

12 (i) The date of the filing;

13 (ii) The name of the person laying or imposing the
14 lien;

15 (iii) The amount of the lien;

16 (iv) The name of the person against whose property
17 the lien is filed; and

18 (v) *A description of the property to be charged with*
19 *the lien.*

20 (C) For real property, a street address is not a
21 sufficient description under subdivision (b)(1) of this section. (2)

22 ~~For this service, the clerk shall receive the sum of three dollars (\$3.00)~~
23 ~~from the person laying or imposing the lien, which shall be taxed and~~
24 ~~collected as other costs in case there is suit on the lien~~ the person laying
25 or imposing the lien shall submit the fee required by § 21-6-306 to the clerk
26 of the circuit court, and the fee shall be taxed and collected as other costs
27 in case there is a suit on the lien.

28 (3) The clerk of the circuit court shall ~~refuse to~~ not file a
29 lien account that does not contain the affidavits and attachments required by
30 this section.

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32 /s/B. Ballinger
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