

ARKANSAS SENATE
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 990

"TO PROVIDE THAT A MATERIALMEN'S LIEN MAY BE CHALLENGED FOR CLAIMS
OF FRAUD, EXTORTION, OR WORTHLESSNESS OF THE UNDERLYING CLAIM AND
TO AUTHORIZE AN EXPEDITED COURT HEARING."

Amendment No. 2 to Senate Bill No. 990.

Amend Senate Bill No. 990 as engrossed, S3/15/05 (version: 03-15-2005 15:06):

Delete the title and substitute the following:

"AN ACT TO PROVIDE THAT MECHANICS' AND MATERIALMEN'S LIENS MAY BE CHALLENGED
BY DECLARATORY JUDGMENT PROCEEDINGS; TO STANDARDIZE NOTICE REQUIREMENTS OF
LIEN FILINGS; TO REQUIRE LIS PENDENS FILING UPON COMMENCING AN ACTION TO
FORECLOSE MECHANICS' AND MATERIALMEN'S LIENS; AND FOR OTHER PURPOSES."

AND

Delete the subtitle and substitute the following:

"TO PROVIDE THAT MECHANICS' AND MATERIALMEN'S LIENS MAY BE CHALLENGED BY
DECLARATORY JUDGMENT PROCEEDINGS AND TO STANDARDIZE NOTICE REQUIREMENTS OF
LIEN FILINGS."

AND

Page 2, delete lines 5 through 7 and substitute the following:

"(B) The service of the account may be made by any:
(i) Officer authorized by law to serve process in
civil actions; or
(ii) Form of mail addressed to the person to be
served with a return receipt requested and delivery restricted to the
addressee or the agent of the addressee."

AND

Page 2, line 10 delete "Alternate lien contest"

AND

Page 2 delete lines 29 and 30 and substitute the following:



"(B) The notice shall be in writing ~~sent by certified mail with return receipt requested~~ and served by any:

(i) Officer authorized by law to serve process in civil actions; or

(ii) Form of mail addressed to the person to be served with a return receipt requested and delivery restricted to the addressee or the agent of the addressee."

AND

Page 3, delete lines 23 through 36 and substitute the following:

"(f) Nothing in this section shall be construed to limit the right of an owner, mortgagee, or any other person with an interest in the property to contest the lien by declaratory judgment proceedings under § 16-111-101 et seq."

AND

Page 4, delete lines 1 through 8

AND

Page 4, delete lines 13 through 18 and substitute the following:

"(B)(i) ~~This~~ The notice shall be sent to the owner and to the contractor by registered mail, return receipt requested, before seventy-five (75) days have elapsed from the time that the labor was supplied or the material furnished.

(ii) The notice may be served by any:

(a) Officer authorized by law to serve process in civil actions; or

(b) Form of mail addressed to the person to be served with a return receipt requested and delivery restricted to the addressee or the agent of the addressee."

AND

Delete Section 4 in its entirety and substitute the following:

"SECTION 4. Arkansas Code § 18-44-119 is amended to read as follows:
18-44-119. Limitation of actions.

(a) All actions under this subchapter shall be commenced within fifteen (15) months after filing the lien and prosecuted without unnecessary delay to final judgment.

(b) No lien shall continue to exist by virtue of the provisions of this subchapter for more than fifteen (15) months after the lien is filed, unless within that time:

(1) ~~an~~ An action shall be instituted as described in this subchapter; and

(2) A lis pendens is filed under § 16-59-101 et seq.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Holt

DLP/TRA - 03-23-2005 13:57

DLP297

Secretary