

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: H3/13/07

# A Bill

HOUSE BILL 1631

5 By: Representative Wills  
6  
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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 18-44-101  
10 ET SEQ. CONCERNING THE PERFECTION, FILING, AND  
11 ENFORCEMENT OF MECHANIC'S AND MATERIALMEN'S LIENS;  
12 AND FOR OTHER PURPOSES.  
13

### Subtitle

14 TO AMEND ARKANSAS CODE § 18-44-101 ET  
15 SEQ. CONCERNING THE PERFECTION, FILING,  
16 AND ENFORCEMENT OF MECHANIC'S AND  
17 MATERIALMEN'S LIENS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 *SECTION 1. Arkansas Code § 18-44-117 is amended to read as follows:*  
24 *18-44-117. Filing of lien account - Abstract.*

25 *(a)(1) It shall be the duty of every person who wishes to avail*  
26 *himself or herself of the provisions of this subchapter to file ~~a just and~~*  
27 *~~true account of the demand due or owing to him or her after allowing all~~*  
28 *~~credits,~~ with the clerk of the circuit court of the county in which the*  
29 *building, erection, or other improvement to be charged with the lien is*  
30 *situated and within one hundred twenty (120) days after the things specified*  
31 *in this subchapter shall have been furnished or the work or labor done or*  
32 *performed:*

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

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

36 *(2) The lien account shall contain a correct description of the*



1 property to be charged with the lien, verified by affidavit.

2 (3) The affidavit of notice shall contain:

3 (A) A sworn statement evidencing compliance with the  
4 notice provisions of §§ 18-44-114 – 18-44-116; and

5 (B) A copy of each notice given under §§ 18-44-114 – 18-  
6 44-116.

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

10 (B) This abstract shall contain:

11 (i) The date of the filing;

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

14 (iii) The amount of the lien;

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

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

19 (2) For this service, the clerk shall receive the sum of three  
20 dollars (\$3.00) from the person laying or imposing the lien, which shall be  
21 taxed and collected as other costs in case there is suit on the lien.

22 (3) The clerk shall refuse to file a lien account that does not  
23 contain the affidavits and attachments required by this section.

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25 /s/ Wills  
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