

April 5, 2001

S 909. FRAUDULENT FILING OF REAL PROPERTY LIEN. TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO REFUSE TO FILE FRAUDULENT CLAIMS OF LIENS RELATING TO IMPROVEMENTS TO REAL PROPERTY AND TO PROVIDE A MEANS TO CORRECT CLAIMS OF LIENS ON REAL PROPERTY THAT HAD BEEN FRAUDULENTLY FILED. Adds GS 44A-12(g) directing the clerk of superior court to refuse to file any claim of lien that the clerk determines is not created pursuant to GS Ch. 44A, Art. 2, or that is intended for improper purpose, such as to hinder, harass, or otherwise wrongfully interfere with some person. Adds GS 44A-12.1 permitting a person under whose name a claim of lien has been indexed to file a correction statement, when the person believes the claim of lien was filed for an improper purpose, and sets out required content of such a statement. Permits clerk to cancel the lien if the clerk finds it was wrongfully filed, and permits a person seeking cancellation to appeal the clerk's decision not to cancel to superior court. Makes filing a claim of lien for an improper purpose unlawful, punished as a Class 2 misdemeanor. Effective Oct. 1, 2001, and applicable to liens filed before or after that date.

Intro. by Rand.

Ref. to Judiciary I	GS 44A
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