

March 23, 2005

S 887. NC LIEN LAW REVISED. TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY. Amends numerous sections of Article 2, GS Chapter 44A to substitute for current references to "lien," references to "claim of lien on real property" in Part 1 and "claim of lien on funds" in Part 2. Amends GS 44A-12.1 to provide that clerk of court may not reject a filing of a claim of lien on real property filed by any licensed attorney in NC that otherwise complies with the statutory filing requirements. Amends GS 44A-13 to provide that judgments entered under that section bear interest at the legal rate established in GS 24-5. Amends GS 44A-19 to provide that clerks of court may not index or docket claims of liens upon funds, subject to some specified exceptions. Amends GS 44A-20 to specify that notice of claim of lien upon funds may be filed by obligor with the clerk of court in any county where the affected real estate is located for purpose of discharging the claim of lien upon funds, and specifies how bonds deposited to discharge a claim of lien upon funds are to be handled. Amends GS 44A-23 to specify method and circumstances by which subcontractors may enforce claims of lien on real property of the contractor. Makes numerous technical and clarifying changes. Effective October 1, 2005.

Intro. by Hartsell.

Ref. to Judiciary II

GS 44A

May 16, 2005

S 887. NC LIEN LAW REVISED. Intro. 3/23/05. Senate committee substitute makes the following changes to 1st edition. Amends GS 44A-13 to provide that the filing of a proof of claim with a receiver or in bankruptcy and the filing of a notice of lis pendens satisfies the requirement for the commencement of a civil action under section (was, the filing of a proof of claim satisfies the requirement for commencement of a civil action and the filing of a notice of lis pendens). Further amends section to require that the proof of claim or notice of lis pendens be filed in the county where the real property subject to the lien is located and to delete the proposed amendment to GS 44A-13 that would have required that judgments enforcing a claim of lien on real property include interest. Makes technical and conforming changes.

July 28, 2005

SL 2005-229 (S 887). NC LIEN LAW REVISED. AN ACT TO REVISE THE STATUTES THAT ADDRESS STATUTORY LIENS ON REAL PROPERTY. Summarized in *Daily Bulletin* 3/23/05 and 5/16/05. Enacted July 27, 2005. Effective October 1, 2005.