

March 25, 2009

H 806. NOTICE ON LIENS FOR HOA ASSESSMENTS. Filed 3/25/09. *TO REQUIRE THAT NOTICE OF A CLAIM OF LIEN FOR ASSESSMENTS FILED BY A HOMEOWNERS ASSOCIATION BE SERVED ON THE LOT OWNER IN THE SAME MANNER AS SERVICE OF A SUMMONS IN A CIVIL ACTION.*

Amends GS 47F-3-116 (which provides that unpaid assessments levied against a lot in a planned community by a homeowners association constitutes a lien) to provide that claims of lien must be served on the lot owner in any manner provide by the rules of civil procedure for service of summons, and that the association must produce an affidavit of service in any foreclosure proceeding. Adds a provision requiring the association to make reasonable and diligent effort to ensure that its records contain the lot owner's current mailing address. Effective October 7, 2009, and applies to claims of liens filed then and later.

Intro. by Weiss.

GS 47F

April 30, 2009

H 806. NOTICE ON LIENS FOR HOA ASSESSMENTS. Filed 3/25/09. House committee substitute makes the following changes to 1st edition. Deletes proposed amendments to GS 47F-3-116(a) and instead amends (a) to require a homeowners' association to make reasonable and diligent efforts to ensure that its records contain the lot owner's current mailing address before filing a claim of lien for levied assessment. Changes the title to *AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A LOT OWNER PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENTS.*

May 11, 2009

H 806. NOTICE ON LIENS FOR HOA ASSESSMENTS. Filed 03/25/09. House committee substitute makes the following changes to 2nd edition. Amends title to read *AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A LOT OWNER, UNDER THE PLANNED COMMUNITY ACT OR A UNIT OWNER UNDER THE CONDOMINIUM ACT PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENT.*

Further amends GS 47F-3-116 (lien for assessments section of the NC Planned Community Act) to specify that the first page of a claim of lien under GS 47F-3-116(g) is to contain the following language in print that is in boldface, capital letters, and no smaller than the largest print used elsewhere in document: "THIS DOCUMENT CONSTITUTES A LIEN AGAINST YOUR PROPERTY, AND IF THE LIEN IS NOT PAID, THE HOMEOWNERS ASSOCIATION MAY PROCEED WITH FORECLOSURE AGAINST YOUR PROPERTY IN LIKE MANNER AS A MORTGAGE UNDER NORTH CAROLINA LAW." Claim of lien must be sent by first-class mail to the property address, and if different, to the mailing address, of the lot owner. Requires association to make reasonable and diligent efforts to ensure that the lot owner receives actual notice of the claim of lien. The person signing the claim of lien on behalf of the association must attach to and file with the claim of lien a certificate of service that attests to the efforts made to ensure that the lot owner received actual notice.

Adds new section amending GS 47C-3-116, "Lien for assessments," under the NC Condominium Act, to include provisions substantially identical to those added by the bill to GS 47F-3-116.

August 4, 2009

H 806. NOTICE ON LIENS FOR HOA ASSESSMENTS. Filed 3/25/09. Senate committee substitute makes the following changes to 3rd edition. Amends GS 47F-3-116 and GS 47C-3-116 to add the requirement that the homeowners association mail an assessment statement at least 15 days prior to filing the lien to specified addresses. Clarifies that service of a claim of lien must be attempted in accordance with Rule 4(j). Specifies requirements to be met in order for an individual to be deemed to have met the requirements when actual service is not achieved or when the owner of record is not a natural person (was, association must make reasonable and

diligent efforts to ensure that the lot owner receives actual notice and required that the claim of lien be sent to the property address and mailing address of the lot owner, if different). Makes technical changes.

September 1, 2009

SL 2009-515 (H 806). NOTICE ON LIENS FOR HOMEOWNERS ASSOCIATION ASSESSMENTS. *AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A LOT OWNER UNDER THE PLANNED COMMUNITY ACT OR A UNIT OWNER UNDER THE CONDOMINIUM ACT PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENTS.* Summarized in *Daily Bulletin* 3/25/09, 4/30/09, 5/11/09, and 8/4/09. Enacted August 26, 2009. Effective October 1, 2009.