

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1133

AMENDMENT NO. A6
(to be filled in by
Principal Clerk)

H1133-ASU-66 [v.2]

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Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____, 2014

Representative Stevens

1 moves to amend the bill on page 25, line 40, by rewriting the line to read:

2
3 "SECTION 35.(a) G.S. 44A-11.1(a) reads as rewritten:

4 "§ 44A-11.1. Lien agent; designation and duties.

5 (a) With regard to any improvements to real property to which this Article is applicable
6 for which the costs of the undertaking are thirty thousand dollars (\$30,000) or more, either at
7 the time that the original building permit is issued or, in cases in which no building permit is
8 required, at the time the contract for the improvements is entered into with the owner, the
9 owner shall designate a lien agent no later than the time the owner first contracts with any
10 person to improve the real property. Provided, however, that the owner is not required to
11 designate a lien agent for improvements to an existing single-family residential dwelling unit as
12 defined in G.S. 87-15.5(7) that is occupied by the owner as a residence, or for the addition of an
13 accessory building or accessory structure as defined in the North Carolina Uniform Residential
14 Building Code, the use of which is incidental to that residence. The owner shall deliver written
15 notice of designation to its designated lien agent by any method authorized in G.S. 44A-11.2(f),
16 and shall include in its notice the street address, tax map lot and block number, reference to
17 recorded instrument, or any other description that reasonably identifies the real property for the
18 improvements to which the lien agent has been designated, and the owner's contact
19 information. Designation of a lien agent pursuant to this section does not make the lien agent an
20 agent of the owner for purposes of receiving a Claim of Lien on Real Property, a Notice of
21 Claim of Lien upon ~~Funds-Funds~~, a Notice of Subcontract, or for any purpose other than the
22 receipt of notices to the lien agent required under G.S. 44A-11.2.

23 ..."

24 SECTION 35.(b) G.S. 44A-11.2 reads as rewritten:

25 "§ 44A-11.2. Identification of lien agent; notice to lien agent; effect of notice.

26 ...

27 (i) The form of the notice to be given under this section shall be legible, shall include
28 the following information unless designated as "if available," and shall be substantially as
29 follows:

30 NOTICE TO LIEN AGENT

- 31 (1) Potential lien claimant's name, mailing address, telephone number, fax
32 number (if available), and electronic mailing address (if available):



* H 1 1 3 3 - A S U - 6 6 - V - 2 *

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- 1 (2) Name of the party with whom the potential lien claimant has contracted to
- 2 improve the real property described below:
- 3 (3) A description of the real property sufficient to identify the real property,
- 4 such as the name of the project, if applicable, the physical address as shown
- 5 on the building permit or notice received from the owner:
- 6 (4) I give notice of my right subsequently to pursue a claim of lien for
- 7 improvements to the real property described in this notice.
- 8 Dated: _____
- 9 _____

Potential Lien Claimant

11 (j) The service of the Notice to Lien Agent does not satisfy the service or filing
 12 requirements applicable to a Notice of Subcontract under Part 2 of Article 2 of this Chapter, a
 13 Notice of Claim of Lien upon Funds under Part 2 of Article 2 of this Chapter-Chapter, or a
 14 Claim of Lien on Real Property under Part 1 or Part 2 of Article 2 of this Chapter. A Notice to
 15 Lien Agent shall not be combined with or make reference to a Notice of Subcontract or Notice
 16 of Claim of Lien upon Funds as described in this subsection.

17 ..."; and

19 on page 36, line 47, by adding the following:

21 "SECTION 44.5. G.S. 110-136.3(a) reads as rewritten:

22 "(a) Required Contents of Support Orders. All child support orders, civil or criminal,
 23 entered or modified in the State in IV-D cases shall include a provision ordering income
 24 withholding to take effect immediately. All child support orders, civil or criminal, initially
 25 entered in the State in non-IV-D cases on or after January 1, 1994, shall include a provision
 26 ordering income withholding to take effect immediately as provided in G.S. 110-136.5(c1),
 27 unless one of the exceptions specified in G.S. 110-136.5(c1) applies. A non-IV-D child support
 28 order that contains an income withholding requirement and a IV-D child support order
 29 ~~shall~~ shall comply with each of the following:

- 30 (1) Require the obligor to keep the clerk of court or IV-D agency informed of
- 31 the obligor's current residence and mailing ~~address;~~ address.
- 32 (2),(2a) Repealed by Session Laws 1993, c. 517, s. 1.
- 33 (3) Require the obligor to cooperate fully with the initiating party in the
- 34 verification of the amount of the obligor's disposable ~~income;~~ income.
- 35 (4) Require the custodial party to keep the obligor informed of ~~(i)~~ the custodial
- 36 party's disposable income and the amount and effective date of any
- 37 substantial change in this disposable ~~income and (ii)~~ income.
- 38 (4a) Include the current residence and mailing address of the child, unless
- 39 custodial parent, or the address of the child if the address of the custodial
- 40 parent and the address of the child are different. However, there is no
- 41 requirement that the child support order contain the address of the custodial
- 42 parent or the child if (i) there is an existing order prohibiting disclosure of
- 43 the custodial parent's or child's address to the obligor or (ii) the court has

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- 1 determined that notice to the obligor is inappropriate because the obligor has
- 2 made verbal or physical threats that constitute domestic violence under
- 3 Chapter 50B of the General Statutes; and Statutes.
- 4 (5) Require the obligor to keep the initiating party informed of the name and
- 5 address of any payor of the obligor's disposable income and of the amount
- 6 and effective date of any substantial change in this disposable income."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**