

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/20/19

A Bill

SENATE BILL 344

By: Senator B. Ballinger
By: Representative Breaux

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE FILING OF A
MECHANIC'S OR MATERIALMAN'S LIEN; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE FILING OF
A MECHANIC'S OR MATERIALMAN'S LIEN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 18-44-117 is amended to read as follows:
18-44-117. Filing of lien.

(a)(1) ~~It shall be the duty of every~~ A person who wishes to avail himself or herself of the provisions of this subchapter has a duty to file with the clerk of the circuit court of the county in which the building, erection, or other improvement to be charged with the lien is situated and within one hundred twenty (120) days after *the things specified* in this subchapter ~~shall~~ have been furnished or the work or labor done or performed:

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

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

(2)(A) *The lien account shall contain a correct description of the property to be charged with the lien, verified by affidavit.*

(B) For real property, a street address is not a correct description of the property under this subsection.

(3) The affidavit of notice shall contain:



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

(B) A copy of each applicable notice given under §§ 18-44-114 – 18-44-116; and

(C) A copy of the proof of service required under § 18-44-114.

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

(B) This abstract shall contain:

(i) The date of the filing;

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

(iii) The amount of the lien;

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

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

(C) For real property, a street address is not a sufficient description under subdivision (b)(1) of this section. (2)

~~For this service, the clerk shall receive the sum of three dollars (\$3.00) from the person laying or imposing the lien, which shall be taxed and collected as other costs in case there is suit on the lien~~ the person laying or imposing the lien shall submit the fee required by § 21-6-306 to the clerk of the circuit court, and the fee shall be taxed and collected as other costs in case there is a suit on the lien.

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

/s/B. Ballinger

APPROVED: 4/9/19