WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

ENROLLED

House Bill No. 4698

(By Mr. Speaker, Mr. Kiss and Delegates Amores, Craig, Michael, Pino, Stemple, Overington, Azinger and Hartman)

Passed March 9, 2006

In Effect Ninety Days from Passage
AN ACT to amend and reenact §38-2-9 of the Code of West Virginia, 1931, as amended, relating to changing the filing time for a subcontractor's lien to one hundred days rather than seventy-five days to be consistent with the filing time for a mechanic's lien.

Be it enacted by the Legislature of West Virginia:

That §38-2-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. MECHANICS' LIENS.


1 For the purpose of perfecting and preserving his or her lien,  
2 every subcontractor mentioned in section two of this article  
3 shall, within one hundred days after the completion of his or her  
4 subcontract, give to the owner or his or her authorized agent, by  
5 any of the methods provided by law for the service of a legal  
6 notice or summons, a notice of lien, which notice shall be  
7 sufficient if in form and effect as follows:
Notice of Mechanic’s Lien.

To .....................

You will please take notice that the undersigned ..................
was and is subcontractor with ................ who was and is
general contractor for the furnishing of materials and doing of
the work and labor, necessary to the completion of (here
describe the nature of the subcontract) on that certain building
(or other structure or improvement as the case may be), owned
by you and situate on lot number ...... of block number ...... as
shown on the official map of ............ (or other definite and
ascertainable description of the real estate) and that the contract
price and value of said work and materials is $....... You are
further notified that the undersigned has not been paid therefor
(or has been paid only $....... thereof) and that he or she claims
and will claim a lien upon your interest in the said lot (or tract)
of land and upon the buildings, structures and improvements
thereon to secure the payment of the said sum.

........................................

State of West Virginia,

County of ....................., being first duly sworn, upon his or
her oath says that the statements in the foregoing notice of
mechanic’s lien are true, as he or she verily believes.

Taken, subscribed and sworn to before me this ............ day
of ....................., 20.....

My commission expires ............... ........................................

(Official Capacity)

But the lien shall be discharged and avoided, unless, within
one hundred days after the completion of his or her subcontract
as aforesaid, the subcontractor shall cause to be recorded in the office of the clerk of the county commission of the county wherein the property is situate, a notice of the lien, which notice shall be sufficient if in form and effect as that provided in section eight of this article.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the ___
day of ___, 2006.

Governor
PRESENTED TO THE GOVERNOR

MAR 20 2006

Time 11:20 AM