HOUSE BILL 179

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PROPERTY; REQUIRING NOTICE OF THE FILING OF LIENS WITH THE PROPERTY OWNER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 48-2-6 NMSA 1978 (being Laws 1880, Chapter 16, Section 6, as amended) is amended to read:

"48-2-6. TIME FOR FILING LIEN CLAIM--CONTENTS--NOTICE OF LIEN.--

A. Every original contractor, within one hundred

[and] twenty days after the completion of [his] a contract, and every person, except the original contractor, desiring to claim a lien pursuant to Sections 48-2-1 through [48-2-19] 48-2-17 NMSA 1978 [must] shall, within ninety days after the completion of any building, improvement or structure or after the completion of the alteration or repair [thereof] of the building, improvement or structure or the performance of any labor in a mining claim, file for record with the county clerk of the county in which [such] the property or some part [thereof] of it is situated a claim containing a statement of [his] demands, after deducting all just credits and offsets. The claim shall state the name of the owner or reputed owner, if known, and also the name of the person by whom [he] the claimant was employed or to whom [he] the claimant furnished the materials, and shall include a statement of the terms, time given and the conditions of the contract, and also a description of the property to be charged with the lien, sufficient for identification. The claim [must] shall be verified by the oath of [himself] the claimant or of some other person.

          B. A person filing a claim for a lien with a county clerk pursuant to Subsection A of this section shall mail HJC→, email, send by certified mail with return receipt requested←HJC or hand deliver a Hfll→written notice of the claim to the owner←Hfll Hfll→copy of the filed claim for a lien to the owner or reputed owner, if known,←Hfll Hfll→HJC→as reflected

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~~on the county assessor's records~~←HJC←Hf11 stated in the claim within fifteen days of filing the claim with the county clerk. SJC→~~Hf11~~→~~A copy of the claim for a lien shall be attached to the notice~~←Hf11 Hf11→~~The copy of the filed claim for a lien shall be sent or delivered to the owner or reputed owner at the owner or reputed owner's last known address. If the owner or reputed owner's address is not known, the copy of the filed claim for a lien shall be sent to the address of the owner of the property as listed in the county assessor's files or posted in a prominent place on the property. The failure of the owner or reputed owner to receive the copy of the filed claim for a lien shall not serve as a defense to the lien if the claimant can demonstrate a good faith effort to timely send, deliver or post the copy of the filed claim~~←Hf11←SJC SJC→~~SJC~~→A copy of the claim for a lien shall be attached to the notice.←~~SJC~~←SJC SJC→The copy of the filed claim for a lien shall be sent or delivered to the owner or reputed owner at the owner or reputed owner's last known address. If the owner or reputed owner's address is not known, the copy of the filed claim for a lien shall be sent to the address of the owner of the property as listed in the county assessor's files. The failure of the claimant to serve the notice may preclude the recovery of interest, attorney's fees or costs.←SJC "

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