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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
twenty days after the completion of a contract, and every
person, except the original contractor, desiring to claim a
lien pursuant to Sections 48-2-1 through 48-2-17 NMSA 1978
shall, within ninety days after the completion of any
building, improvement or structure or after the completion of
the alteration or repair 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
the property or some part of it is situated a claim
containing a statement of 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 the claimant was employed or to whom the
claimant furnished the materials, and shall include a
statement of the terms, time given and the conditions of the

1 contract, and also a description of the property to be
2 charged with the lien, sufficient for identification. The
3 claim shall be verified by the oath of the claimant or of
4 some other person.

5 B. A person filing a claim for a lien with a
6 county clerk pursuant to Subsection A of this section shall
7 mail, email, send by certified mail with return receipt
8 requested or hand deliver a copy of the filed claim for a lien
9 to the owner or reputed owner, if known, stated in the claim
10 within fifteen days of filing the claim with the county clerk.
11 The copy of the filed claim for a lien shall be sent or
12 delivered to the owner or reputed owner at the owner or
13 reputed owner's last known address. If the owner or reputed
14 owner's address is not known, the copy of the filed claim for
15 a lien shall be sent to the address of the owner of the
16 property as listed in the county assessor's files. The
17 failure of the claimant to serve the notice may preclude the
18 recovery of interest, attorney's fees or costs."

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