

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1000

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO REAL PROPERTY; REQUIRING LIEN CLAIMANTS TO NOTIFY
PROPERTY OWNERS OF CLAIM OF LIEN FILINGS.

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. -- 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 them or the performance of
any labor in a mining claim, file for record with the county

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underscored material = new
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1 clerk of the county in which [~~such~~] the property or some part
2 [~~thereof~~] of it is situated, a claim containing a statement of
3 [~~his~~] demands, after deducting all just credits and offsets.
4 The claim shall state the name of the owner or reputed owner
5 [~~if known~~] and [~~also~~] the name of the person by whom [~~he~~] the
6 contractor was employed or to whom [~~he~~] the material man
7 furnished the materials, and shall include a statement of the
8 terms, time given and the conditions of the contract, and also
9 a description of the property to be charged with the lien,
10 sufficient for identification. Pursuant to the requirements of
11 Section 48-2-6.1 NMSA 1978, the claim shall also contain a
12 statement that a copy of the claim of lien has been personally
13 served upon or mailed via priority mail with delivery
14 confirmation to the owner or reputed owner of the property at
15 the owner's last known address. The claim [~~must~~] shall be
16 verified by the oath of [~~himself~~] the claimant or of some other
17 person. "

18 Section 2. A new Section 48-2-6.1 NMSA 1978 is enacted to
19 read:

20 "48-2-6.1. [NEW MATERIAL] NOTICE OF CLAIM OF LIEN
21 REQUIRED. -- Every person desiring to claim a lien pursuant to
22 Sections 48-2-1 through 48-2-17 NMSA 1978 shall, prior to
23 filing a claim of lien with the county clerk of the county in
24 which the property or some part of it is situated, personally
25 serve upon the owner or reputed owner of the property or mail

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underscored material = new
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1 via priority mail with delivery confirmation to the owner or
2 reputed owner of the property at the owner's last known address
3 a copy of the claim of lien and the statement required pursuant
4 to Section 48-2-6 NMSA 1978. "

5 Section 3. EFFECTIVE DATE. --The effective date of the
6 provisions of this act is January 1, 2006.

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