

SB 2104

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THE STATE SENATE  
Thursday, February 11, 2010

Senate Bill No. 2104

SENATE BILL NO. 2104 - By: Ballenger of the Senate and Sanders of the House.

An Act relating to liens; amending 42 O.S. 2001, Section 143.1, which relates to notice; increasing certain time period; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 42 O.S. 2001, Section 143.1, is amended to read as follows:

Section 143.1 A. Within ~~one (1)~~ five (5) business ~~day~~ days after the date of the filing of the lien statement provided for in Sections 142 and 143 of this title, a notice of the lien shall be mailed by certified mail, return receipt requested, to the owner of the property on which the lien attaches. The claimant shall furnish to the county clerk the last-known mailing address of the person or persons against whom the claim is made and the owner of the property. The notice shall be mailed by the county clerk. The fee for preparing and mailing the notice of mechanics' and materialmen's lien and costs for each additional page or exhibit shall be as provided for in Section 32 of Title 28 of the Oklahoma Statutes and shall be paid by the person filing the lien. The fee shall be deposited into the County Clerk's Lien Fee Account, created pursuant

1 to the provisions of Section 265 of Title 19 of the Oklahoma  
2 Statutes.

3 B. The notice shall contain the date of filing; the name and  
4 address of the following: The person claiming the lien; the person  
5 against whom the claim is made and the owner of the property; a  
6 legal description of the property; and the amount claimed. Provided  
7 that, if with due diligence the person against whom the claim is  
8 made or the owner of the property cannot be found, the claimant  
9 after filing an affidavit setting forth such facts may, within sixty  
10 (60) days of the filing of the lien statement, serve a copy of the  
11 notice upon the occupant of the property or the occupant of the  
12 improvements, as the case may be, in a like manner as is provided  
13 for service upon the owner thereof, or, if the same be unoccupied,  
14 the claimant may post a copy in a conspicuous place upon the  
15 property or any improvements thereon.

16 SECTION 2. This act shall become effective November 1, 2010.

17 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-9-10 - DO PASS,  
18 As Coauthored.