

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2589

By: Holland

4
5
6 AS INTRODUCED

7 An Act relating to liens; amending 42 O.S. 2001,
8 Section 143.1, which relates to mechanics' and
9 materialmen's liens; adding procedure for county
10 clerk to contact claimant if a property owner does
11 not receive proper notice of lien; providing for
12 certain fee; and providing an effective date.

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

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

16 Section 143.1 A. Within one (1) business day after the date of
17 the filing of the lien statement provided for in Sections 142 and
18 143 of this title, a notice of the lien shall be mailed by certified
19 mail, return receipt requested, to the owner of the property on
20 which the lien attaches. The claimant shall furnish to the county
21 clerk the last-known mailing address of the person or persons
22 against whom the claim is made and the owner of the property. The
23 notice shall be mailed by the county clerk. The fee for preparing
24 and mailing the notice of mechanics' and materialmen's lien and

1 costs for each additional page or exhibit shall be as provided for
2 in Section 32 of Title 28 of the Oklahoma Statutes and shall be paid
3 by the person filing the lien. The fee shall be deposited into the
4 County Clerk's Lien Fee Account, created pursuant to the provisions
5 of Section 265 of Title 19 of the Oklahoma Statutes.

6 B. If the county clerk does not receive proof of receipt of the
7 certified mailing that indicates the owner of the property on which
8 the lien attaches has received notice of the lien statement, the
9 county clerk shall contact the claimant in order to verify the
10 owner's correct mailing address. The claimant shall be responsible
11 for paying the fee for preparing and mailing an additional notice of
12 lien to the owner of the property on which the lien attaches if it
13 is determined the owner did not receive notice under subsection A of
14 this section. The fee shall be as provided for in Section 32 of
15 Title 28 of the Oklahoma Statutes.

16 C. The notice shall contain the date of filing; the name and
17 address of the following: The person claiming the lien; the person
18 against whom the claim is made and the owner of the property; a
19 legal description of the property; and the amount claimed. Provided
20 that, if with due diligence the person against whom the claim is
21 made or the owner of the property cannot be found, the claimant
22 after filing an affidavit setting forth such facts may, within sixty
23 (60) days of the filing of the lien statement, serve a copy of the
24 notice upon the occupant of the property or the occupant of the

1 improvements, as the case may be, in a like manner as is provided
2 for service upon the owner thereof, or, if the same be unoccupied,
3 the claimant may post a copy in a conspicuous place upon the
4 property or any improvements thereon.

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

6

7 52-2-8439 EK 01/11/10

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24