HOUSE DOCKET, NO. 3306 FILED ON: 1/16/2015

HOUSE . . . . . No. 1488

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. Markey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to notice of contract, dissolution of lien.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Christopher M. Markey	*9th Bristol*

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HOUSE . . . . . No. 1488

By Mr. Markey of Dartmouth, a petition (accompanied by bill, House, No. 1488) of Christopher M. Markey relative to notes of contracts and dissolutions of liens. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to notice of contract, dissolution of lien.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 254 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out section 8 and inserting in place thereof the following section:-

Section 8. Liens under sections two and four shall be dissolved unless the contractor, subcontractor, or some person claiming by, through or under them, not later than the earliest of: (i) ninety days after the filing or recording of the notice of substantial completion under section two A; (ii) one hundred and twenty days after the filing or recording of the notice of termination under section two B; (iii) one hundred and twenty days after the last day a person, entitled to enforce a lien under section two or anyone claiming by, through or under him, performed or furnished labor or material or both labor and materials or furnished rental equipment, appliances or tools; or (iv), with respect to any building, structure or other improvement to real property consisting only of at least one but not more than four dwelling units, five years after the filing or recording of the Notice of Contract, provided that the homeowner has filed an affidavit with the registry of deeds in the county or district where the land lies stating that the homeowner is

unaware of any outstanding debt to any contractor or subcontractor, shall file or record in the registry of deeds in the county or district where the land lies a statement, giving a just and true account of the amount due or to become due him, with all just credits, a brief description of the property, and the names of the owners set forth in the notice of contract. A lien under section one shall be dissolved unless a like statement, giving the names of the owner of record at the time the work was performed or at the time of filing the statement, is filed or recorded in the appropriate registry of deeds within the ninety days provided in said section. Nothing in this section shall prohibit the filing or recording of a statement under this section prior to the filing or recording of the notices under section two A or two B.