
HOUSE BILL 1475

State of Washington

62nd Legislature

2011 Regular Session

By Representative Moeller

1 AN ACT Relating to the notice requirements for claiming a
2 mechanics' or materialmen's lien; amending RCW 60.04.091; and providing
3 an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 60.04.091 and 1992 c 126 s 7 are each amended to read
6 as follows:

7 Every person claiming a lien under RCW 60.04.021 shall file for
8 recording, in the county where the subject property is located, a
9 notice of claim of lien not later than ninety days after the person has
10 ceased to furnish labor, professional services, materials, or equipment
11 or the last date on which employee benefit contributions were due. The
12 notice of claim of lien:

13 (1) Shall state in substance and effect:

14 (a) The name, phone number, and address of the claimant;

15 (b) The first and last date on which the labor, professional
16 services, materials, or equipment was furnished or employee benefit
17 contributions were due;

18 (c) The name of the person indebted to the claimant;

1 (d) The street address, legal description, or other description
2 reasonably calculated to identify, for a person familiar with the area,
3 the location of the real property to be charged with the lien;

4 (e) The name of the owner or reputed owner of the property, if
5 known, and, if not known, that fact shall be stated; and

6 (f) The principal amount for which the lien is claimed.

7 (2) Shall be signed by the claimant or some person authorized to
8 act on his or her behalf who shall affirmatively state they have read
9 the notice of claim of lien and believe the notice of claim of lien to
10 be true and correct under penalty of perjury, and shall be acknowledged
11 (~~pursuant to~~) before an authorized person specified in chapter 64.08
12 RCW, subject to RCW 64.08.100. If the lien has been assigned, the name
13 of the assignee shall be stated. Where an action to foreclose the lien
14 has been commenced such notice of claim of lien may be amended as
15 pleadings may be by order of the court insofar as the interests of
16 third parties are not adversely affected by such amendment.

17 (a) A claim of lien substantially in the following form with the
18 appropriate acknowledgment specified in (b) of this subsection shall be
19 sufficient:

20 CLAIM OF LIEN

21, claimant, vs, name of person indebted
22 to claimant:

23 Notice is hereby given that the person named below claims a
24 lien pursuant to chapter (~~64.04~~) 60.04 RCW. In support of
25 this lien the following information is submitted:

- 26 1. NAME OF LIEN CLAIMANT:
27 TELEPHONE NUMBER:
28 ADDRESS:

29 2. DATE ON WHICH THE CLAIMANT BEGAN TO PERFORM LABOR,
30 PROVIDE PROFESSIONAL SERVICES, SUPPLY MATERIAL OR EQUIPMENT OR
31 THE DATE ON WHICH EMPLOYEE BENEFIT CONTRIBUTIONS BECAME DUE: .

32 3. NAME OF PERSON INDEBTED TO THE CLAIMANT:
33

34 4. DESCRIPTION OF THE PROPERTY AGAINST WHICH A LIEN IS
35 CLAIMED (Street address, legal description or other information
36 that will reasonably describe the property):

1
2
3

4 5. NAME OF THE OWNER OR REPUTED OWNER (If not known
5 state "unknown"):

6 6. THE LAST DATE ON WHICH LABOR WAS PERFORMED;
7 PROFESSIONAL SERVICES WERE FURNISHED; CONTRIBUTIONS TO AN
8 EMPLOYEE BENEFIT PLAN WERE DUE; OR MATERIAL, OR EQUIPMENT WAS
9 FURNISHED:
10

11 7. PRINCIPAL AMOUNT FOR WHICH THE LIEN IS CLAIMED IS: . .

12 8. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO
13 STATE HERE:
14

15 , Claimant
16
17
18 (Phone number, address, city, and
19 state of claimant)

20 (b)(i) An acknowledgment for an individual claimant, an attorney of
21 an individual claimant, or the administrator, representative, or agent
22 of the trustees of an employee benefit plan substantially in the same
23 form as the following shall be sufficient:

24 STATE OF WASHINGTON, COUNTY OF
25, ss.

26, being sworn, says: I am the claimant (or attorney of
27 the claimant, or administrator, representative, or agent of the
28 trustees of an employee benefit plan) above named; I have read or heard
29 the foregoing claim, read and know the contents thereof, and believe
30 the same to be true and correct and that the claim of lien is not
31 frivolous and is made with reasonable cause, and is not clearly
32 excessive under penalty of perjury.

33
34 (Signature)

1 Subscribed and sworn to before me this day of
2
3 (Signature)

4 (Seal or stamp of notary public)

5

6 Title

7 My appointment

8 expires

9 (ii) An acknowledgment for a corporate claimant substantially in
10 the same form as the following shall be sufficient:

11 STATE OF WASHINGTON, COUNTY OF

12, ss.

13, being sworn, says: I am the president (or vice
14 president, secretary, treasurer, or other authorized officer or agent,
15 as the case may be) of that executed the claim of a
16 lien, and I acknowledge this claim to be the free and voluntary act and
17 deed of the corporation, for the uses and purposes therein mentioned;
18 I am authorized to execute this claim and the seal affixed is the
19 corporate seal of the corporation; I have read or heard the foregoing
20 claim, read and know the contents thereof, and believe the same to be
21 true and correct and that the claim of lien is not frivolous and is
22 made with reasonable cause, and is not clearly excessive under penalty
23 of perjury.

24

25 (Signature)

26 (Seal or stamp of corporation)

27 Subscribed and sworn to before me this day of

28

29 (Signature)

30 (Seal or stamp of notary public)

31

32 Title

33 My appointment

34 expires

35 (iii) A party or entity not specified in (b)(i) and (ii) of this
36 subsection shall modify the pattern form to comply with the
37 acknowledgment requirements pursuant to chapter 64.08 RCW.

1 (c) The period provided for recording the claim of lien is a period
2 of limitation and no action to foreclose a lien shall be maintained
3 unless the claim of lien is filed for recording within the ninety-day
4 period stated. The lien claimant shall give a copy of the claim of
5 lien to the owner or reputed owner by mailing it by certified or
6 registered mail or by personal service within fourteen days of the time
7 the claim of lien is filed for recording. Failure to do so results in
8 a forfeiture of any right the claimant may have to attorneys' fees and
9 costs against the owner under RCW 60.04.181.

10 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2012.

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