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MIND OF A LAWYER. HEART OF A CONTRACTOR.

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Lien Bill Introduced in Washington Legislature To Offset Williams v Athletic Field

[Williams v. Athletic's Field](#) took the Washington mechanic lien world by storm last year, when it declared a mechanic lien invalid even though the claimant used the specific form provided by the statute. We've [written about this opinion](#) at length on this blog, and noted that the decision is now being reviewed by the Washington Supreme Court.

Today, [Representative Moeller](#) introduced a bill "addressing the notice requirements for claiming a mechanics' or materialmen's lien," leapfrogging the Washington Supreme Court to legislatively address the impact of Athletic's Field. [House Bill 1475 can be viewed here](#). It's schedule for public hearing in the House Committee on Labor & Workforce Development on January 28th.

[Read the original text of the bill here.](#)

The proposed changes are quite simple. When setting forth the statutory form for acknowledgment, the proposed bill would separately provide acknowledgment language for individuals and corporations.

The acknowledgment language that currently exists in the law should be used for "An acknowledgment for an individual claimant, an attorney of an individual claimant, or the administrator, representative, or agent of the trustees of an employee benefit plan..."

For a corporate claimant, the following acknowledgment language is provided in the bill:

_____, being sworn, says: I am the present (or vice president, secretary, treasurer, or other authorized officer or agent, as the case may be) of _____ that executed the claim of a lien, and I

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acknowledge this claim to be the free and voluntary act and deed of the corporation, for the uses and purposes therein mentioned; I am authorized to execute this claim and the seal affixed is the corporate seal of the corporation; I have read or heard the forgoing claim, read and know the contents thereof, and believe the same to be true and correct and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.

The law also provides that a party or entity that is not specifically identified in the statute with associated acknowledgment language "shall modify the pattern form to comply with the acknowledgment requirements pursuant to chapter 64.08 RCW"

If passed, the act would take effect on January 1, 2012. We'll monitor and update you on the status of this act.