

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1038

Short Title: Lien Rights/Real Estate Appraisers.

(Public)

Sponsors: Representatives C. Wilson; and Hall.

Referred to: Courts and Justice.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REAL ESTATE APPRAISERS ARE ENTITLED TO IMPOSE A LIEN ON REAL PROPERTY TO SECURE THE PAYMENT OF DEBTS OWING FOR THE ACTUAL SERVICES FURNISHED IN CONDUCTING AN APPRAISAL OF THAT PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 44A-7 reads as rewritten:

"§ 44A-7. Definitions.

Unless the context otherwise requires in this Article:

- (1) 'Improve' means to build, effect, alter, repair, or demolish any improvement upon, connected with, or on or beneath the surface of any real property, or to excavate, clear, grade, fill or landscape any real property, or to construct driveways and private roadways, or to furnish materials, including trees and shrubbery, for any of such purposes, or to perform any labor upon such improvements, and shall also mean and include any design or other professional or skilled services furnished by architects, engineers, ~~land surveyors~~ land surveyors, real estate appraisers, and landscape architects registered under Chapter 83A, ~~89A or 89C~~ 89C, 89A, or 93A of the General Statutes. Statutes, respectively.
- (2) 'Improvement' means all or any part of any building, structure, erection, alteration, demolition, excavation, clearing, grading, filling, or landscaping, including trees and shrubbery, driveways, and private roadways, on real property.

1 (3) ~~An 'owner' is~~ 'Owner' means a person who has an interest in the real
2 property improved and for whom an improvement is made and who
3 ordered the improvement to be made. 'Owner' includes successors in
4 interest of the owner and agents of the owner acting within their
5 authority.

6 (4) 'Real property' means the real estate that is improved, including lands,
7 leaseholds, tenements and hereditaments, and improvements placed
8 thereon."

9 Sec. 2. G.S. 44A-8 reads as rewritten:

10 **"§ 44A-8. Mechanics', ~~laborers'~~ laborers', and materialmen's lien; persons entitled**
11 **to lien.**

12 Any (a) Except as provided in subsection (b) of this section, any person who
13 performs or furnishes labor or professional design or surveying services or furnishes
14 materials pursuant to a contract, either express or implied, with the owner of real
15 property for the making of an improvement thereon shall, upon complying with the
16 provisions of this Article, have a lien on such real property to secure payment of all
17 debts owing for labor done or professional design or surveying services or material
18 furnished pursuant to such contract.

19 (b) Any real estate appraiser who performs an appraisal pursuant to a written
20 contract with the owners of real property or the owner's agent shall, upon complying
21 with the provisions of this Article, have a lien on the real property that is the subject of
22 the appraisal to secure the payment of all debts owing for the actual services furnished
23 in conducting an appraisal of that property."

24 Sec. 3. This act is effective upon ratification and applies to any written
25 contracts for real estate appraisers entered into on or after that date.