

1 HB353  
2 165995-2  
3 By Representative Beckman  
4 RFD: Judiciary  
5 First Read: 31-MAR-15

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8 SYNOPSIS: This bill would authorize an attorney or  
9 accountant to have a lien on property for  
10 professional services directly relating to the  
11 ownership and operation of any building or  
12 buildings or other improvement on land by virtue of  
13 a contract with the owner or proprietor thereof.

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15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

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19 To amend Section 35-11-210 of the Code of Alabama  
20 1975, relating to liens on property under certain conditions;  
21 to provide for liens for the professional services of  
22 attorneys and accountants directly relating to the ownership  
23 or operation of any building or buildings or other improvement  
24 on land.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 35-11-210 of the Code of Alabama  
27 1975, is amended to read as follows:

1           "§35-11-210.

2           "(a) Every mechanic, person, firm, or corporation  
3 who shall do or perform any work, or labor upon, or furnish  
4 any material, fixture, engine, boiler, waste disposal services  
5 and equipment, or machinery for any building or improvement on  
6 land, or for repairing, altering, or beautifying the same,  
7 under or by virtue of any contract with the owner or  
8 proprietor thereof, or his or her agent, architect, trustee,  
9 contractor, or subcontractor, upon complying with the  
10 provisions of this division, shall have a lien therefor on  
11 such building or improvements and on the land on which the  
12 same is situated, to the extent in ownership of all the right,  
13 title, and interest therein of the owner or proprietor, and to  
14 the extent in area of the entire lot or parcel of land in a  
15 city or town; or, if not in a city or town, of one acre in  
16 addition to the land upon which the building or improvement is  
17 situated; or, if employees of the contractor or persons  
18 furnishing material to him or her, the lien shall extend only  
19 to the amount of any unpaid balance due the contractor by the  
20 owner or proprietor, and the employees and materialmen shall  
21 also have a lien on the unpaid balance. But if the person,  
22 firm, or corporation, before furnishing any material, shall  
23 notify the owner or his or her agent in writing that certain  
24 specified material will be furnished by him or her to the  
25 contractor or subcontractor for use in the building or  
26 improvements on the land of the owner or proprietor at certain  
27 specified prices, unless the owner or proprietor or his or her

1 agent objects thereto, the furnisher of the material shall  
2 have a lien for the full price thereof as specified in the  
3 notice to the owner or proprietor without regard to whether or  
4 not the amount of the claim for the material so furnished  
5 exceeds the unpaid balance due the contractor, unless on the  
6 notice herein provided for being given, the owner or  
7 proprietor or his or her agent shall notify the furnisher in  
8 writing before the material is used, that he or she will not  
9 be responsible for the price thereof. The notice may be given  
10 in the following form, which shall be sufficient:

11 "To \_\_\_\_\_, owner or proprietor:

12 "Take notice, that the undersigned is about to  
13 furnish \_\_\_\_\_, your contractor or subcontractor, certain  
14 material for the construction, or for the repairing, altering,  
15 or beautifying of a building or buildings, or improvement or  
16 improvements, on the following described property:

17 " \_\_\_\_\_  
18 " \_\_\_\_\_

19 "and there will become due to the undersigned on  
20 account thereof the price of the material, for the payment of  
21 which the undersigned will claim a lien."

22 "(b) In addition to the lien provided in subsection  
23 (a), every attorney or accountant who furnishes professional  
24 services directly related to the ownership or operation of any  
25 building or buildings or other improvement on land under or by  
26 virtue of any contract with the owner or proprietor thereof,  
27 or his or her agent, shall have a lien for the amount due for

1 professional services on the building or improvements on the  
2 land on which the same is situated, to the extent in ownership  
3 of all the right, title, and interest therein of the owner or  
4 proprietor, and to the extent in areas of the entire lot or  
5 parcel of land in a city or town; or if not in a city or town,  
6 of one acre in addition to the land upon which the building or  
7 improvement is situated. Notwithstanding the foregoing, legal  
8 services directly related to a real estate closing on the  
9 sale, transfer, or mortgage of the land by an attorney shall  
10 not be included within the lien."

11           Section 2. This act shall become effective on the  
12 first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.