I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 219-31 (COR), "AN ACT TO *AMEND* §33106 OF CHAPTER 33, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO MECHANICS' LIEN ON GUAM,"** was on the 19th day of September, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 20th day of Sept., 2011, at 4:10 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 219-31 (COR)
As amended by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Introduced by: v. c. pangelinan
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V. Anthony Ada
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AN ACT TO *AMEND* §33106 OF CHAPTER 33, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO MECHANICS' LIEN ON GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §33106 of Chapter 33, Title 7, Guam Code Annotated, is hereby *amended* to read as follows:

"**§ 33106. Notice to Property Owner.**

(a) *Except* one under direct contract with the owner *or* one performing actual labor for wages, every lien claimant *shall*, as a necessary

prerequisite to the validity of any claim of lien, cause to be given to the owner *or* reputed owner, either personally *or* by certified mail with return receipt requested, a written preliminary notice *not later than* twenty (20) days after the claimant has first furnished labor, service, equipment *or* materials to the job site, containing:

(1) a general description of the labor, service, equipment *or* materials furnished, *or* to be furnished, and an estimate of the total price thereof;

(2) the name and address of the person furnishing such labor, service, equipment, *or* materials;

(3) the name of the person who contracted for purchase of that labor, service, equipment, *or* materials;

(4) a description of the job site sufficient for identification; and

(5) the following statement in boldface type:

NOTICE TO PROPERTY OWNER

If bills are not paid in full for the labor, services, equipment, or materials furnished or to be furnished, a mechanics' lien leading to the loss, through court foreclosure proceedings, of all or part of your property being so improved may be placed against the property even though you have paid your contractor in full. You may wish to protect yourself against this consequence by:

(i) requiring your contractor to furnish a signed release by the person or firm giving you this notice before making payment to your contractor; or

(ii) any other method or device that is appropriate

under the circumstances.

(b) *If* labor, service, equipment, *or* materials have been furnished to a job site by a claimant who did *not* give a preliminary notice, that claimant *shall not* be precluded from giving a preliminary notice at any time thereafter, however such claimant *shall* be entitled to record a lien *only* for labor, service, equipment, *or* material furnished within twenty (20) days prior to the service of the preliminary notice, and at any time thereafter."

Section 2. Effective Date. The effective date of this Act *shall* be retroactive to February 4, 2009, the effective date of Public Law 29-119, which repealed and reenacted the Mechanics' Lien law.

Section 3. Severability. If any provision of this Law or its application to any person or circumstances is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.