

HOUSE BILL 913

By Keisling

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 13; Title 25, Chapter 5 and Title 66,
relative to liens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 21, Part 1, is amended by adding the following as a new section:

(a) When an abstract, memorandum or certified copy of judgment, or decree on a property is sent to the register for recordation of a lien, the register shall send written notice to the owner of the parcel property prior to recording the lien. The register shall send the notice by registered or certified mail of the United States postal service within ten (10) days of receipt of the abstract, memorandum or certified copy of judgment, or decree. The register shall not record a lien on the property until notice to the parcel owner has been mailed and the date of the mailing is noted in the notebook as required by § 66-21-104.

(b) The notice required by subsection (a) must include:

- (1) The lien creditor's name;
- (2) The court case number;
- (3) The court in which the action was taken;
- (4) A statement that a lien has been placed on the property pursuant to a judgment or decree; and
- (5) The address or legal description of the property on which the lien is to be placed.

(c) The register is immune from any liability for not filing a lien upon the receipt of an abstract, memorandum or certified copy of a judgment, or decree if the register is acting in good faith and following the procedure required by this section.

SECTION 2. Tennessee Code Annotated, Section 66-21-104(a), is amended by adding the following to the end of the subsection:

The register shall also note in the notebook the date on which the notice required by Section 1 is mailed to a property owner.

SECTION 3. Tennessee Code Annotated, Title 25, Chapter 5, is amended by adding a new section.

Prior to registering a lien pursuant to this part, the register shall comply with the notice requirements of Section 1 of this act.

SECTION 4. This act shall take effect July 1, 2019, the public welfare requiring it.