

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

Bill No. 219-31 (COR)

Introduced by:

v.c pangelinan 

AN ACT TO AMEND SECTION 33106, CHAPTER 33,
TITLE 7 GUAM CODE ANNOTATED RELATIVE TO
MECHANICS LIEN ON GUAM.

2011 MAY 31 AM 10:31

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

3 “§33106. Notice to Property Owner.

4 *Except* one under direct contract with the owner *or* one performing actual
5 labor for wages, every lien claimant *shall*, as a necessary prerequisite to the
6 validity of any claim of lien, cause to be given to the owner *or* reputed owner,
7 either personally *or* by certified mail with return receipt requested, a written
8 preliminary notice *not later than* twenty (20) days after the claimant has first
9 furnished labor, service, equipment *or* materials to the job site, containing:

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

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

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

16 (d) a description of the jobsite sufficient for identification; and

1 (e) the following statement in boldface type:

2 **NOTICE TO PROPERTY OWNER**

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

9 (1) requiring your contractor to furnish a signed release by the
10 person *or* firm giving you this notice before making payment to your
11 contractor; or

12 (2) any other method *or* device that is appropriate under the
13 circumstances.

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

21 **Section 2. Severability.** If any provision of this Law or its application to
22 any person or circumstances is found to be invalid or contrary to law, such
23 invalidity shall not affect other provisions or applications of this Law which
24 can be given effect without the invalid provisions or application, and to this
25 end the provisions of this Law are severable.