

HB 422 also provides that if an attorney files a false affidavit, the lienholder may file an action in either District or Circuit Court against the owner of the real property or any party acquiring an interest in the real property. Any judgement rendered in favor of the lienholder shall include reasonable attorney's fees and court cost.

HB 442 HCS retains the major provisions of the measure as introduced and makes the following changes in the bill:

Required wording and format for the affidavit is provided.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 422 to local governments is expected to be nil to minimal. HB 422 essentially provides another avenue for releasing a lien. The current procedure is simply being replaced when necessary by a near-similar procedure. Instead of the lienholder releasing the lien, an affidavit with two witnesses will suffice. A document is required to be recorded in both instances.

Data Source(s): LRC Staff

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 3/10/16