

# 50 State Lien Law Handbook

Produced by The Forum on Construction Law Division 7 – Insurance, Surety & Liens



# 50 STATE LIEN LAW HANDBOOK

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# 50 STATE LIEN LAW HANDBOOK

## ALABAMA

### PRELIMINARY NOTICE

Every potential lienor, other than original contractor (i.e. prime contractor) seeking to perfect an “unpaid balance” lien, must give written notice to the owner that he intends to claim a lien on such building or improvement prior to filing his statement of lien in the probate office. **Ala. Code § 35-11-218.** A material supplier may claim a “full price” lien if, prior to furnishing any materials, he provides written notice to the owner that he intends to furnish certain materials at certain specified prices to the contractor or subcontractor for use in the building or improvement. If the owner objects to such “pre-furnishing” notice, the material supplier may claim only an “unpaid balance” lien and must still comply with the preliminary notice provisions set forth above. **Ala. Code § 35-11-210.**

### CONTENTS OF PRELIMINARY NOTICE

The amount owing, for what, and from whom it is owing; and after such notice, any unpaid balance in the hands of the owner or proprietor shall be held subject to such lien. **Ala. Code § 35-11-213, 218.** A material supplier’s “pre-furnishing” notice may be given in the form set forth in Section § 35-11-210 and should also include the specified materials and prices.

### WHEN COMPLETION OCCURS

Upon the last date of the last item of work or labor has been performed or the last item of any material furnished. **Ala. Code § 35-11-215**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Lien will be deemed lost unless the statement in Section 35-11-213 is filed by every subcontractor within 6 months, by every day laborer within 30 days, and by other lienors within 4 months after the last labor, service, or material is furnished. **§ 35-11-215**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Lien will be deemed lost unless the verified statement in Section 35-11-213 is filed by every original contractor within 6 months, by every day laborer within 30 days, and by other lienors within 4 months after the last labor, service or material is furnished. **§ 35-11-218.**

### FORECLOSURE OR DISMISSAL BY COURT

Enforcement/foreclosure action must be commenced within 6 months of the maturity of the indebtedness (**§ 35-11-221**); or whenever such lien is satisfied, the lienor must acknowledge satisfaction of the same in the probate record where the lien was filed. **§ 35-11-231.**

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## ALASKA

### PRELIMINARY NOTICE

Notice is optional to shift the burden of proof to the owner to show that the owner did not know of or consent to the furnishing of the labor, material, service, or equipment. **A.S. § 34.35.064(a).**

### CONTENTS OF PRELIMINARY NOTICE

Legal description of property; name of owner, and name and address of claimant and person with whom claimant contracted; description of work; statement of entitlement to claim a lien and warning. **A.S. § 34.35.064(a)(1)-(7).**

### WHEN COMPLETION OCCURS

Upon cessation of furnishing labor, services, materials and equipment, or occupation or acceptance by owner and issuance of Certificate of Occupancy by authority having jurisdiction. An owner may record a Notice of Completion after completion. **A.S. §§ 34.35.071(a) and 34.35.120(2).**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

If claimant records Notice of Right to Lien before or within 15 days after Notice of Completion, 120 days after claimant completes the contract or ceases to furnish labor/materials/services/equipment. These limits also apply if claimant records Notice of Right to Lien more than 15 days after Notice of Completion, unless owner gives 5 days advanced notice. **A.S. § 34.35.068(b).**



# 50 STATE LIEN LAW HANDBOOK

## ALASKA CONTINUED

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 6 months of recording lien, or within 1 year if extension notice filed within first 6 months. **A.S. § 34.35.080(a).**

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### FORECLOSURE OR DISMISSAL BY COURT

If action to enforce a claim of lien is not filed within the 6 month time limit to enforce the lien, or within 1 year if extension notice filed within first 6 months. **A.S. § 34.35.080(a).**

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## ARIZONA

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### PRELIMINARY NOTICE

Claimant must serve owner, contractor, lender, and person with whom claimant contracted within 20 days work/materials are first furnished. If later, rights extend only to 20 days prior.

**A.R.S. § 33-992.01.**

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### CONTENTS OF PRELIMINARY NOTICE

Statutory notice to owner; description of item furnished and estimate of total price; name and address of claimant; name of person with whom claimant contracted; and legal description of jobsite. **A.R.S. § 33-992.01(C).**

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### WHEN COMPLETION OCCURS

30 days after final inspection or 60 consecutive days after cessation of labor. If no building permit, then “completion” means the last date work was performed. **A.R.S. § 33-993.**

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

A lien must be recorded before the earlier of either: 120 days after Completion; or 60 days after recordation of Notice of Completion. **A.R.S. § 33-993**

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Claimant has 6 months from the date the lien records to file lawsuit to foreclose a lien or lien rights are extinguished.

**A.R.S. § 33-998(A).**

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### FORECLOSURE OR DISMISSAL BY COURT

Within 5 days of commencing lien foreclosure action, claimant must file and record a lis pendens against the property.

**A.R.S. § 12-1191.**

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# 50 STATE LIEN LAW HANDBOOK

## ARKANSAS

### PRELIMINARY NOTICE

For commercial builders, potential lienors must give 75 days notice from the time labor and materials were supplied to the property owner. **Ark. Code Ann. § 18-44-115.** An additional ten day notice is required prior to filing the lien of record. The ten day notice must state there is a claim, the amount due, and who owes the money, with service made by an officer authorized by law to serve process, by return-receipt, restricted delivery, or through third party guaranteed delivery service with proof of receipt. **Ark. Code Ann. § 18-44-114.** Note that residential projects are treated differently under Arkansas law.

### CONTENTS OF PRELIMINARY NOTICE

For commercial projects, the Notice must indicate that contractor has not been paid, provide a general description of labor, service or materials furnished, the amount due, and the name of the person who first contracted for the purchase of labor, service or materials. The notice must also describe the property in a manner sufficient for identification. Specific language must be included as well, in all bold, capital letters. The statute requires delivery of notice by return-receipt requested with restricted delivery or by guaranteed commercial delivery service with proof of receipt. **Ark. Code Ann. § 18-44-115.** Note that residential builders should refer to Ark. Code Ann. § 18-44-114.

### WHEN COMPLETION OCCURS

The 120-day period refers to the work or material delivery of the specific claimant, not the overall construction project. The “last work” means last day of substantial work. It is doubtful punch-list items would suffice.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Lien must be filed with the clerk of the circuit court of the county in which the property is located within 120 days after the items were furnished or the work or labor was performed. **Ark. Code Ann. § 18-44-117.** The actual lien is referred to as a “statement of a court and must include an affidavit of account with description of property, a sworn statement indicating compliance with the statute, a copy of the 75-day and 10-day notices, and a just and true account of the demand due or owing providing for all credits. **Ark. Code Ann. § 18-44-117.** The process to collect attorney fees is addressed in **Ark. Code Ann. § 18-44-128.**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

All actions under this subchapter shall be commenced within 15 months after filing the lien and prosecuted without unnecessary delay to final judgment. **Ark. Code Ann. § 18-44-119.**

### FORECLOSURE OR DISMISSAL BY COURT

Lien will expire 15 months after the lien is filed, unless: (1) An action is instituted; and (2) A lis pendens is filed under **Ark. Code Ann. § 16-59-101** et seq.

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## CALIFORNIA

### PRELIMINARY NOTICE

Preliminary notice must be served on owner, direct contractor and lender no later than 20 days after claimant furnishes the work. If later, lien rights extend only to 20 days prior. **Cal. Civ. Code § 8204(a).**

### CONTENTS OF PRELIMINARY NOTICE

Name and address of owner, direct contractor and lender; name address and relationship of person giving notice; description of site and the work and person to whom work provided; estimate of the total price of the work; and notice to property owner. **Cal. Civ. Code §§ 8102 and 8102.**

### WHEN COMPLETION OCCURS

Upon actual completion; occupation or use by owner and cessation of labor; cessation of labor for 60 consecutive days; recordation of notice of cessation and cessation for 30 consecutive days; or acceptance by public agency. **Cal. Civ. Code § 8180.**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

After ceasing to provide work, for both direct contractors and others, a lien must be recorded before the earlier of: 90 days after completion; or 60 days (direct contractors) and 30 days (others) after recordation of either notice of completion or notice of cessation. **Cal. Civ. Code § 8412, 8414.**



# 50 STATE LIEN LAW HANDBOOK

## CALIFORNIA CONTINUED

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 90 days of recording lien, or 90 days after the expiration of a recorded extension of credit; but not later than 1 year after completion of the work of improvement. **Cal. Civ. Code § 8460.**

### FORECLOSURE OR DISMISSAL BY COURT

If an action to enforce a claim of lien isn't brought to trial within 2 years of commencement of the action to enforce the lien, the court may dismiss the action. **Cal. Civ. Code § 8462.**

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## COLORADO

### PRELIMINARY NOTICE

Preliminary notice must be served 10 days before the time of filing the Lien Statement with the County Clerk and Recorder. **C.R.S. § 38-22-109(3).**

### CONTENTS OF PRELIMINARY NOTICE

Name of owner or reputed owner of the Property, claimant and person who furnished laborers/materials/labor; description of the property; name of contractor (if claimant is a subcontractor); and a statement of the amount due or owing the claimant. That statement must be signed and notarized by the party claiming the lien or by some owner on his/her behalf.

**C.R.S. § 38-22-109(1).**

### WHEN COMPLETION OCCURS

Actual completion of material work or abandonment (discontinuance for a period of 3 months) of all labor, work, furnishing of laborers, and services. No trivial imperfection in or omission from the work in the construction of the building or improvement be deemed a lack of completion.

**C.R.S. § 38-22-109(7).**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Direct contractors claiming labor or work by the day or piece, but without furnishing laborers or materials therefor, must record within 2 months after completion of the building or improvements. All others must record within 4 months after the last day they furnished labor, materials, or services.

**C.R.S. §§ 38-22-109(4) and (5).**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 6 months from when the last work or labor is performed, or laborers or materials are furnished by any contractor; or within 6 months after the completion of the work.

**C.R.S. § 38-22-110.**

### FORECLOSURE OR DISMISSAL BY COURT

A notice of lis pendens stating that an action has been commenced to enforce a lien must be recorded within the time limit for enforcing a lien. **C.R.S. § 38-22-110.**

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## CONNECTICUT

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### PRELIMINARY NOTICE

Limited capability. **C.G.S. § 49-35** provides that no person other than the prime contractor in privity with the project owner or a subcontractor whose contract with the prime contractor is in writing and has been assented to in writing by the owner(s) is entitled to claim a mechanic's lien unless such person gives written notice of its intent to claim a lien to the owner(s) and the prime contractor within ninety (90) days after ceasing to furnish materials or render services for the construction. The prime contractor is not entitled to such notice unless not later than fifteen (15) days after commencing work such prime contractor files with the town clerk in the town in which the project is located, a written affidavit stating the name under which the prime contractor conducts business, the contractor's address along with a description of the lot or plot of land under construction. The notice can be served with or incorporated in the lien and comply with statute. A separate service or document is not required.

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### CONTENTS OF PRELIMINARY NOTICE

The Notice of Intent should contain the name and address of the lienor, the date the lienor commenced and ceased to furnish materials or render services for the construction, a description of the lot or plot of land under construction, and a statement that the lienor intends to claim a lien on the building. **C.G.S. §§ 49-34, 49-35**. The prime contractor's 15-day affidavit must comply with the statute by (1) stating the name under which such original contractor conducts business, (2) stating the original contractor's business address, and (3) describing the building, lot, or plot of land. **C.G.S. § 49-35**.

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### WHEN COMPLETION OCCURS

Upon substantial completion of the work. Trivial work after substantial completion will not extend time for filing the lien unless the work is requested by owner(s). **C.G.S. § 49-34** and related decisions.

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

For Direct Contractors: Within ninety (90) days after the potential lienor ceases to perform services or furnish materials. **C.G.S. § 49-34**. Others: There is no distinction made between prime contractor and other persons performing services or furnishing materials. All potential lienors must file within ninety (90) days of the last day of work under their contract.

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

A mechanic's lien expires upon one year after the lien has been perfected unless the lienor commences an action to foreclose by complaint in the Connecticut Superior Court. **C.G.S. § 49-39**. Additionally, a mechanic's lien shall expire one year after the lien is perfected unless the lienor records a Notice of Lis Pendens on the land records in the town in which the lien is recorded. **C.G.S. § 49-39**.

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### FORECLOSURE OR DISMISSAL BY COURT

**C.G.S. § 49-35a** provides the owner(s) of the real estate with a judicial process for either reducing the amount of the mechanic's lien or discharging the mechanic's lien. **C.G.S. § 49-37** provides the owner(s) of the real estate, the prime contractor [or any other interested person] with a remedy to dissolve the mechanic's lien by substitution of a surety bond. Foreclosure by lienor is in same manner as mortgage. **C.G.S. § 49-33(i)**.

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# 50 STATE LIEN LAW HANDBOOK

## DELAWARE

### PRELIMINARY NOTICE

Within 10 days of request (owner not required to pay until received) **§ 270.**

### CONTENTS OF PRELIMINARY NOTICE

Written list of all persons who have provided labor, materials, or both. **§ 2705.**

### WHEN COMPLETION OCCURS

Upon purported completion; duration of statute of limitations; 90% of owing received; certificate of occupancy issued; owner issues certificate of completion; or when final payment is due.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Direct contractors must file statement of lien within 180 days after date of completion. **§ 2711(a).** All others must file statement of claim within 120 days of the last delivery or completion of work. **§ 2711(b).**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

The proceedings to recover the amount of any claim shall be by writ of scire facias. Foreclosure (via writ) and the filing of the statement of claim are concurrent. **§§ 2714, 2715, 2727.**

### FORECLOSURE OR DISMISSAL BY COURT

Not applicable.

### INFORMATION COLLECTION

(1) Stephanie Dodson Dougherty, Cobb Law Group  
(stephanie@cobblawgroup.net)

## FLORIDA

### PRELIMINARY NOTICE

Lienors other than direct contractors must serve Notice to Owner within 45 days of supplying labor, services, or materials and before final payment.

### CONTENTS OF PRELIMINARY NOTICE

Amount due claimant; amount of demand; and must fairly apprise owner and public of the nature and amount of the demand.

### WHEN COMPLETION OCCURS

Upon the last date that the lienor furnishes labor, services, or materials required under the contract, and not by other standards such as occupancy or final inspection.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Within 90 days after final furnishing of labor, services, or materials by lienor.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

No lien is valid for more than one year from the date of recording the Claim of Lien.

### FORECLOSURE OR DISMISSAL BY COURT

A lien foreclosure action must be filed within one year of the date of recording.

### INFORMATION COLLECTION

- (1) Michael Clark, Siegfried, Rivera, Hyman, Lerner, De La Torre, Mars & Sobel, P.A. (mclark@srhl-law.com)
- (2) Patrick Poff, Trenam Law (ppoff@trenam.com)
- (3) Raymond Robinson, Robinson Law, P.A. (ray@rrobinsonlaw.com)
- (4) R.J. Haughey, Sivyver, Barlow & Watson, P.A. (Rhaughey@sbwlegal.com)
- (5) Scott Rembold, Rembold Hirschman (SRembold@therhlawfirm.com)



# 50 STATE LIEN LAW HANDBOOK

## GEORGIA

### PRELIMINARY NOTICE

Unless potential lienor works directly for the general contractor or owner, a notice of furnishing must be sent within 30 days of first providing labor or materials to project.

### CONTENTS OF PRELIMINARY NOTICE

The name, address and telephone of potential lienor, the name and address of the entity which contracted with lienor, description of the property from Notice of Commencement, a general description of the services, labor or materials furnished, and cost, if known. **O.C.G.A. Section 44-14-361.1(a).**

### WHEN COMPLETION OCCURS

On the last day of the completion of the work, the furnishing of the services, labor, or materials. **O.C.G.A. § 44-14-361.1(a)(2).**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Ninety (90) days after the completion of the work (enforceable lien waivers may shorten this period or the amount to be liened). **O.C.G.A. § 44-14-361.1(a)(2).**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

The lien must be enforced within one year after the lien became effective otherwise the lien will expire.

**O.C.G.A. § 44-14-361.1(a)(3).**

### FORECLOSURE OR DISMISSAL BY COURT

Not applicable.

### INFORMATION COLLECTION

- (1) Mark Cobb, Cobb Law Group (mark@cobblawgroup.net)
- (2) Stephanie Dodson Dougherty, Cobb Law Group (stephanie@cobblawgroup.net)

## HAWAII

### PRELIMINARY NOTICE

Not required. However, to advance a lien claim, claimant must submit to the court an Application for Lien and a Notice Of Lien. **H.R.S. § 507-46.**

### CONTENTS OF PRELIMINARY NOTICE

The Application for Lien must state: amount of claim; labor/material furnished; property description; and names of contracting parties, contractor and owner (or representative), and other parties with a recorded interest in the property. The Application may (but need not) specify the names of the mortgagees or other encumbrancers of the property, if any, and the name of the surety of the general contractor, if any. The Notice must state basic facts establishing the basis of the claim. **H.R.S. § 507-43(a).**

### WHEN COMPLETION OCCURS

When owner or direct contractor files Notice of Completion or abandonment, affidavit of publication and copy of the Notice in the county where property is located. If no Notice is filed, 1 year after completion or abandonment. **H.R.S. § 507-43(f).**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

The Application for Lien and Notice shall be filed in the Circuit Court where the property is located within 45 days after the Date of Completion (filing date of affidavit of publication or date of actual completion/abandonment in the absence of publication). For property registered in the Land Court, upon the granting of lien after notice and hearing a certified copy of the Order Directing Lien to Attach shall be filed in the office of the assistant registrar of the land court within seven days after the entry thereof in order to preserve the lienor's rights against subsequent encumbrancers and purchasers of the property.

**H.R.S. §§ 507-43(b) and 507-43(g).**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

The Order Directing Lien to Attach expires 3 months after entry. **H.R.S. § 507-43(e).**



# 50 STATE LIEN LAW HANDBOOK

## HAWAII CONTINUED

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### FORECLOSURE OR DISMISSAL BY COURT

Any mechanics' and materialmen's lien may be discharged at any time by the owner, lessee, principal contractor or intermediate subcontractor filing with the clerk of the circuit court of the county in which the property is located or with the assistant registrar of the land court (if registered land is affected) cash or a bond for twice the amount of the sum for which the claim for the lien is filed, conditioned for the payment of any sum for which the claimant may obtain judgment upon the claimant's claim. **H.R.S. § 507-45.** See also expiration of lien under **H.R.S. § 507-43(e).**

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### INFORMATION COLLECTION

(1) Keith Y. Yamada, Cades Schutte LLP (kyamada@cades.com)

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## IDAHO

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### PRELIMINARY NOTICE

Required by general contractor prior to entering into any contract exceeding the amount of \$2,000 on residential property. **I.C. §45-525(2).**

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### CONTENTS OF PRELIMINARY NOTICE

Disclosure of Owner's rights related to lien waivers, proof of general liability and title insurance, and right to require contractor to purchase surety bond. **I.C. §45-525(2)**; Additional disclosures related to subcontractors, suppliers and rental equipment providers required prior to sale of property or completion of project. **I.C. §45-525(3).**

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### WHEN COMPLETION OCCURS

Actual completion; trivial work does not extend date of completion for purposes of 90 day period within which claimant must file the lien. **I.C. § 45-507.**

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

Claim shall be filed within 90 days after completion of the labor/services/furnishing of materials. **I.C. § 45-507.**

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 6 months after the claim has been filed. **I.C. § 45-510.**

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### FORECLOSURE OR DISMISSAL BY COURT

Unless foreclosure action is brought within 6 month time limitation, lien itself ceases to exist. **I.C. §45-510.**

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### INFORMATION COLLECTION

(1) Diane C. Utz, Esq., Beltzer Bangert & Gunnell, LLP (diane@bbglawgroup.com)

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# 50 STATE LIEN LAW HANDBOOK

## ILLINOIS

### PRELIMINARY NOTICE

Generally, no preliminary notice is required. However, to perfect its lien rights a subcontractor must serve notice of claim stating the amount due or to become due within 90 days after the last date of work. **770 ILCS 60/24(a)**. A subcontractor furnishing labor or materials to a single family owner-occupied residence must also serve notice within 60 days of its first date of furnishing pursuant to **770 ILCS 60/5**.

### CONTENTS OF PRELIMINARY NOTICE

Written notice of claim served upon owner within 90 days after the last date upon which labor or materials are furnished identifying amount due or to become due. **770 ILCS 60/24(a)**.

### WHEN COMPLETION OCCURS

Completion occurs when the work needed for the completion of the contract itself is done. **770 ILCS 60/7, /24**.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

The lien must be recorded within 4 months after the last date of furnishing labor or materials to the project. **770 ILCS 60/7(a)**.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Suit to enforce lien must be commenced within two years of the last date of furnishing labor or materials to the project. **770 ILCS 60/9**. See notes under "Time to Commence Suit".

### FORECLOSURE OR DISMISSAL BY COURT

If lien claim is not commenced within two years of the last date of furnishing labor or materials to the project, the lien claim is unenforceable. **770 ILCS 60/9**.

### INFORMATION COLLECTION

- (1) W. Matthew Bryant, Saul Ewing Arnstein & Lehr LLP  
(matthew.bryant@saul.com)
- (2) Samuel Levine, Bryce Downey & Lenkov LLC  
(slevine@bdlfirm.com)
- (3) Mark Grzymala, Grzymala Law Offices, P.C.  
(mark@grzymalalaw.com)

## INDIANA

### PRELIMINARY NOTICE

Preliminary notice must be sent to the owner within 30 days from the first furnishing of labor or materials to a project for remodeling work or within 60 days for the original construction of a residence and recorded in the recorder's office of the county **(I.C. § 32-28-3-1(h) and (i))**.

### CONTENTS OF PRELIMINARY NOTICE

A description of labor or materials that were furnished; and indicate the existence of lien rights. **(I.C. § 32-28-3-1(h) and (i))**.

### WHEN COMPLETION OCCURS

Completion occurs on the last day of performing labor or materials, but may be extended by extra or additional work required to complete contract work or has been requested by the owner.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

A lien must be recorded within 90 days from the last date of performance of labor or furnishing of materials. **(I.C. § 32-28-3-3(a))**. On residential projects, a lien must be recorded within sixty (60) days from the last date of furnishing labor or materials. **(I.C. § 32-28-3-3(b))**.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Lien is void unless an action to enforce is filed in the circuit or superior court of the county where the property is located within one year after the notice of intention to lien was recorded. **(I.C. § 32-28-3-6(a)(1) and (b))**.

### FORECLOSURE OR DISMISSAL BY COURT

Not applicable.

### INFORMATION COLLECTION

- (1) Dave Theising, Harrison & Moberly LLP  
(dtheising@harrisonmoberly.com)
- (2) Troy Miller, Bose McKinney & Evans LLP  
(tmiller@boselaw.com)





# 50 STATE LIEN LAW HANDBOOK

## IOWA

### PRELIMINARY NOTICE

Preliminary notice only required for residential construction properties. See **I.C. §§ 572.13, 572.13A, 572.13B** for general contractors, subcontractors and suppliers, if applicable.

### CONTENTS OF PRELIMINARY NOTICE

Preliminary notice only required for residential construction properties. See **I.C. §§ 572.13, 572.13A, 572.13B** for contents of notice, if applicable.

### WHEN COMPLETION OCCURS

Completion occurs on the date on which the last of material or last of labor was performed on the property. **I.C. § 572.10.**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Lien and verified statement of account must be recorded within 90 days after last performing labor or supplying materials to the project to maintain priority against non-mechanic's lien stakeholders.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

An action to enforce the lien must be filed within 2 years and 90 days of last performing labor or supplying materials to project. **I.C. § 572.27.**

### FORECLOSURE OR DISMISSAL BY COURT

Owner may serve written demand on lien claimant to commence action within 30 days or forfeit lien rights. **I.C. § 572.28.**

### INFORMATION COLLECTION

(1) Jason A. Lien, Maslon LLP (jason.lien@maslon.com)

## KANSAS

### PRELIMINARY NOTICE

Subcontractors must provide warning letter or copy of statement by owner saying warning letter was received. **K.S.A. § 1103a**, but see **K.S.A. § 60-1103b** for different procedure for new residential property.

### CONTENTS OF PRELIMINARY NOTICE

(1) Name of owner;  
(2) Name and address of claimant sufficient for service of process;  
(3) Description of real property; and (4) Itemized statement and amount of claim.

**K.S.A. § 60-1102(a).**

### WHEN COMPLETION OCCURS

Completion occurs upon final furnishing of materials, services, or labor in accordance with the contract. *Crème de la Crème, Inc. v. R & R Intern., Inc.*, 32 Kan.App.2d 490, 493, 85 P.3d 205, 208 (2004).

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Prime contractors must record within 4 months of the date materials, services or labor were last furnished. **K.S.A. § 60-1102(a)**. Within that 4-month period, a claimant may file for a 1-month extension. **K.S.A. § 60-1102(c)**. All others must record within 3 months. **K.S.A. § 60-1103(a)(1)**.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

An action to foreclose a mechanic's lien must be brought within 1 year of filing the lien statement, or 1 year from the maturity date of a promissory note attached to the lien statement in lieu of an itemized statement. **K.S.A. § 60-1105.**

### FORECLOSURE OR DISMISSAL BY COURT

If no action to foreclose a lien is brought within the time limits identified in **K.S.A. § 60-1105**, the lien is considered canceled by limitation of law. **K.S.A. § 60-1108.**

### INFORMATION COLLECTION

(1) Shane C. Mecham, Levy Craig Law Firm, P.C.  
(smecham@levycraig.com)

### NOTE

Mechanic's liens are assignable. **K.S.A. § 60-1104.**



# 50 STATE LIEN LAW HANDBOOK

## KENTUCKY

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### PRELIMINARY NOTICE

On claims amounting to less than \$1,000, the owner must be notified within 75 days after the last material or labor was furnished; or within 120 days for claims exceeding \$1,000.

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### CONTENTS OF PRELIMINARY NOTICE

Claimant need only state intention to hold the property liable and the amount for which the lien will be claimed.

**KRS § 376.010(3).**

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### WHEN COMPLETION OCCURS

Cessation of the providing of labor or materials by Claimant.

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

For both direct contractors and others, a lien must be recorded within 6 months after cessation of Claimant's providing of labor or materials.

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 12 months of the recording of the lien statement or statement SHALL be deemed dissolved. **KRS § 376.090(1).**

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### FORECLOSURE OR DISMISSAL BY COURT

Not applicable.

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### INFORMATION COLLECTION

(1) Eric Hulett, Steptoe & Johnson PLLC (Eric.Hulett@Steptoe-Johnson.com)

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## LOUISIANA

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### PRELIMINARY NOTICE

Written notice to the owner within 30 days after the date that the prime contractor or subcontractor is employed.

**La.R.S. 9:4802(A)(5)(b).**

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### CONTENTS OF PRELIMINARY NOTICE

Name and address of the prime contractor or subcontractor; name and address of his employer; and general nature of the work to be performed. **La.R.S. 9:4802(A)(5)(b).**

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### WHEN COMPLETION OCCURS

If a notice of contract has been filed pursuant to La. R.S. 9:4811, then the deadline for filing a statement of claim is triggered by filing the notice of termination of the work. **La.R.S. 9:4822(A).**

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

Lienors other than the general contractor have 30 days after the recordation of the notice of termination by the owner.

**La.R.S. 9:4822(A).**

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 1 year after filing the statement of claim or privilege.

**La.R.S. 9:4823(A)(2).**

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### FORECLOSURE OR DISMISSAL BY COURT

If a statement of claim is improperly filed or extinguished, an owner or other interested person may request that the claimant cancel a statement of claim within 10 days after written request.

**La.R.S. 9:4833.**

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### INFORMATION COLLECTION

(1) Ashley Bellau, Lugenbuhl, Wheaton, Peck, Rankin & Hubbard (abelleau@lawla.com)

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# 50 STATE LIEN LAW HANDBOOK

## MAINE

### PRELIMINARY NOTICE

Only required in residential cases. Permissive notice may be sent at the beginning of all projects that protects against a bona fide purchaser.

### CONTENTS OF PRELIMINARY NOTICE

(1) Name and address of claimant; (2) location of the property to be liened; (3) amount owed; (4) warning that homeowner may have to pay twice.

### WHEN COMPLETION OCCURS

Not applicable.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Direct contractors must record lien within 120 days from the last day of substantive work; and all others must file within 90 days of the last day of substantive work.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

120 days from the last day of substantive work for all participants

### FORECLOSURE OR DISMISSAL BY COURT

Not applicable.

### INFORMATION COLLECTION

(1) Michael Bosse, Bernstein Shur (mbosse@bernsteinshur.com)

## MARYLAND

### PRELIMINARY NOTICE

Potential lien claimants must give written notice to the owner of their intention to lien within 20 days after last performing the work, services, or furnishing materials. This notice requirement does not apply if the potential lien claimant has a direct contract with the owner of the property.

### CONTENTS OF PRELIMINARY NOTICE

See **Md. Code Ann., Real Prop. § 9-104(b)** for notice form.

### WHEN COMPLETION OCCURS

Not applicable.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Potential lien claimants must file an action against the owner in the Circuit Court for the County where the subject land is located within 180 days after the final date that work, services or materials were furnished by the lien claimant.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

The lien claimant must file a motion to enforce the lien or to execute on any bond given to obtain a release of lien within 1 year after the date on which the petition was filed. **Md. Code Ann., Real Prop. § 9-109; Md. Rule 12-305(a)**. The petition to enforce the lien may be filed with the original petition to establish a lien.

### FORECLOSURE OR DISMISSAL BY COURT

The lien expires if action to enforce the lien is not commenced within one year of filing.

### INFORMATION COLLECTION

- (1) Michael A. Schollaert, Baker Donelson Bearman Caldwell & Berkowitz, P.C. (mschollaert@bakerdonelson.com)
- (2) Tracy L. Steedman, Adelberg Rudow Dorf & Hendler, LLC, (tstedman@adelberg.com)

### NOTE

Statutory and legal requirements for mechanic's liens can be found at Section 9-101 et seq. of the Real Property Article of the Maryland Annotated Code as well as Rule 12-301 et seq. of the Maryland Rules.



# 50 STATE LIEN LAW HANDBOOK

## MASSACHUSETTS

### PRELIMINARY NOTICE

A party who furnishes labor, materials, equipment or services may initiate a mechanic's lien by filing a Notice of Contract in the Registry of Deeds for the county in which the subject property is located. **M.G.L. ch. 254, § 1. et seq.**

### CONTENTS OF PRELIMINARY NOTICE

The form of the Notice of Contract is prescribed by statute and varies depending on who is seeking the lien. **M.G.L. ch. 254, § 1. et seq.**

### WHEN COMPLETION OCCURS

The date of Substantial Completion is not determinative of when a lien may be recorded (but see Time Limit for Recording Mechanic's Lien).

### TIME LIMIT FOR RECORDING MECHANICS LIEN

The Notice of Contract must be recorded no later than the earliest of (1) 60 days after Notice of Substantial Completion is recorded; (2) 90 days after Notice of Termination is recorded; or, (3) 90 days after the prime contractor, or any lower tier, last furnished labor or materials to the project. **M.G.L. ch. 254, §§ 2 and 4.** Note MA law also requires the filing of a Statement of Account. **M.G.L. ch. 254, § 8.**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Suit to enforce the mechanic's lien must be commenced within 90 days of the recording of the Statement of Account. **M.G.L. ch. 254, § 11.** If a lien bond has been recorded, see **M.G.L. ch. 254, § 14.**

### FORECLOSURE OR DISMISSAL BY COURT

A party with an interest in the property subject to the lien may file an application in the superior court where the subject property is located seeking dissolution of the mechanic's lien. **M.G.L. ch. 254, § 15A.**

### INFORMATION COLLECTION

(1) Andrew G. Wailgum, Murtha Cullina LLP  
(awailgum@murthalaw.com)

## MICHIGAN

### PRELIMINARY NOTICE

Subcontractor or supplier must serve within 20 days after claimant first furnishes work; laborer within 30 days after wages were due but unpaid. **MCL 570.1109.**

### CONTENTS OF PRELIMINARY NOTICE

Name and address of lienor and the subject of the lien; name of the owner; legal description of the property; and a general description of the services, labor, or materials furnished **MCL 570.1109.**

### WHEN COMPLETION OCCURS

Last furnishing of labor or material pursuant to the claimant's contract; warranty work does not extend completion. **MCL 570.1111.**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

A lien must be recorded within 90 days after claimant's last furnishing of labor or material pursuant to the claimant's contract. **MCL 570.1111.**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

No later than 1 year after the date claimant recorded its lien. **MCL 570.1117(1).**

### FORECLOSURE OR DISMISSAL BY COURT

If an action to enforce a lien is not commenced within 1 year after the date claimant recorded the lien, the court may dismiss the action. **MCL 570.1129.**

### INFORMATION COLLECTION

(1) Aileen Leipprandt, Hilger Hammond  
(aleipprandt@hilgerhammond.com)





# 50 STATE LIEN LAW HANDBOOK

## MINNESOTA

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### PRELIMINARY NOTICE

Subcontractor must provide notice within 45 days of first furnishing labor, skills, or materials **§ 514.011.**

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### CONTENTS OF PRELIMINARY NOTICE

Specific statutory language, including notice of right to claim lien and of owner's right to pay subcontractors directly or withhold funds for 120 days absent receipt of lien waiver.

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### WHEN COMPLETION OCCURS

Completion is "the last of the work, or furnishing the last item of skill, material, or machinery". **§ 514.08, Subd. 1.**

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

Lien must be recorded within 120 days of completion. **§ 514.08, Subd. 1.**

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 1 year of date of last item of claim in recorded lien statement. **§ 514.12, Subd. 3.**

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### FORECLOSURE OR DISMISSAL BY COURT

No limitation beyond general requirement of plaintiff to prosecute action towards trial date set by Minn. R. Gen. P. 111.03 scheduling order

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### INFORMATION COLLECTION

(1) Jason A. Lien, Maslon LLP (jason.lien@maslon.com)

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## MISSISSIPPI

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### PRELIMINARY NOTICE

For residential claims, subcontractors and materialmen must provide the owner with written notice of the intent to lien 10 days before the lien is filed. **West's A.M.C. § 85-7-409(1).**

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### CONTENTS OF PRELIMINARY NOTICE

Description of the property, amount due, and a statement that the Lien Claimant intends to file a lien no sooner than 10 days from the date of the notice. **West's A.M.C. § 85-7-433(5).**

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### WHEN COMPLETION OCCURS

Last labor is not defined, but uses the same terms as used in the Little Miller Act. **West's A.M.C. § 85-7-405(1)(b).**

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

For direct contractors, subcontractors, materialmen, and designment, a Claim of Lien must be filed 90 days after last labor, supply of materials or supply of professional services. **West's A.M.C. § 85-7-405(1)(b).**

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 180 days of filing the Claim of Lien. **West's A.M.C. § 85-7-405(1)(c)(i).**

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### FORECLOSURE OR DISMISSAL BY COURT

Failure to meet any of the requirements listed in **West's A.M.C. § 85-7-405(1),-421(1)** will render the Claim of Lien invalid and subject to expungement.

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### INFORMATION COLLECTION

(1) Joe Getz, Evans Petree PC (jgetz@evanspetree.com)

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# 50 STATE LIEN LAW HANDBOOK

## MISSOURI

### PRELIMINARY NOTICE

Prime contractors - a notice that includes the disclosure language set out in **RSMo § 429.012 (West)** in ten-point bold type, must be provided by the prime contractor to the owner at the time set forth by statute § 429.012. Subcontractor must serve notice of intent to file lien 10 days prior to filing the lien. **RSMo § 429.100 (West)**. To lien for any rental equipment, notice must be given within 15 business days of the commencement of the use of the rental machinery or equipment to the property owner that rental machinery or equipment is being used upon their property. **RSMo § 429.010 (West)**. Owner-occupied residential property has special notice requirements. **RSMo § 429.013 (West)**.

### CONTENTS OF PRELIMINARY NOTICE

A notice that includes the disclosure language set out in RSMo § 429.012 in ten-point bold type, must be provided by the prime contractor to the owner at the time set forth by statute § 429.012 (with contract, with first invoice, etc.). Subcontractor notice requirements are set forth in **RSMo § 429.100 (West)** - the subcontractor must identify that it holds a claim against such building or improvement, setting forth the amount and from whom the same is due.

### WHEN COMPLETION OCCURS

The time to lien runs from the last date of base contract work for the liening party, not from project completion. Punchlist work or warranty work does not extend the time to lien.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Within six months after the indebtedness accrues. If the lien is for rental equipment, the lien must be filed within sixty (60) days after the removal of the equipment from the site.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

An action to enforce a lien must be commenced within six months after filing the lien. **RSMo § 429.170 (West)**.

### FORECLOSURE OR DISMISSAL BY COURT

Not applicable

### INFORMATION COLLECTION

(1) Eddie James, Polsinelli (ejames@polsinelli.com)

## MONTANA

### PRELIMINARY NOTICE

Preliminary notice must be served 20 days after the date on which services or materials are first furnished to contracting owner. If later, rights extend to only 20 days prior.

**M.C.A. § 71-3-531.**

### CONTENTS OF PRELIMINARY NOTICE

A statement that it is a notice of right to lien; property description; mailing date; name and address of the claimant and owner of the property; and warning of construction lien statute.

**M.C.A. § 71-3-532.**

### WHEN COMPLETION OCCURS

Written acceptance by owner; or cessation of labor for 30 days upon any building, improvement, or structure or alteration, addition to, or repair of building, improvement, or structure.

**M.C.A. § 71-3-533.**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

After claimant has substantially provided services/materials, and within 90 days after either: claimant's final furnishing of services/materials; or contracting owner's notice of completion.

**M.C.A. § 71-3-535.**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 2 years of filing of lien. **M.C.A. § 71-3-562.**

### INFORMATION COLLECTION

(1) Steve D. Bell, Dorsey & Whitney LLP (bell.steve@dorsey.com)



## NEBRASKA

### PRELIMINARY NOTICE

This is not required but is optional. **Neb. Rev. Stat. §§ 52-133(3), 52-135.**

### CONTENTS OF PRELIMINARY NOTICE

If a preliminary notice is filed by a claimant, the notice must include: (a) the claimant's name address; (b) the name and address of the person with whom the claimant contracted; (c) the owner's name; (d) a description of the services or materials provided; (e) a property description; (f) a statement that the claimant is entitled to record a lien; (g) the amount of the lien; and (h) the following statement: "Warning. If you did not contract with the person giving this notice, any future payments you make in connection with this project may subject you to double liability." **Neb. Rev. Stat. § 52-135(1)**; see **Neb. Rev. Stat. § 52-145(5)** regarding Notices of Commencement and their contents.

### WHEN COMPLETION OCCURS

**Neb. Rev. Stat. § 52-135** requires a lien claimant to record its lien before 120 days after "final furnishing." "Final furnishing" has been defined to mean "substantial completion" of the work or furnishing of materials, but it does not mean providing "minor labor" or "minor materials." See *Preston Refrigeration Co. v. Omaha Cold Storage Terminals, Inc.*, 742 N.W.2d 782, 788–89 (Neb. App. 2007).

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Liens must be filed and recorded between the time the claimant executed the contract and 120 days after the final furnishing of service and/or materials. The claimant must send a copy of the recorded lien to the owner within 10 days of recording. **Neb. Rev. Stat. §§ 52-137(1), 52-135(3).**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

A lien is enforceable for 2 years after it is recorded. However, an owner may require a claimant to commence an action within 30 days, or require the claimant to record an affidavit that the contract price is not yet due, or forfeit its rights by serving written demand. **Neb. Rev. Stat. § 52-140.**

### FORECLOSURE OR DISMISSAL BY COURT

A lien may be discharged by (1) recording a release, (2) the claimant's failure to record an affidavit that the full sum is not yet due, (3) judgment from the court, or (4) recording a certificate from a clerk of court showing full payment or substitution bond. **Neb. Rev. Stat. §§ 52-154**; see **Neb. Rev. Stat. § 52-155** for limited foreclosure proceedings.

### INFORMATION COLLECTION

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## NEVADA

### PRELIMINARY NOTICE

Notice of Right to Lien may be served at any time, but gives a right to lien for work performed up to 31 days before service and after until completion. **NRS § 108.245(6).**

### CONTENTS OF PRELIMINARY NOTICE

General description of the work/services performed; identification of the property; and identification of the general contractor or subcontractor with whom contracted. **NRS § 108.245.**

### WHEN COMPLETION OCCURS

Actual completion; occupation by owner and cessation of work; acceptance of the work by owner and cessation of work; or cessation of work for 30 consecutive days if notice of completion is timely recorded. **NRS § 108.22116.**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Within 90 days after completion or latest delivery of material/equipment/labor, whichever is latest, or within 40 days after recording a valid notice of completion. **NRS § 108.226(1).**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 6 months of the recording of the notice of lien; or the time may be extended for up to 1 year in writing and signed by the claimant and a person with an interest in the property. **NRS § 108.233.**

### FORECLOSURE OR DISMISSAL BY COURT

If an action to enforce a claim of lien isn't brought to trial within 2 years of commencement of the action to enforce the lien, the court may dismiss; if action is not brought to trial within 5 years, court shall dismiss. **NRCP § 41(e).**



## NEVADA CONTINUED

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### INFORMATION COLLECTION

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## NEW HAMPSHIRE

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### PRELIMINARY NOTICE

Parties who contract directly with the Owner are not required to give preliminary notice. Other subcontractors and suppliers are not entitled to a lien unless they provide notice to the Owner before furnishing labor, services, or materials. Alternatively, notice can be provided after furnishing labor, design services, or materials, however the lien is then limited to the amount due to the contractor, agent or subcontractor at the time notice is given.

**R.S.A. 447:5 and 447:6.**

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### CONTENTS OF PRELIMINARY NOTICE

No particular form of notice is required. Statute requires that lienor give the Owner an accounting every 30 days listing the labor/materials/services provided during the 30 day period.

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### WHEN COMPLETION OCCURS

A mechanics lien remains valid for 120 days after the contractor/subcontractor/designer/supplier last supplied labor or materials for the project. **R.S.A. 447.** Even if the project is not completed at that time, the mechanics lien expires after the 120 day period, unless the lien is perfected by obtaining an attachment.

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

Mechanics liens do not need to be recorded.

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Mechanics liens must be “perfected” within 120 days after the contractor, subcontractor, or supplier last performs labor or supplies materials for the project. **R.S.A. 447:9.** Mechanics liens are “perfected” by obtaining an attachment from the Superior Court. **R.S.A. 447:10.** Attachments must be recorded at the Registry of Deeds for the county where the project is located.

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### FORECLOSURE OR DISMISSAL BY COURT

Upon request, courts will review attachments obtained pursuant to the Mechanics Lien statute, and will void them if they were not obtained properly. In N.H. mechanics liens cannot be bonded off. Any party seeking to enforce a mechanics lien must file suit and obtain a judgment against the Owner before they can begin to seek to foreclose on the project.

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### INFORMATION COLLECTION

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# 50 STATE LIEN LAW HANDBOOK

## NEW JERSEY

### PRELIMINARY NOTICE

For residential property, a lienor must file and serve a Notice of Unpaid Balance and Right to File Lien within 10 days from the date of filing the same. **N.J.S. 2A:44A-21.**

### CONTENTS OF PRELIMINARY NOTICE

Form prescribed by **N.J.S. 2A:44A-20.**

### WHEN COMPLETION OCCURS

The lien is “lodged for record” upon delivery to county clerk; and within 10 days following delivery to clerk. **N.J.S. 2A:44A-6(a) and 2A:44A-7(a).**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Private: Commercial: Pursuant to N.J.S. 2A:44A-6, lien must be filed within 90 days of work completion/materials furnished. Residential: Pursuant to **N.J.S. 2A:44A-21**, a “Notice of Unpaid Balance and Right to File Lien” must be filed within 60 days of work completion/materials furnished. Lien must be filed within 120 days of work completion/materials furnished, but only after arbitration award fixing amount of lien.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

The earlier of: (i) 1 year from last date of work for which payment is claimed or (ii) 30 days of receiving written demand to initiate action. **N.J.S. 2A:44A-14(a).**

### FORECLOSURE OR DISMISSAL BY COURT

No applicable

### INFORMATION COLLECTION

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- (2) Greg Trif, McElroy, Deutsch, Mulvaney & Carpenter, LLP  
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## NEW MEXICO

### PRELIMINARY NOTICE

If applicable, pre-lien notice must be delivered no later than 60 days after claimant has first furnished work or materials. **N.M.S.A. 1978, § 48-2-2.1(B).**

### CONTENTS OF PRELIMINARY NOTICE

Property description; name, address, and telephone number of claimant and person with whom claimant contracted/supplied, or to whom claimant furnished labor and/or materials; and cost estimate. **N.M.S.A. 1978, § 48-2-2.1(D).**

### WHEN COMPLETION OCCURS

Upon completion of contract (direct contractors); when all the essentials necessary to the full accomplishment of the purpose for which the building has been constructed are performed (all others). **N.M.S.A. 1978, § 48-2-6.**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Within 120 days after completion of contract (direct contractors); within 90 days after completion of any building improvement or structure (all others). **N.M.S.A. 1978, § 48-2-6.**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Legal action to enforce a claim of lien must be initiated within 2 years after the claim of lien is filed with county clerk’s office. **N.M.S.A. § 48-2-10.**

### FORECLOSURE OR DISMISSAL BY COURT

A claim of lien is no longer valid if legal action to enforce lien is not initiated within 2 years after the claim of lien is filed. **N.M.S.A. § 48-2-10.**

### INFORMATION COLLECTION

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# 50 STATE LIEN LAW HANDBOOK

## NEW YORK

### PRELIMINARY NOTICE

Not applicable.

### CONTENTS OF PRELIMINARY NOTICE

Name and address of lienor and property owner; description of labor, materials, or services furnished; amount owed; last date labor, material, or services furnished; and description of property to be liened. **N.Y. Lien Law § 9 (McKinney)**

### WHEN COMPLETION OCCURS

Private: The date that labor and/or materials are last provided to the project by the lienor. Public: The date that the public entity issues a certificate of completion and acceptance.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Single Family Dwelling: 4 months from last furnishing of labor and/or materials to the project. Notice of lien may be filed at any time during the progress of the work and the furnishing of the materials, or, within 8 months after the completion of the contract. **N.Y. Lien Law § 10 (McKinney)**. Public: 30 days after completion.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

1 year from the date the lien was recorded unless the lien has been extended, in which case the time limit is one year from the date of extension.

### FORECLOSURE OR DISMISSAL BY COURT

Lien will expire within 1 year after the notice of lien was filed, unless action is timely filed to foreclose lien, and notice of the pendency is recorded. **N.Y. Lien Law § 17 (McKinney)**

### INFORMATION COLLECTION

(1) Vincent T. Pallaci, Kushnick Pallaci PLLC  
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## NORTH CAROLINA

### PRELIMINARY NOTICE

Preliminary notice not mandatory; but lien rights lost if intervening sale or mortgage prior to notice to lien agent. **N.C.G.S. § 44A-11.1 (e)**. See the statute for more details respecting the preliminary notice contents and filing methods.

### CONTENTS OF PRELIMINARY NOTICE

Lien claimant's name, address, and telephone number; name of party with whom the lienor contracted; description of the real property; and disclosure of lien claimant's rights.

### WHEN COMPLETION OCCURS

Not applicable.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

For direct contractors and all others, claim of Lien must be filed no later than 120 days from when labor or materials last furnished. **N.C.G.S. § 44A-12**. See statute for subrogation of lien.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Action to enforce claim of lien must be filed no later than 180 days (not 6 months) from when labor or materials last furnished. **N.C.G.S. § 44A-13(a)**.

### FORECLOSURE OR DISMISSAL BY COURT

Dismissal of actions per **N.C.G.S. § 1A-1, Rule 41**. Discharge of record claim of lien on property per **N.C.G.S. § 44A-16**. This includes the bonding off of claims of lien per **N.C.G.S. § 44A-16(a)**.

### INFORMATION COLLECTION

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- (3) David A. Senter, Nexsen Pruet (dsenter@nexsenpruet.com)



# 50 STATE LIEN LAW HANDBOOK

## NORTH DAKOTA

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### PRELIMINARY NOTICE

Served no later than 10 days before the recording of the construction lien. **N.D.C.C. § 35-27-02.**

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### CONTENTS OF PRELIMINARY NOTICE

No specific language required. Notice to owner must sufficiently identify property with reasonable certainty and state lien holder intends to perfect a lien if not paid. **N.D.C.C. § 35-27-02.**

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### WHEN COMPLETION OCCURS

Upon contractor or supplier's last date of contribution of work/materials. **N.D.C.C. §§ 35-27-13; 35-27-14.**

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

Within 90 days after contractor or supplier's last date of contribution of work or materials; failure to record within 90 days but within 3 years will subordinate lien to certain encumbrance. **N.D.C.C. §§ 35-27-13; 35-27-14.**

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 3 years of recording lien. Prior to commencing a foreclosure action, a lienholder must provide owner written notice of intent to do so at least 10 days prior to commencing action. **N.D.C.C. § 35-27-24.** However, an owner may require a claimant to commence action within 30 days or forfeit its rights by serving a written demand. **N.D.C.C. §§ 35-27-24 and 25.**

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### FORECLOSURE OR DISMISSAL BY COURT

Not applicable

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### INFORMATION COLLECTION

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  - (2) Jason A. Lien, Maslon LLP (jason.lien@maslon.com)
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## OHIO

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### PRELIMINARY NOTICE

Filed with the County Recorder(s) where the project is located prior to the commencement of work on the Project.

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### CONTENTS OF PRELIMINARY NOTICE

Name, address, and capacity of the property owner and any fee owner or original contractors; description of property; date owner executed contract with original contractor; and statutory warnings.

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### WHEN COMPLETION OCCURS

Completion occurs when the lien claimant has performed its last labor or supplied its last material to or for the project.

**ORC 1311.06(B)**

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

For private construction projects, within 75 days from the date on which the last of the labor or work was performed or material was furnished by the person claiming the lien. See statute for all other projects.

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Action to enforce a lien must be brought within 6 years of filing of lien with County Recorder. **ORC 1311.13(C)**

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### FORECLOSURE OR DISMISSAL BY COURT

Not applicable.

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### INFORMATION COLLECTION

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  - (2) Phil J. Truax, Wickens, Herzer, Panza, Cook & Batista Co. (PTruax@WickensLaw.com)
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# 50 STATE LIEN LAW HANDBOOK

## OKLAHOMA

### PRELIMINARY NOTICE

Lienor must sent pre-lien notice within (75) days after the last date of supply of material, services, or labor. **Okla. Stat. Ann. tit. 42, § 142.6 (West).**

### CONTENTS OF PRELIMINARY NOTICE

The date of filing; name and address of the lienor and subject of the lien and the owner of the property; a legal description of the property; and the amount claimed. **Okla. Stat. Ann. tit. 42, § 143.1 (West).**

### WHEN COMPLETION OCCURS

Original contractor claiming a lien must file with county clerk where property located, within four months after last date labor and materials were furnished. **Okla. Stat. 42, § 142 (West).**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Statement shall be filed with court clerk within four (4) months after the date upon which last material, services, or labor was furnished upon the subject property. **Okla. Stat. Ann. tit. 42, § 142 (West).**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

The lien provided for in the preceding section<sup>1</sup> shall not be effective unless suit shall be brought within one year after it accrued. **Okla. Stat. Ann. tit. 42, § 149 (West).**

### FORECLOSURE OR DISMISSAL BY COURT

Upon full payment of lien plus court costs. **Okla. Stat. Ann. tit. 42, § 147.1 (West).**

### INFORMATION COLLECTION

(1) Andrea Woods, Nabholz Construction  
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## OREGON

### PRELIMINARY NOTICE

Residential: Original contractors on projects exceeding \$2,000, all others not contracting directly with owner, and material suppliers. Commercial: Architects and engineers not contracting directly with owner, and material suppliers. **O.R.S. §§ 87.021, 87.025, 87.093**

### CONTENTS OF PRELIMINARY NOTICE

Form is standardized.

### WHEN COMPLETION OCCURS

When the improvement is substantially complete; upon recordation of notice of completion; or when the improvement is abandoned as defined by statute. **O.R.S. § 87.045.**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

For nonpayment of labor/materials/equipment, before the earlier of 75 days after the last day of performance/delivery/rental; or 75 days after completion of construction. **O.R.S. § 87.035.**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Not applicable

### FORECLOSURE OR DISMISSAL BY COURT

If action to enforce a claim of lien isn't brought within 2 years after recording claim of lien. **O.R.S. § 87.055.**

### INFORMATION COLLECTION

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# 50 STATE LIEN LAW HANDBOOK

## PENNSYLVANIA

### PRELIMINARY NOTICE

Where Notice of Commencement is filed with state directory (<https://apps.pa.gov/scnd>) on qualifying project, a claimant other than contractor must file Notice of Furnishing within 45 days of start of work. **49 P.S. §§1501.1, 1501.3.**

### CONTENTS OF PRELIMINARY NOTICE

General description of work to be performed; name and address of claimant and contracting party; identification of project. **49 P.S. §1501.3.** Claimant other than contractor must give additional notice to owner of intent to lien 30 days prior to filing claim, including amount of claim.

### WHEN COMPLETION OCCURS

Last day of labor or last delivery of materials required under claimant's contract.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

File lien claim within 6-months of completion of work, and make proper service of notice of filing upon owner within 30 days thereafter. Claimant other than contractor must give notice

of intent to file lien claim to owner at least 30-days in advance, and still comply with 6-month deadline.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

An action to obtain judgment on lien claim must be commenced within 2-years of the date of filing the lien claim and concluded within 5-years. **49 P.S. §1701.**

### FORECLOSURE OR DISMISSAL BY COURT

Foreclosure may commence upon judgment entered. Upon payment or settlement of lien claim, at any time, claimant must file satisfaction with the Court. Court may strike lien claim if action to obtain judgment is not commenced within 2-years of filing lien claim.

### INFORMATION COLLECTION

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## RHODE ISLAND

### PRELIMINARY NOTICE

Prime contractor directly contracting with Owner must serve notice within 10 business days of commencing work or delivering materials to the project. See **R.I. Gen. Laws §34-28-4.1.** All other lienors (i.e., subcontractors, suppliers) are not required to provide a preliminary notice.

### CONTENTS OF PRELIMINARY NOTICE

A form of the notice to be provided by the general contractor is provided in **R.I. Gen. Laws §34-28-4.1.**

### WHEN COMPLETION OCCURS

The last day that work is performed or materials are furnished. **R.I. Gen. Laws § 34-28-4**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Within two hundred (200) days after performance of the work or furnishing materials that have been incorporated into the project. See **R.I. Gen. Laws §§ 34-28-4 and 34-28-9.** It should be noted that for retainage earned but not paid, lien is effective from the start of work. The potential lienor's Notice of Intention needs to be mailed by prepaid registered or certified mail to the owner(s) and a copy needs to be filed in the records of land evidence where

the property is located. See **R.I. Gen. Laws §§ 34-28-4 and 34-28-9.**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 40 days of the date of recording the Notice of Intention of Lien and within 7 days after the filing of a Notice of Lis Pendens. See **R.I. Gen. Laws § 34-28-10.**

### FORECLOSURE OR DISMISSAL BY COURT

An owner, lessee or contractor against whom a mechanic's lien is filed may file a court action for release of lien or bonding in lieu of lien rights. See **R.I. Gen. Laws § 34-28-17. Rhode Island § 34-28-17** allows the owner(s), lessee or tenant of the property to dissolve a mechanic's lien by substitution of a surety bond or payment into the registry of the Superior Court cash in the total of the lien, including costs.

### INFORMATION COLLECTION

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# 50 STATE LIEN LAW HANDBOOK

## SOUTH CAROLINA

### PRELIMINARY NOTICE

Neither GC, nor 1st tier subcontractors and suppliers are required to give a preliminary notice. The GC may avail itself of a payment defense by filing and posting a Notice of Commencement pursuant to **S.C. Code Ann. § 29-5-23**. In such event, remote claimants should serve Notice of Furnishing pursuant to **S.C. Code Ann. § 29-5-20** at earliest possible date.

### CONTENTS OF PRELIMINARY NOTICE

If the GC has elected to file and post a Notice of Commencement pursuant to **S.C. Code Ann. § 29-5-23**, a remote claimant's preliminary notice should conform to the requirements of **S**

### WHEN COMPLETION OCCURS

Lien deadlines are based upon the last date of furnishing labor or materials, including punch list items. Work performed solely for purposes of extending or renewing lien rights is not considered. See *Butler Contracting, Inc. v. Court Street, LLC*, 369 S.C. 121, 631 S.E.2d 252 (2006).

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Lien must be filed and served within 90 days of the lien claimant's last day of work. **S.C. Code Ann. § 29-5-90**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Notice of Lis Pendens and lien foreclosure action must be filed within 6 months of lien claimant's last day of work. **S.C. Code Ann. § 29-5-120**. **S.C.R.C.P. 3** allows 120 for service of all suits.

### FORECLOSURE OR DISMISSAL BY COURT

Mechanic's lien is considered dissolved if a foreclosure action and Notice of Lis Pendens are not filed within six months of the lien claimant ceasing to perform work. The lien and any associated bonds may be released by a court order or written affidavit of attorney for bond holder or defendant pursuant to **S.C. Code Ann. § 29-5-120**.

### INFORMATION COLLECTION

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## SOUTH DAKOTA

### PRELIMINARY NOTICE

Not compulsory, but claimant may serve at any time, a sworn account and notice upon an owner. **S.D.C.L. § 44-9-10**.

### CONTENTS OF PRELIMINARY NOTICE

Items/work performed, amounts claimed, and dates furnished. **S.D.C.L. § 44-9-10**.

### WHEN COMPLETION OCCURS

At the last contribution of work or last item of skill, service, material, or machinery. **S.D.C.L. § 44-9-15**.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

120 days after completion. **S.D.C.L. § 44-9-15**.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

6 year statute to enforce lien from the date of completion; or if owner demands suit upon lien, claimant must sue within 30 days of service or lien is forfeited. **S.D.C.L. §§ 44-9-24 and 26**.

### FORECLOSURE OR DISMISSAL BY COURT

Not applicable.

### INFORMATION COLLECTION

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## TENNESSEE

### PRELIMINARY NOTICE

Prime contractor is not required to serve or record any preliminary notice, but can record contract. **T.C.A. § 66-11-111.** Remote contractors must serve a notice of nonpayment within 90 days of the last day of each month within which work or labor was furnished but for which payment was not made. **T.C.A. § 66-11-145.**

### CONTENTS OF PRELIMINARY NOTICE

If a prime contractor elects to record the prime contract, the recorded contract must contain the contract price and a reasonably certain description of the real property. A remote contractor's notice of nonpayment must contain: 1) remote contractor's name; 2) description of work; 3) amount owed; 4) date of last delivery/furnishing; and 5) description of property. **T.C.A. § 66-11-145.**

### WHEN COMPLETION OCCURS

Statute does not define "completion." The Tennessee Court of Appeals held that completion requires 100% completion for lien purposes. *Davis v. Smith*, 650 S.W.2d 47, 50 (Tenn. Ct. App. 1983). Abandonment occurs 90 days after cessation of work. **T.C.A. § 11-66-112(b).**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Prime contractors are not required to record lien; however, to preserve priority, prime contractor must record lien within 90 days after completion. **T.C.A. § 66-11-112.** Remote contractors must record a lien in the local Register of Deeds office within 90 days after the project is completed or abandoned. **T.C.A. § 66-11-112.**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Prime contractors must enforce lien within 1 year from the date of completion or abandonment. **T.C.A. § 66-11-106.** A remote contractor must file a lien enforcement action within 90 days of serving the lien upon the owner. **T.C.A. § 11-66-115(b).**

### FORECLOSURE OR DISMISSAL BY COURT

A court may dismiss a lien enforcement action that is not timely filed. Additionally, a court may dismiss a lien enforcement action where a contractor is not properly licensed.

### INFORMATION COLLECTION

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- (2) Irvin Wallace, Lewis Thomason (wirvin@lewisthomason.com)
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## TEXAS

### PRELIMINARY NOTICE

No pre-commencement notice is required to perfect statutory or constitutional lien rights, but lower tier contractors and suppliers are required to timely submit certain notices of non-payment and specially fabricated materials to perfect statutory lien rights, and there is an optional one time notice for contractual retainage.

### CONTENTS OF PRELIMINARY NOTICE

See **TEX. PROP. CODE §§ 53.056–53.058** for contents and timing of required lower tier notices of non-payment, optional notices of contractual retainage and required notice of specially fabricated items on non-residential private projects. See **TEX. PROP. CODE §§ 53.252–53.253** for special rules and shorter notice deadlines for residential projects.

### WHEN COMPLETION OCCURS

Time for filing statutory liens triggered on "accrual of indebtedness" rather than "completion," and differs for original contractors and lower tier contractors and also differs for specially fabricated materials and retainage. See **TEX. PROP. CODE § 53.053(b)–(e).** For original contractors generally, indebtedness accrues on the last day of the month in which the original contract was completed, finally settled, abandoned, or written notice of termination was received. See **TEX. PROP. CODE § 53.053(b).** For lower tier contractors generally, indebtedness (other than retainage and specially fabricated materials) accrues on the last day of the last month the labor or material was furnished. See **TEX. PROP. CODE § 53.053(c).** Indebtedness for lower tier subcontractor retainage generally accrues on the last day of the month the contract between the owner and the original contractor was completed, finally settled, terminated, or abandoned. See **TEX. PROP. CODE § 53.053(e).** For specially fabricated material rules, see **TEX. PROP. CODE § 53.053(d).**



## TEXAS CONTINUED

### TIME LIMIT FOR RECORDING MECHANICS LIEN

For original contractors and lower tier contractors on non-residential private projects with statutory liens, generally the 15th day of 4th month after indebtedness accrues, but to lien owner retainage from original contractor, a lower tier contractor may need to record a lien affidavit as soon as 30 days after the contract between the owner and the original contractor was completed, terminated, or abandoned. See **TEX. PROP. CODE §§ 53.052(a), 53.057(f), and 53.103**. On residential projects, generally the 15th day of 3rd month after indebtedness accrues. See **TEX. PROP. CODE § 53.052(b)**. For original contractors with constitutional liens, it is unclear whether an affidavit must be recorded at all, but one court has required a constitutional lien claim to be recorded by the 15th day of the 4th month after the work is completed. Better practice is to record a lien affidavit.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

For statutory liens on non-residential private projects, the later of 1 year from the date the contract between the owner and the original contractor was completed, terminated, or abandoned or 2 years from last date lien affidavit could have been timely recorded. See **TEX. PROP. CODE §§ 53.158(a)**. For statutory liens on residential projects, the later of 1 year from the date the contract

between the owner and the original contractor was completed, terminated, or abandoned or 1 year from last date lien affidavit could have been recorded. See **TEX. PROP. CODE § 53.158(b)**. The deadline for constitutional liens is unclear and may be the expiration of a 4 year residual limitations period from date indebtedness accrues, but the better practice is file suit within the deadline for enforcing statutory liens.

### FORECLOSURE OR DISMISSAL BY COURT

Summary procedure available for failure to follow formalities.

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## UTAH

### PRELIMINARY NOTICE

Filed with State Construction Registry no later than 20 days after claimant has first furnished work. **U.C.A. § 38-1a-501.(1)**.

### CONTENTS OF PRELIMINARY NOTICE

Claimant's name, address, phone, and email, name and address of person contracting w/ claimant, name of owner and original contractor, property address and county, tax ID, construction loans, and previously filed notices, permit no.

**U.C.A. § 38-1a-501.(1)(h)**.

### WHEN COMPLETION OCCURS

Issuance of permanent certificate of occupancy, date of final inspection, date substantial work was completed, or the last date on which substantial work was performed. **U.C.A. § 38-1a-102**.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

90 days after date of notice of completion or 180 day if no notice is filed (contractors); no later than 180 days after final completion of that subcontractor's work (subcontractors).

**U.C.A. § 38-1a-502.(1)**.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 180 days after the day on which the claimant files: 1) a notice of preconstruction lien under Section 38-1a-402, for a preconstruction lien; or 2) a notice of construction lien under Section 38-1a-502, for a construction lien.

**U.C.A. § 38-1a-701.(2)(a)**.

### FORECLOSURE OR DISMISSAL BY COURT

A preconstruction lien or construction lien is automatically and immediately void if an action to enforce the lien is not filed within the time required by this section.

### INFORMATION COLLECTION

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# 50 STATE LIEN LAW HANDBOOK

## VERMONT

### PRELIMINARY NOTICE

Written notice of claim for labor or material to owner of the land or owner's agent. **9 V.S.A. § 1921.**

### CONTENTS OF PRELIMINARY NOTICE

Written memo signed by claimant asserting the claim, the amount, date payment is due, and description of the land. **9 V.S.A. §§ 1921 and 1923.**

### WHEN COMPLETION OCCURS

Not applicable.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

The lien shall not continue in force for more than 180 days from the time when payment became due for the last of labor performed or materials provided unless recorded. **9 V.S.A. § 1921 (c).**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Claimant must commence a civil action within 180 days of filing the memo. **9 V.S.A. § 1924.**

### FORECLOSURE OR DISMISSAL BY COURT

Recording of a certified copy of a final judgment in the town clerk's office within 60 days creates a judgment lien enforceable by foreclosure within 8 years from the date of final judgment. **12 V.S.A. §§ 2901-2904.**

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## VIRGINIA

### PRELIMINARY NOTICE

No general requirement for any preliminary notice as such, except in the case of residential property, which is 30 days of performing work or issuance of a building permit. **Va. Code § 43-4.01.**

### CONTENTS OF PRELIMINARY NOTICE

Memorandum must contain names of property owner and claimant, amount claimed, when payable, oath of claimant, statement declaring intent to claim lien, brief description of property, claimant's contractors' license number and dates of issuance and expiration. General contractor must certify copy of lien sent to owner. **Va. Code §§ 43-4 and 43-7.**

### WHEN COMPLETION OCCURS

Not applicable.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Lien must be filed within 90 days from the last day of the month during which work was performed or materials supplied and no later than 90 days from the time such building is completed or the work thereon is terminated. **Va. Code § 43-4.**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

The later of: 1) 6 months from the date of lien recordation; or 2) within 60 days from the date the building was completed or the work thereon otherwise terminated. **Va. Code § 43-17.**

### FORECLOSURE OR DISMISSAL BY COURT

The later of: 1) 6 months from the date of lien recordation or 2) within 60 days from the date the building was completed or the work thereon otherwise terminated. **Va. Code § 43-17.**

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# 50 STATE LIEN LAW HANDBOOK

## WASHINGTON

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### PRELIMINARY NOTICE

May be served at any time; gives right to lien for work, materials, and equipment furnished 60 days (commercial projects) or 10 days (SF residential) before service and after until completion.

**R.C.W. § 60.04.031.**

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### CONTENTS OF PRELIMINARY NOTICE

Property description, name of person ordering the professional services, materials, and equipment, contact information of claimant, and brief description of services, materials, and equipment to be provided. **R.C.W. § 60.04.031.**

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### WHEN COMPLETION OCCURS

Actual cessation of labor, services, and furnishing of materials. Trivial work does not extend date of completion for purposes of 90 day time limit for filing lien. **R.C.W. § 60.04.091.**

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

A claim shall be filed within 90 days after completion of the labor, services, and furnishing of materials. Recorded with county and provided to owner within 14 days of recording.

**R.C.W. §§ 60.04.091 and 111.**

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

A lien foreclosure action must be filed within 8 months after the claim has been recorded and in the court having jurisdiction over the real property where the lien is to operate.

**R.C.W. § 60.04.171.**

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### FORECLOSURE OR DISMISSAL BY COURT

A mechanic's lien expires by operation of law if foreclosure action is not brought within 8 months of recording the lien. If foreclosure action is not prosecuted to judgment within 2 years after filing, court may dismiss. **R.C.W. § 60.04.141**

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### INFORMATION COLLECTION

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## WASHINGTON D.C.

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### PRELIMINARY NOTICE

A notice of intent must be filed during construction or within 90 days after the earlier of completion or termination of the project.

**D.C. Code § 40-301.02.** A copy must also be sent to the owner within 5 business days of recording.

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### CONTENTS OF PRELIMINARY NOTICE

Name and address of the contractor and owner (or their registered agent), name and address of party against whose interest a lien is claimed and amount claimed, description of work done or materials furnished and start and end dates thereof, legal description and street address of the real property, copy of contractor's license to do business in DC, and certificate of good standing in appropriate jurisdiction. (Note: different requirements for home improvement contracts).

**Code § 40-301.02**

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### WHEN COMPLETION OCCURS

When all work on the contract is completed or the contract is terminated. Contractor's abandonment of work is deemed completion of building as well.

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### TIME LIMIT FOR RECORDING MECHANICS LIEN

All lienors have 90 days after the earlier of completion or termination of the project. **D.C. Code § 40-301.02.**

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### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 180 days after the date that the notice of intent is recorded. Failure to file suit within the 180-day period terminates the lien.

**D.C. § Code 40-303.13.** Within 10 days after filing suit, notice of pendency of action must be recorded.

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### FORECLOSURE OR DISMISSAL BY COURT

Not applicable.

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### INFORMATION COLLECTION

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# 50 STATE LIEN LAW HANDBOOK

## WEST VIRGINIA

### PRELIMINARY NOTICE

West Virginia does not require notice prior to performance of work by contractor or materialman furnishing supplies to owner, contractor or subcontractor. **W.Va. Code § 38-2-20**

### CONTENTS OF PRELIMINARY NOTICE

Not applicable.

### WHEN COMPLETION OCCURS

Time to record or file lien begins from date contract is completed, or when work is performed, services provided, or materials furnished. **W.Va. Code §§38-2-7, 8, 9, 10, 11, 12, 13, 14, 32.**

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Contractors must record the lien in the clerk of the county court where the property is located within 100 days from completion of the contract or last day performing work or supplying materials for the project. **W.Va. Code § 38-2-7.**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

A lawsuit to enforce a mechanic's lien must be brought within 6 months of recording the notice of mechanic's lien with the clerk of the county commission. **W.Va. Code § 38-2-34.**

### FORECLOSURE OR DISMISSAL BY COURT

An owner, contractor or materialman against whom a mechanic's lien is filed may apply to the court for release of lien by depositing with the court cash equal to the amount of the lien, plus interest accrued on the lien. **W.Va. Code § 38-2-36.** An Owner may demand an accounting from a subcontractor, laborer, mechanic, or workman filing a mechanic's lien and failure to provide the accounting "shall release" the Owner from the lien. **W. Va. Code § 38-2-19.**

### INFORMATION COLLECTION

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## WISCONSIN

### PRELIMINARY NOTICE

Preliminary notice required on non-commercial projects or those with four or fewer residential units. **Wis. Stat. § 779.02(2) (a)-(b).** Separate notice of intent to file claim for lien is required on all projects and must be served on owner at least 30 days before filing a claim for lien. **Wis. Stat. § 779.06(2).**

### CONTENTS OF PRELIMINARY NOTICE

**Wis. Stat. § 779.02(2)** provides the specific language that should be included in the preliminary notice, along with time limits. **Wis. Stat. § 779.06(2)** provides content and time limits for the notice of intent to file claim for lien.

### WHEN COMPLETION OCCURS

Not applicable.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

A claim for lien must be filed with the clerk of the circuit court in the county where the land is located no later than 6 months after the date of last work or materials and must include specific information contained in **Wis. Stat. § 779.06(3).**

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

Within 2 years after the date of filing the claim for lien with clerk of circuit court, lien claimant must file a complaint for foreclosure. **Wis. Stat. § 779.06(1).**

### FORECLOSURE OR DISMISSAL BY COURT

In the foreclosure of liens mentioned in § 779.01, ch. 846 shall control as far as applicable unless otherwise provided in this subchapter. **Wis. Stat. § 779.09.**

### INFORMATION COLLECTION

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## WYOMING

### PRELIMINARY NOTICE

Written notice in substantially same format as form specified in **Wyo. Stat. § 29-10-101** must be sent to record owner or his agent of right to file lien against property for which services or materials provided if contractor, subcontractor, or materialman not paid, and right of owner or contractor to obtain lien waiver upon payment for services or materials. Contractor must provide prior to receiving any payment from owner, including advances. Subcontractor and materialman must provide within 30 days after first providing services or materials to the project. **Wyo. Stat. § 29-2-112.**

### CONTENTS OF PRELIMINARY NOTICE

Preliminary notice must be in substantially same format and contain the same information as form specified in **Wyo. Stat. § 29-10-101**. The form requires: 1) name, address, telephone number, and contact person of contractor, subcontractor, or materialman; 2) description of materials provided or work performed; and 3) address and legal description of project property. Must also include information provided as notice to owner informing owner of right to file lien against property for which services or materials provided if contractor, subcontractor, or materialman is not paid, and right of owner or contractor to obtain lien waiver upon payment for services or materials.

### WHEN COMPLETION OCCURS

For contractors and most others, completion occurs the earlier of: 1) after the last day when work was performed or materials provided under contract; or 2) from the date of substantial completion of project on which work was performed or materials furnished under contract. **Wyo. Stat. § 29-2-106(a)(i)**. With respect to a subcontractor, after the last day he performed work at the direction of the contractor or other person authorized to provide direction. **Wyo. Stat. § 29-2-106(a)(ii)**. Record owner may record notice of substantial completion in land records of county clerk and date notice is recorded is presumed date of substantial completion of project. **Wyo. Stat. § 29-2-106(c)**. However, record owner notice does not extend date by which lien statement must otherwise be filed pursuant to statutes. Id.

### TIME LIMIT FOR RECORDING MECHANICS LIEN

Contractor must file lien statement within 150 days and every other person within 120 days of the earlier of: 1) after the last day when work was performed or materials provided under contract; or 2) from the date of substantial completion of project on which work was performed or materials furnished under contract. **Wyo. Stat. § 29-2-106(a)(i)**. With respect to a subcontractor, after the last day he performed work at the direction of the contractor or other person authorized to provide direction. **Wyo. Stat. § 29-2-106(a)(ii)**. If notice of substantial completion is filed by record owner, contractors must file lien statement within 150 days, and materialmen within 120 days, of the date the notice was recorded. **Wyo. Stat. § 29-2-106(d)**. Note: time frames are different for cooperative utilities claiming a lien under the contractor and materialmen statutes.

### TIME LIMIT FOR ENFORCING MECHANICS LIEN

All actions to foreclose or enforce a lien must be commenced within 180 days after filing lien statement. **Wyo. Stat. § 29-2-109.**

### FORECLOSURE OR DISMISSAL BY COURT

Courts will dismiss liens where full statutory compliance is not achieved. Statutory forms are found at **Wyo. Stat. § 29-10-101**, et seq. No lien continues to exist for more than 180 days after the lien is filed unless an action to foreclose the lien is instituted. **Wyo. Stat. § 29-2-109**. Prior to entry of final judgment in a lien foreclosure action, a property owner, contractor, or subcontractor may discharge a lien by depositing with the court a corporate surety bond, letter of credit, cash, or cash equivalent of an established value approved by the court in an amount 1 1/2 times the amount of the lien. **Wyo. Stat. § 29-1-501**. Once deposited and accepted by the court, the lien is discharged in full and the security is substituted for the lien. Id.

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