

## INTRODUCTION

***Construction Lien Digest*** is designed as a handy desk reference for creditors who supply the construction industry with materials and/or labor. A well-informed credit executive is aware that protecting Lien and Bond rights is crucial in securing the extension of credit.

For each jurisdiction, ***Construction Lien Digest*** is divided into two sections:

- (1) *Construction Liens* for private projects, and
- (2) *Bond Claims* on public projects.

In some cases, a *Lien on Funds* (also known as a *Stop Notice* or *Public Improvement Lien*) may be available. Which state law applies depends upon the location of the project. Federal projects are governed by Federal law (The Miller Act), which pre-empts state bond laws.

The most important consideration in protecting Lien/Bond rights is knowing if a *Preliminary Notice* is required and when it must be filed. ***Construction Lien Digest*** provides this information. ***Construction Lien Digest*** is not a “do-it-yourself” reference guide. When it comes to the actual preparation and filing of documents, we recommend utilizing LienMaster or corporate counsel for the following reasons:

- (1) Each state follows its own unique requirements for protecting Lien/Bond rights.
- (2) Courts require “strict compliance” in order to afford protection to construction creditors, i.e., the “t’s” must be crossed, and the “i’s” must be dotted.
- (3) A *Preliminary Notice* or *Construction Lien* filed incorrectly may be invalid or useless.
- (4) A *Preliminary Notice* or *Construction Lien* filed late may be invalid and useless.
- (5) The job information provided by your customer is helpful, but is usually insufficient to completely secure your rights. Verifying the exact construction chain, the exact street address, the full legal description of the property, or the Payment Bond number; these are all essential ingredients for proper protection, yet such information is usually not provided by your customer.

***Construction Lien Digest*** focuses on providing information to material suppliers and subcontractors for commercial construction. The Lien/Bond laws may vary as applied to general contractors or residential construction.

The “deadlines” provided in ***Construction Lien Digest*** are the last possible date on which specific action must be taken. The specific laws allow and LienMaster strongly recommends that the *Preliminary Notice*, *Construction Lien*, or *Bond Claim* be filed well before the deadline.

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LIEN AND BOND PROTECTION FORM

# CONSTRUCTION LIEN DIGEST

MICHAEL C. BROWN, ESQ.

Editor

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## UNITED STATES

<a href="#"><u>AL</u></a>	<a href="#"><u>CT</u></a>	<a href="#"><u>ID</u></a>	<a href="#"><u>LA</u></a>	<a href="#"><u>MS</u></a>	<a href="#"><u>NJ</u></a>	<a href="#"><u>OK</u></a>	<a href="#"><u>TN</u></a>	<a href="#"><u>WV</u></a>
<a href="#"><u>AK</u></a>	<a href="#"><u>DE</u></a>	<a href="#"><u>IL</u></a>	<a href="#"><u>ME</u></a>	<a href="#"><u>MO</u></a>	<a href="#"><u>NM</u></a>	<a href="#"><u>OR</u></a>	<a href="#"><u>TX</u></a>	<a href="#"><u>WI</u></a>
<a href="#"><u>AZ</u></a>	<a href="#"><u>DC</u></a>	<a href="#"><u>IN</u></a>	<a href="#"><u>MD</u></a>	<a href="#"><u>MT</u></a>	<a href="#"><u>NY</u></a>	<a href="#"><u>PA</u></a>	<a href="#"><u>UT</u></a>	<a href="#"><u>WY</u></a>
<a href="#"><u>AR</u></a>	<a href="#"><u>FL</u></a>	<a href="#"><u>IA</u></a>	<a href="#"><u>MA</u></a>	<a href="#"><u>NE</u></a>	<a href="#"><u>NC</u></a>	<a href="#"><u>RI</u></a>	<a href="#"><u>VT</u></a>	
<a href="#"><u>CA</u></a>	<a href="#"><u>GA</u></a>	<a href="#"><u>KS</u></a>	<a href="#"><u>MI</u></a>	<a href="#"><u>NV</u></a>	<a href="#"><u>ND</u></a>	<a href="#"><u>SC</u></a>	<a href="#"><u>VA</u></a>	
<a href="#"><u>CO</u></a>	<a href="#"><u>HI</u></a>	<a href="#"><u>KY</u></a>	<a href="#"><u>MN</u></a>	<a href="#"><u>NH</u></a>	<a href="#"><u>OH</u></a>	<a href="#"><u>SD</u></a>	<a href="#"><u>WA</u></a>	

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## CANADA

<a href="#"><u>Alberta</u></a>	<a href="#"><u>New Brunswick</u></a>	<a href="#"><u>Nova Scotia</u></a>	<a href="#"><u>Quebec</u></a>
<a href="#"><u>British Columbia</u></a>	<a href="#"><u>Newfoundland</u></a>	<a href="#"><u>Ontario</u></a>	<a href="#"><u>Saskatchewan</u></a>
<a href="#"><u>Manitoba</u></a>	<a href="#"><u>Northwest Territories</u></a>	<a href="#"><u>Prince Edward Island</u></a>	

## CARIBBEAN

[Virgin Islands](#)      [Puerto Rico](#)

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NOTE: *This publication is designed as a summary of the basic requirements of state and federal laws. It provides general information of interest to the construction industry. It is **not** intended to provide specific legal advice or to address fact-specific issues. Please consult legal counsel before acting on the information provided herein*

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# **CONSTRUCTION LIEN DIGEST**

Michael C. Brown, Esq.

Editor

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## INTRODUCTION

*Construction Lien Digest* is designed as a handy desk reference for creditors who supply the construction industry with materials and/or labor. A well informed credit executive is aware that protecting Lien and Bond rights is crucial in securing the extension of credit.

*Construction Lien Digest* is divided into two sections:

- (1) *Construction Liens* for private projects, and
- (2) *Bond Claims* on public projects.

In some cases, a *Lien on Funds* (also known as a *Stop Notice* or *Public Improvement Lien*) may be available. Which state law applies depends upon the location of the project. Federal projects are governed by Federal law (The Miller Act), which pre-empts state bond laws.

The most important consideration in protecting Lien/Bond rights is knowing if a *Preliminary Notice* is required and when it must be filed. *Construction Lien Digest* provides this information. *Construction Lien Digest* is not a “do-it-yourself” reference guide. When it comes to the actual preparation and filing of documents, we recommend utilizing LienMaster or corporate counsel for the following reasons:

- (1) Each state follows its own unique requirements for protecting Lien/Bond rights.
- (2) Courts require “strict compliance” in order to afford protection to construction creditors, i.e., the “t’s” must be crossed, and the “i’s” must be dotted.
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*Construction Lien Digest* focuses on providing information to material suppliers and subcontractors for commercial construction. The Lien/Bond laws may vary as applied to general contractors or residential construction.

*Construction Lien Digest* focuses on Lien/Bond laws regarding commercial construction. The laws regarding residential construction may vary.

The “deadlines” provided in *Construction Lien Digest* are the **last** possible date on which specific action must be taken. The specific laws allow and LienMaster strongly recommends that the *Preliminary Notice*, *Construction Lien*, or *Bond Claim* be filed well before the deadline.

## ALABAMA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <i>Ala. Code § 35-11-1 et seq.</i>
File PRELIMINARY NOTICE <b>before</b> first furnishing.
File MECHANIC'S LIEN within <b>4 months</b> of last furnishing.
File SUIT to enforce Lien within <b>6 months</b> of last furnishing.

- Failure to file Preliminary Notice may not be fatal. May still file Mechanic's Lien within **4 months** of last furnishing and have "Limited-Lien" rights
- Must send Notice of Intent to Lien prior to filing Mechanic's Lien.
- Direct-Lien State.
- Owner can limit liability on direct lien by responding to Preliminary Notice that owner will not be responsible for payment.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <i>Ala. Code § 39-1-1 et seq.</i>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM <b>45 days</b> prior to suit. Still recommend filing within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of completion and acceptance of the project.

- Alabama law requires public works contracts of \$50,000 or more to be bonded.
- Attorney's fees may be recoverable if suit is filed to enforce Bond Claim.
- Federal Projects in Alabama--see Section on [MILLER ACT BOND CLAIMS](#)

## ALASKA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <i>Alaska Stat. § 34.35.005 et seq.</i>
File PRELIMINARY NOTICE <b>before</b> first furnishing.
File MECHANIC'S LIEN within <b>120 days</b> of last furnishing or within <b>15 days</b> of the filing of a Notice of Completion, whichever occurs first.
File SUIT to enforce Lien within <b>6 months</b> from the date the Mechanic's Lien is filed.

- Failure to file Preliminary Notice is not fatal. The claimant then has the burden of proof to show that the owner knew of and consented to the furnishing.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <i>Alaska Stat. § 36.25.010 et seq.</i>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from completion and acceptance of the project.

- Alaska law requires public works contracts of \$100,000 or more to be bonded.
- Federal projects in Alaska--see section on [MILLER ACT BOND CLAIMS](#)

## ARIZONA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <i>Ariz. Rev. Stat. § 33-981 et seq.</i>
File PRELIMINARY NOTICE within <b>20 days</b> of first furnishing.
File MECHANIC'S LIEN within <b>120 days</b> of completion of entire project or within <b>60 days</b> of the filing of a Notice of Completion.
File SUIT to enforce Lien within <b>6 months</b> from date the Lien is filed.

- A late Preliminary Notice will still be effective for materials furnished within 20 days prior to notice and thereafter.
- Because of the difficulty in accurately determining the Mechanic's Lien deadline, we recommend filing Mechanic's Lien as soon as account is past due.
- Completion is defined as (1) 30 days after final inspection and acceptance by public authority which issued building permit, or (2) cessation of labor for 60 days. If no final inspection or no permit is issued, completion is defined as last date of furnishing material/labor to the project.
- The owner or agent must send a copy of a recorded Notice of Completion within 15 days after recording to all parties who filed a 20-day Preliminary Notice.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <i>Ariz. Rev. Stat. § 34-223 et seq.</i>
File PRELIMINARY NOTICE within <b>20 days</b> of first furnishing.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of last furnishing.

- A late Preliminary Notice will still be effective for materials furnished within 20 days prior to notice and thereafter.
- Federal projects in Arizona--see section on [MILLER ACT BOND CLAIMS](#)



## ARKANSAS

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <i>Ark. Code Ann. § 18-44-101 et seq.</i>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File INTENT TO LIEN within <b>75 days</b> of last furnishing.
File MECHANIC'S LIEN within <b>120 days</b> of last furnishing. Notice of Intent must be filed <b>10 days</b> prior to filing Lien.
File SUIT to enforce Lien within <b>15 months</b> from the date the Lien is filed.

- For residential real estate containing 4 or fewer units, preliminary notice must be given prior to the supplying of any material.
- Limited-Lien state.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <i>Ark. Code Ann. § 18-44-503 et seq.</i>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>6 months</b> of completion and acceptance of the project.

- Although state law does not provide a deadline, the terms of most Payment Bonds require filing Bond Claim within **90 days** of last furnishing.
- Arkansas law requires public works contracts in excess of \$20,000.00 to be bonded.
- Federal projects in Arkansas--see section on [MILLER ACT BOND CLAIMS](#)

# CALIFORNIA

## PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Cal. Civ. Code § 3082 et seq.</b>
File PRELIMINARY NOTICE within <b>20 days</b> of first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> from completion of project or within <b>30 days</b> after a Notice of Completion is recorded.
File SUIT to enforce Lien within <b>90 days</b> from the date the Lien is filed.

- As a practical matter, the Mechanic's Lien should be filed within **90 days** of last furnishing.
- A late Preliminary Notice is effective for furnishings within 20 days prior to the notice and thereafter.
- Direct-Lien state.

<b>BOND CLAIM</b> <b>Cal. Civ. Code § 3082 et seq.</b>
File PRELIMINARY NOTICE within <b>20 days</b> of first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> from completion of project or within <b>30 days</b> after a Notice of Completion is recorded.
File SUIT to enforce Lien within <b>90 days</b> from the date the Lien is filed.

- If no Preliminary Notice is given, a Bond Claim can be perfected by giving notice to the surety within **15 days** after recording of a Notice of Completion, or **75 days** after completion, if no Notice of Completion is recorded.
- Although state law does not provide a deadline, the terms of most Payment Bonds require filing Bond Claim within **90 days** of last furnishing.

*Continue →*

## CALIFORNIA

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Cal. Civ. Code § 3082 et seq.</b>
File PRELIMINARY NOTICE within <b>20 days</b> of first furnishing.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>6 months and 30 days</b> from the recording of a Notice of Completion, or within <b>6 months and 90 days</b> from project completion, if no Notice of Completion is recorded.

- If no Preliminary Notice is given, a Bond Claim can be perfected by giving notice to the surety within **15 days** after recording of a Notice of Completion, or **75 days** after completion, if no Notice of Completion is recorded.
- Although state law does not provide a deadline, the terms of most Payment Bonds require filing Bond Claim within **90 days** of last furnishing.
- As a practical matter, suit should be filed within **6 months** from last furnishing.

<b>STOP NOTICE</b> <b>Cal. Civ. Code § 3082 et seq.</b>
File PRELIMINARY NOTICE within <b>20 days</b> of first furnishing.
File STOP NOTICE within <b>90 days</b> from Completion of project or within <b>30 days</b> from the date the owner or contractor files a Notice of Completion.
File SUIT to enforce Stop Notice within <b>180 days</b> from completion or cessation of project or within <b>120 days</b> from the date the owner or contractor files a Notice of Completion.

- As a practical matter, the Stop Notice should be filed within **90 days** of last furnishing. Suit should be filed within **120 days** of last furnishing.
- Federal Projects in California--see section on [MILLER ACT BOND CLAIMS](#)

## COLORADO

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Col. Rev. Stat. § 38-22-101 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>4 months</b> of last furnishing. Notice of Intent must be filed <b>10 days</b> prior to filing Lien.
File SUIT to enforce Lien within <b>6 months</b> of completion of project, or <b>6 months</b> of last furnishing, whichever is later.

- Affidavit of Proof of Service of Notice must be filed along with Mechanic's Lien.
- The owner/occupier of a single-family residence who has paid the full contract price has a complete defense to liens. Furthermore, the lien must be filed within **2 months**.
- Direct-Lien state.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Col. Rev. Stat. § 38-26-101 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>6 months</b> of completion of project or within <b>90 days</b> of final settlement.

- Although state law does not provide a deadline, the terms of most Payment Bonds require filing Bond Claim within **90 days** of last furnishing.

**LIEN ON FUNDS**  
**Col. Rev. Stat. § 38-26-107 et seq.**

PRELIMINARY NOTICE not required by statute but recommended within **30 days** of first furnishing to encourage timely payment.

File LIEN ON FUNDS before **final settlement**.

File SUIT to enforce Lien on Funds within **90 days** from final settlement.

- Federal Projects in Colorado--see section on [MILLER ACT BOND CLAIMS](#)

## CONNECTICUT

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Conn. Gen. Stat. § 49-33 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>90 days</b> of last furnishing. Notice of Intent must be filed along with Lien.
File SUIT to enforce Lien within <b>1 year</b> from date Lien filed.

- Lien must be personally served on the project owner and general contractor by State Marshall.
- Limited-Lien state.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Conn. Gen. Stat. § 49-41 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>180 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of last furnishing.

- No bond required for general contractor bid less than \$50,000 or for subcontractor bid less than \$50,000.
- May request copy of bond from State Attorney General.
- Federal projects in Connecticut--see section on [MILLER ACT BOND CLAIMS](#)

## DELAWARE

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Del. Code Ann. Tit. 25 § 2701 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>120 days</b> of last furnishing. Filing Lien in Delaware requires filing suit.
SUIT deadline is same as Lien deadline.

- Owner may request periodic list of potential lienors from contractor or subcontractor.
- Limited-Lien state.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Del. Code Ann. Tit. 29 § 6901 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>3 years</b> of the date the last work was done on the contract.

- Although state law does not provide a deadline, the terms of most Payment Bonds require filing Bond Claim within **90 days** of last furnishing.
- Bond must be in an amount equal to 100% of the contract price.
- Bond can limit suit deadline to 1 year. Therefore, it is recommended Suit be filed within **1 year** of the date the last work was done on the contract.
- Federal projects in Delaware--see section on [MILLER ACT BOND CLAIMS](#)

## DISTRICT OF COLUMBIA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>D.C. Code Ann. § 40-303.01 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>90 days</b> of completion of project.
File SUIT to enforce Lien within <b>180 days</b> from date Lien filed.

- According to statute, only contractors and subcontractors have Lien rights.
- Limited-Lien jurisdiction.
- In order to file in D.C., the Recorder requires a copy of a Business License and Certificate of Good Standing.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>D.C. Code Ann. § 2-305.01 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of last furnishing.

- Material suppliers are protected under the bond statutes.
- D.C. Code requires the Mayor to furnish a certified copy of the bond.
- Federal projects in District of Columbia--see section on [MILLER ACT BOND CLAIMS](#)



## FLORIDA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>F.S. § 713.001 <i>et seq.</i></b>
File PRELIMINARY NOTICE within <b>45 days</b> from first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> of last furnishing.
File SUIT to enforce Lien within <b>1 year</b> from date Lien filed.

- Regarding “specially fabricated” materials, “first furnishing” has been construed as the date when the fabrication process begins. Consult LienMaster to see if this may apply to your situation.
- General contractor or owner may require potential lien claimant to furnish monthly Statements of Account. Contact LienMaster if a written demand is received.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>F.S. § 255.05 <i>et seq.</i></b>
File PRELIMINARY NOTICE within <b>45 days</b> from first furnishing.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of last furnishing.

- No Bond required on projects of \$100,000 or less.
- Contractor can shorten time for filing suit to **60 days** by serving Notice of Contest of Claim.
- Federal Projects in Florida--see section on [MILLER ACT BOND CLAIMS](#)

# GEORGIA

## PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Ga. Code § 44-14-360 <i>et seq.</i></b>
File PRELIMINARY NOTICE within <b>30 days</b> of first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> of last furnishing.
File SUIT to enforce Lien within <b>365 days</b> from filing lien.

- Limited-Lien State.

## PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Ga. Code § 36-82-101 <i>et seq.</i></b>
File PRELIMINARY NOTICE within <b>30 days</b> of first furnishing.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of completion of project and acceptance by public authority.

- Payment Bonds required to be furnished by general contractor for all public projects of \$100,000 or more. If public authority fails to require a bond, they will be liable to subcontractors and material suppliers in the event of non-payment.
- Federal Projects in Georgia--see section on [MILLER ACT BOND CLAIMS](#)

# HAWAII

## PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Haw. Rev. Stat § 507-42 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>45 days</b> of the filing of a Notice of Completion.
File SUIT to enforce Lien within <b>3 months</b> from date Lien filed.

- Filing Lien in Hawaii requires a court order.
- Direct-Lien State.

## PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Haw. Rev. Stat § 103D-323 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> after last furnishing.

- Attorney fees are recoverable where surety wrongfully denies claim.
- Federal Projects in Hawaii--see section on [MILLER ACT BOND CLAIMS](#)

# IDAHO

## PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Idaho Code § 45-501 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>90 days</b> of last furnishing.
File SUIT to enforce Lien within <b>6 months</b> from date Lien filed.

- Copy of Lien must be served on owner within **5 business days** of filing.
- Attorneys' fees and costs are recoverable in a successful lien foreclosure.
- Direct-Lien State.

## PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Idaho Code § 54-1925 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

- Bond must be in amount not less than 85% of the contract amount.
- Federal Projects in Idaho--see section on [MILLER ACT BOND CLAIMS](#)

## ILLINOIS

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>770 ILCS 60/0.01 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File NOTICE OF INTENT within <b>90 days</b> of last furnishing. There is a <b>10-day</b> waiting period between the Notice of Intent and the Lien.
File MECHANIC'S LIEN within <b>4 months</b> of last furnishing.
File SUIT to enforce Lien within <b>2 years</b> of last furnishing.

- For owner-occupied single-family residences, preliminary notice must be given within **60 days** from first furnishing.
- No-lien contracts are prohibited.
- Suit deadline can be shortened to **30 days** from date claimant receives Notice to Commence Suit.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>30 ILCS 550/2 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>180 days</b> of last furnishing. However, we recommend filing within <b>90 days</b> to induce payment.
File SUIT to enforce Bond Claim within <b>6 months</b> from completion and acceptance of project by public authority.

*Continue →*

**PUBLIC IMPROVEMENT LIEN**  
**770 ILCS 60/23 et seq.**

PRELIMINARY NOTICE not required by statute but recommended within **30 days** of first furnishing to encourage timely payment.

PUBLIC IMPROVEMENT LIEN - no specific deadline, but lien only attaches to unpaid funds.

File SUIT to enforce Lien within **90 days** from date of filing.

- Filing both a Bond Claim and a Public Improvement Lien is recommended to fully protect rights and to increase the likelihood of payment.
- Federal Projects in Illinois--see section on [MILLER ACT BOND CLAIMS](#)

## INDIANA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Indiana Code § 32-8-3-1 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>90 days</b> of last furnishing; <b>60 days</b> of last furnishing for residential projects.
File SUIT to enforce Lien within <b>1 year</b> from filing of Lien, or within <b>30 days</b> of receipt of Notice to Commence Suit.

- On residential projects, file PRELIMINARY NOTICE within **30 days** of first furnishing for repairs or alterations and within **60 days** for original construction.
- No-lien contracts are enforceable in Indiana on residential and public utility projects, if properly recorded.
- Direct-Lien State.

<b>STOP NOTICE</b> <b>Indiana Code § 32-8-3-9 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
STOP NOTICE - No specific statutory deadline but stop notice only attaches to unpaid funds.
SUIT - no specific statutory deadline.

- Stop Notice on private project allows claimant to attach any monies due the general contractor from the owner. Owner can become personally liable.

## PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Indiana Code § 4-13.6-1-1 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>60 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from completion and acceptance of project.

- Bond must be in an amount equal to 100% of the contract price.
- Federal Projects in Indiana--see section on [MILLER ACT BOND CLAIMS](#)



# IOWA

## PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Iowa Code Ch. § 572 et seq.</b>
File PRELIMINARY NOTICE within <b>30 days</b> of first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> of last furnishing.
File SUIT to enforce Lien within <b>2 years and 90 days</b> after last furnishing.

- Missing the 90-day deadline may not be fatal. The Iowa statute provides a “late” Lien is enforceable if the owner still owes the general contractor funds at the time the Lien is filed.
- Direct-Lien State if Notice and Lien timely filed.

## PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Iowa Code Ch. § 573 et seq.</b>
File PRELIMINARY NOTICE within <b>30 days</b> from last furnishing.
File BOND CLAIM within <b>30 days</b> from completion and acceptance of the project.
File SUIT to enforce Bond Claim within <b>60 days</b> from completion and acceptance of the project.

- Suit deadline can be shortened to **30 days** from date claimant receives Notice to Commence Suit.
- A Bond Claim also traps retainage funds held by the public entity.
- Federal Projects in Iowa--see section on [MILLER ACT BOND CLAIMS](#)

# KANSAS

## PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Kan. Stat. Ann. § 60-1101 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>3 months</b> from last furnishing.
File SUIT to enforce Lien within <b>1 year</b> from lien filing.

- May be Direct or Limited-Lien State, depending on the circumstances.
- Liens on residential property require a **warning statement** and a **notice of intent** to be given prior to filing.

## PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Kan. Stat. Ann. § 60-1111 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.* On state highway projects, BOND CLAIM must be filed within <b>6 months</b> of completion of the project.
File SUIT to enforce Bond Claim within <b>6 months</b> of completion of the project. On state highway projects, must be filed within <b>1 year</b> of completion of the project.

- On projects in excess of \$100,000, a bond in at least the amount of the contract is required.
- \*A claimant need not give any notice before filing suit, unless the bond requires it. Payment Bonds typically require **90 days** notice of a claim.
- Federal Projects in Kansas--see section on [MILLER ACT BOND CLAIMS](#)

## KENTUCKY

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Ky. Rev. State. Ann. § 376.010 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File NOTICE OF INTENT within <b>120 days</b> of last furnishing.
File MECHANIC'S LIEN within <b>6 months</b> of last furnishing.
File SUIT to enforce Lien within <b>12 months</b> from date Lien was filed.

- On residential projects, Notice of Intent must be given within **75 days** of last furnishing.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Ky. Rev. Stat. Ann. § 45A.005 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

- Kentucky's Bond statute does not address the issue of notice; however, notice provisions in the Bond will be enforced.
- A Public Contract Lien does exist by statute, but is rarely used because compliance is overly burdensome.
- Federal Projects in Kentucky--see section on [MILLER ACT BOND CLAIMS](#)

## LOUISIANA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>La. Rev. Stat. Ann. § 9:4801 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File NOTICE OF INTENT within <b>75 days</b> of the last day of the month in which material was delivered.
File MECHANIC'S LIEN within <b>30 days</b> after filing of Notice of Acceptance by owner or within <b>60 days</b> of completion of project if no Notice of Contract was filed.
File SUIT to enforce Lien <b>1 year</b> from date Lien filed.

- A Notice of Intent should be given for each month in which material was delivered.
- A lessor of moveables must deliver a copy of the lease to the owner and contractor within **10 days** of first furnishing.
- A Notice of Contract should be filed by the general contractor before work begins. If a Notice of Contract is not filed, Lien period is **60 days** from completion of the work.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>La. Rev. Stat. Ann § 38:2241 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File NOTICE OF INTENT within <b>75 days</b> of the last day of each month of furnishing.
File BOND CLAIM within <b>45 days</b> after acceptance of the project by the public entity.
File SUIT to enforce Bond Claim within <b>1 year</b> from acceptance of the project.

- The Bond Claim must also be filed in the Office of the Recorder of Mortgages for the parish.
- Projects in excess of \$25,000 require bonds.
- Federal Projects in Louisiana--see section on [MILLER ACT BOND CLAIMS](#)

## MAINE

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Me. Rev. Stat. Ann. tit. 10 § 3251 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>90 days</b> from last furnishing.
File SUIT to enforce Lien within <b>120 days</b> from last furnishing.

- On residential property, notice must be given to the owner prior to payment to the contractor to avoid the defense of payment.
- A claimant may obtain priority over a bona fide purchaser of the property by recording a Notice of Intent at the beginning of the job. This notice must be renewed every **120 days**.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Me. Rev. Stat. Ann. tit. 14 § 871 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> after last furnishing.

- Projects over \$100,000 require bonds.
- Federal Projects in Maine--see section on [MILLER ACT BOND CLAIMS](#)

## MARYLAND

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Md. Code Ann., Real Prop. § 9-101 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File NOTICE OF INTENT within <b>120 days</b> of last furnishing.
File MECHANIC'S LIEN AND SUIT to enforce Lien within <b>180 days</b> of last furnishing. Filing a Lien requires filing a petition in court.

- For repairs to existing structures, the improvement must equal at least 15% of the structure's value for there to be Lien rights.
- For owner-occupied single family dwellings, the lien of a subcontractor shall not exceed the amount owed by the owner on the contract at the time notice is given.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Md. Code Ann., State Fin. &amp; Proc. § 17-101 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from acceptance of the project by the public entity.

- Projects in excess of \$100,000 require Payment Bonds.
- Federal Projects in Maryland--see section on [MILLER ACT BOND CLAIMS](#)

## MASSACHUSETTS

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Mass. Gen. Laws, Ch. 254 § 1 et seq.</b>
File PRELIMINARY NOTICE ( <i>Notice of Identification</i> ) within <b>30 days</b> of first furnishing. Notice of Completion, (2) <b>90 days</b> after Notice of Termination, (3) <b>90 days</b> after last furnishing by the general contractor or anyone claiming through him.
File MECHANIC'S LIEN ( <i>Statement of Account</i> ) within earliest of: (1) <b>90 days</b> after Notice of Completion, (2) <b>120 days</b> after Notice of Termination, (3) <b>120 days</b> after last furnishing by the general contractor or anyone claiming through him.
File SUIT to enforce Lien within <b>90 days</b> after recording Lien.

- If no Notice of Identification is sent, the Lien amount is limited to the amount owed by the general contractor to its subcontractor at the time the Lien is filed.
- Direct or Limited-Lien State, depending on whether Notice of Identification is sent.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Mass. Gen. Laws, Ch. 149 § 29 et seq.</b>
PRELIMINARY NOTICE within <b>20 days</b> of approval of the order.*
File BOND CLAIM within <b>65 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

- Projects in excess of \$5,000 require Payment Bonds.
- Federal Projects in Massachusetts--see section on [MILLER ACT BOND CLAIMS](#)
- \* This Notice secures your rights for specially fabricated material that has not been delivered to or incorporated into the project. You may still have rights even if this Notice is not provided.

## MICHIGAN

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>M.C.L.A. § 570.1101 <i>et seq.</i></b>
File PRELIMINARY NOTICE within <b>20 days</b> of first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> of last furnishing.
File SUIT to enforce Lien within <b>1 year</b> of recording Lien.

- Property owner is required to record a Notice of Commencement prior to the commencement of the improvement.
- A late Preliminary Notice will give Lien rights for furnishings made after the notice is served.
- Direct-Lien state if notice requirements are met.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>M.C.L.A. § 129.201 <i>et seq.</i></b>
File PRELIMINARY NOTICE within <b>30 days</b> of first furnishing.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of final payment to the principal contractor.

- Projects in excess of \$50,000 require Payment Bonds.
- The public unit must provide subcontractors with a certified copy of the Payment Bond upon request.
- Federal Projects in Michigan--see section on [MILLER ACT BOND CLAIMS](#)



## MINNESOTA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Minn. Stat. § 514.01 et seq.</b>
File PRELIMINARY NOTICE within <b>45 days</b> of first furnishing.
File MECHANIC'S LIEN within <b>120 days</b> of last furnishing.
File SUIT to enforce Lien within <b>1 year</b> from last furnishing.

- There are exceptions to the Preliminary Notice requirement. You may still have Lien rights if the notice has not been sent
- By Supreme Court opinion, the Lien law extends to subcontractors generally and their vendors, not just those who contract with the general contractor.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Minn. Stat. § 574.26 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>120 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

- Projects in excess of \$75,000 require Payment Bonds.
- Payments received for labor and materials supplied to a public project must be applied to the account for that public project.
- Federal Projects in Minnesota--see section on [MILLER ACT BOND CLAIMS](#)

## MISSISSIPPI

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <i>Miss. Code Ann. § 85-7-135 et seq.</i>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>12 months</b> of the date when payment became due and payable.
File SUIT to enforce Lien within <b>12 months</b> of the date when payment became due and payable.

- **Warning:** Liens run only in favor of parties who contract with the owner, i.e., remote material suppliers and subcontractors do not have Lien rights.
- Stop Notice rights are available to subcontractors and material suppliers who deal with the general contractor.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <i>Miss. Code Ann. § 31-5-51 et seq.</i>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

- Projects of \$25,000 or more require Payment Bonds. On projects less than \$25,000, the contractor can elect to take a lump-sum payment at completion of the project in lieu of posting a bond.
- Federal Projects in Mississippi--see section on [MILLER ACT BOND CLAIMS](#)

# MISSOURI

## PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Mo. Rev. Stat. § 429.010 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment. For equipment rental, PRELIMINARY NOTICE must be given within <b>5 business days</b> of first furnishing.
File MECHANIC'S LIEN within <b>6 months (60 days for equipment rental)</b> of last furnishing. Must file Notice of Intent at least <b>10 days</b> prior to filing Lien.
File SUIT to enforce Lien within <b>6 months</b> of Lien filing.

- Parties who contract directly with the owner must furnish a disclosure statement to the owner either (1) when the contract is executed, (2) when the material is delivered, (3) when the work is commenced, or (4) delivered with the first invoice.
- Subcontractors have no lien rights for repairs, remodeling, or additions to existing residential property, unless the owner gives written consent.
- Direct-Lien State.

## PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Mo. Rev. Stat. § 107.170 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within time <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>10 years</b> from last furnishing.

- Projects in excess of \$25,000 require Payment Bonds.
- Although state law does not provide a deadline, the terms of most Payment Bonds require filing Bond Claim within **90 days** of last furnishing.
- City of St. Louis ordinances require **90-day** Notice of Claim.
- Federal Projects in Missouri--see section on [MILLER ACT BOND CLAIMS](#)

## MONTANA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Mont. Code Ann. § 71-3-521 <i>et seq.</i></b>
File PRELIMINARY NOTICE within <b>20 days</b> of first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> after last furnishing.
File SUIT to enforce Lien within <b>2 years</b> from date of Lien filing.

- Late Preliminary Notice will cover furnishing made within 20 days prior to giving notice.
- A Lien cannot be filed before the claimant has substantially completed the contract.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Mont. Code Ann. § 18-2-201 <i>et seq.</i></b>
File PRELIMINARY NOTICE within <b>30 days</b> of first furnishing.
File BOND CLAIM within <b>90 days</b> after acceptance of the work by the public unit.
File SUIT to enforce Bond Claim as specified in Bond, e.g., within <b>1 year</b> from last furnishing.

- Projects of \$50,000 or more require Payment Bonds. For school districts the requirement is \$7,500 or more.
- Federal Projects in Montana--see section on [MILLER ACT BOND CLAIMS](#)

## NEBRASKA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <i>Neb. Rev. Stat. § 52-125 et seq.</i>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>120 days</b> of last furnishing.
File SUIT to enforce Lien within <b>2 years</b> of recording Lien.

- Suit deadline can be shortened to **30 days** from date claimant receives Notice to Commence Suit.
- On residential real estate, a Notice of Right to Assert Lien should be given to preserve lien rights against future payments by the owner.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <i>Neb. Rev. Stat. § 52-118 et seq.</i>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>4 months</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of final settlement of principal contract.

- Projects in excess of \$15,000 require Payment Bonds. For cities, counties, or school districts the threshold is \$5,000 or more.
- Federal Projects in Nebraska--see section on [MILLER ACT BOND CLAIMS](#)

## NEVADA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Nev. Rev. Stat. § 108.221 et seq.</b>
File PRELIMINARY NOTICE within <b>31 days</b> from first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> from last furnishing or <b>90 days</b> from completion of the improvement, whichever is later. However, if the Owner or General Contractor files a Notice of Completion, the Lien must be filed within <b>40 days</b> thereafter.
File SUIT to enforce Lien within <b>6 months</b> of recording Lien.

- Under Nevada law, every person who provides labor or material to an improvement has Lien rights, regardless of remoteness.
- A late Preliminary Notice can still provide protection for materials furnished within preceding 31 days and thereafter.
- On residential projects, a **15 day** notice of intent is required before recording a lien.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Nev. Rev. Stat. § 339.025 et seq.</b>
File PRELIMINARY NOTICE within <b>30 days</b> from first furnishing.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

- Projects in excess of \$100,000 require Payment Bonds.
- Federal Projects in Nevada--see section on [MILLER ACT BOND CLAIMS](#)

**NEW HAMPSHIRE**  
**PRIVATE PROJECTS**

<b>MECHANIC'S LIEN</b> <b>N.H. Rev. Stat. § 447:1 et seq.</b>
File PRELIMINARY NOTICE <b>before</b> furnishing and provide a NOTICE OF ACCOUNT every <b>30 days</b> thereafter. (Although statute provides this burdensome requirement, it does not appear to be utilized on a regular basis). Many creditors simply provide one Notice once furnishing is completed.
File MECHANIC'S LIEN within <b>120 days</b> of last furnishing. Filing Lien in New Hampshire requires filing suit.
SUIT deadline is same as Lien deadline.

- Notice may be given after materials are furnished, but the Lien will be valid only as to sums due to the original contractor at that time.
- New Hampshire law does not require that the labor or materials be supplied pursuant to a written contract.
- Suit must be filed and writ of attachment obtained to perfect lien.
- Limited-Lien State.

**PUBLIC PROJECTS**

<b>BOND CLAIM</b> <b>N.H. Rev. Stat. § 447:16 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> after entire project is completed and accepted.
File SUIT to enforce Bond Claim within <b>1 year</b> after filing.

*Continue →*

**MUNICIPAL MECHANIC'S LIEN**  
**N.H. Rev. Stat. § 447:15 *et seq.***

PRELIMINARY NOTICE not required by statute but recommended within **30 days** of first furnishing to encourage timely payment.

File MECHANIC'S LIEN within **90 days** of completion and acceptance of the entire project.

File SUIT to enforce Lien within **1 year** after filing.

- Projects in excess of \$25,000 require Payment Bonds.
- Federal Projects in New Hampshire--see section on [MILLER ACT BOND CLAIMS](#)



## NEW JERSEY

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>N.J. Stat. Ann. § 2A:44-1 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment. Creditor has option of also filing a Notice of Unpaid Balance (NUB).
File MECHANIC'S LIEN within <b>90 days</b> from last furnishing.
File SUIT to enforce Lien within <b>1 year</b> from last furnishing.

- Although the NUB is available by statute, it is rarely used as a practical matter. Most creditors simply file a Lien within 90 days of last furnishing.
- A written contract is required for there to be Lien rights; a signed purchase order will usually suffice.
- Suit deadline can be shortened to **30 days** from date claimant receives Notice to Commence Suit.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>N.J. Stat. Ann. § 2A:44-145 et seq.</b>
File PRELIMINARY NOTICE <b>prior to</b> commencing work.
File BOND CLAIM within <b>1 year</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

- Late Notice will only protect materials provided after service of notice.
- Suit on bond cannot be filed until 90 days after Bond Claim is served.

*Continue →*

**MUNICIPAL MECHANIC'S LIEN**  
**N.J. Stat. Ann. § 2:44-126 *et seq.***

File PRELIMINARY NOTICE within **20 days** from first furnishing.

File MECHANIC'S LIEN within **60 days** of completion and acceptance of the entire project.

File SUIT to enforce Lien within **60 days** of completion and acceptance of the entire project.

- Late Notice will only protect materials provided after such Notice.
- Federal Projects in New Jersey--see section on [MILLER ACT BOND CLAIMS](#)

## NEW MEXICO

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>N.M. Stat. Ann. § 48-2-1 et seq.</b>
File PRELIMINARY NOTICE within <b>60 days</b> of first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> after completion of the improvement.
File SUIT to enforce Lien within <b>2 years</b> from date of filing Lien.

- Preliminary Notice is not required for claims of \$5,000 or less.
- Late Preliminary Notice will cover furnishings made 30 days prior to such notice and thereafter.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>N.M. Stat. Ann. §13-4-18 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> after final settlement of public contract.

- Federal Projects in New Mexico--see section on [MILLER ACT BOND CLAIMS](#)

## NEW YORK

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>N.Y. Lien Law § 2 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>8 months</b> of last furnishing. However, we strongly recommend filing the Lien within <b>90 days</b> to induce payment and because New York is a Limited-Lien state.
File SUIT to enforce Lien within <b>1 year</b> from date of filing the Lien.

- Lien deadline is **4 months** from last furnishing for improvements to a single-family dwelling.
- The Lien may be extended for 1 year.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>N.Y. State Fin. Law § 137 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>120 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

**PUBLIC IMPROVEMENT LIEN**  
**N.Y. Lien Law § 5 *et seq.***

PRELIMINARY NOTICE not required by statute but recommended within **30 days** of first furnishing to encourage timely payment.

File PUBLIC IMPROVEMENT LIEN within **30 days** of completion and acceptance by the public authority.

File SUIT to enforce Lien within **1 year** of filing Lien.

- The Lien may be extended for 1 year.
- Federal Projects in New York--see section on [MILLER ACT BOND CLAIMS](#)

## NORTH CAROLINA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN (CLAIM OF LIEN &amp; LIEN ON FUNDS)</b> <b>N.C. Gen. Stat. § 44A-7 et seq.</b>
PRELIMINARY NOTICE ( <i>Notice to Lien Agent</i> ) within <b>15 days</b> of first furnishing.
PRELIMINARY NOTICE ( <i>Notice of Subcontract</i> ) should be filed as early as possible, either <b>before</b> first furnishing or shortly thereafter.
File MECHANIC'S LIEN ( <i>Claim of Lien</i> ) within <b>120 days</b> of last furnishing. Statute also allows for filing a Lien on Funds.
File SUIT to enforce Lien within <b>180 days</b> of last furnishing.

- Notice to Lien Agent required if estimated cost of project is more than \$30,000. The owner is required to provide you with the lien agent's contact information within **7 days** of receiving your written request.
- The general contractor can defeat second-tier and third-tier subcontractors' Lien rights by filing a Notice of Contract and by giving notice to lower-tier subcontractors within 5 days of payment. This procedure arose in response to the court decision in *Electric Supply Co. v. Swain Elec. Co.*
- A party who receives a Notice of Lien on Funds must withhold further payment or face personal liability to the lien claimant for the amount paid after notice.
- If General Contractors or Subcontractors provide False Lien Waivers, this may be punishable as a criminal misdemeanor, as well as subject the perpetrator to suspension of their license.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>N.C. Gen. Stat. § 44A-25 et seq.</b>
PRELIMINARY NOTICE ( <i>Notice of Public Subcontract</i> ) required within <b>75 days</b> of first furnishing (but recommended within <b>30 days</b> of first furnishing).
File BOND CLAIM within <b>120 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of last furnishing or <b>1 year</b> from final settlement with general contractor, whichever is later.

*Continue* →

## **NORTH CAROLINA (cont'd)**

- Preliminary Notice required on all Public projects more than \$20,000.
- General Contractor must furnish Project Statement and copy of Bond to Subcontractors and Suppliers within 7 days of written request.
- Federal Projects in North Carolina--see section on [MILLER ACT BOND CLAIMS](#)

## NORTH DAKOTA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>N.D. Cent. Code Ch. 35-27 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>90 days</b> of last furnishing. However, must file Notice of Intent <b>10 days</b> prior to filing Lien.
File SUIT to enforce Lien within <b>3 years</b> after filing Lien.

- Notice must be served on the owner **20 days** before filing suit on the Lien.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>N.D. Cent. Code Ch. 48-01 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of completion and acceptance of project.

- Federal Projects in North Dakota--see section on [MILLER ACT BOND CLAIMS](#)



# OHIO

## PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Ohio Rev. Code Ann. § 1311.01 et seq.</b>
File PRELIMINARY NOTICE ( <i>Notice of Furnishing</i> ) within <b>21 days</b> after first furnishing.
File MECHANIC'S LIEN within <b>75 days</b> of last furnishing; <b>60 days</b> for single- or double-family dwelling.
File SUIT to enforce Lien within <b>6 years</b> of filing Lien.

- If owner/general contractor fails to file Notice of Commencement or timely respond to request for same, the Preliminary Notice may not be required.
- A late Preliminary Notice will protect furnishings made 21 days prior to the Notice and thereafter. Preliminary Notice not required on Home Construction Contract.
- Suit deadline can be shortened to **60 days** from date claimant receives Notice to Commence Suit.
- Direct-Lien State.

## PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Ohio Rev. Code Ann. § 153.50 et seq.</b>
File PRELIMINARY NOTICE within <b>21 days</b> of first furnishing.
File BOND CLAIM within <b>90 days</b> of acceptance by the public entity.
File SUIT to enforce Bond Claim within <b>1 year</b> of acceptance by the public entity.

- Same Notice of Commencement/ Notice of Furnishing provisions as in Private Projects.
- Suit on the Bond cannot be filed until 60 days after the Bond Claim has been filed.

*Continue →*

**PUBLIC IMPROVEMENT LIEN**  
**Ohio Rev. Code Ann. § 1311.25 *et seq.***

File PRELIMINARY NOTICE within **21 days** of first furnishing.

File LIEN within **120 days** of last furnishing.

File SUIT to enforce PUBLIC IMPROVEMENT LIEN within **1 year** from date of filing Lien.

- Suit deadline can be shortened to **60 days** from date claimant receives Notice to Commence Suit.
- Federal Projects in Ohio--see section on [MILLER ACT BOND CLAIMS](#)

## OKLAHOMA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Okla. Stat. Tit. 42 § 141 <i>et seq.</i></b>
File PRELIMINARY NOTICE within <b>75 days</b> of first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> from last furnishing, if Material Supplier or Subcontractor. File MECHANIC'S LIEN within <b>4 months</b> of last furnishing if contracting directly with owner.
File SUIT to enforce Lien within <b>1 year</b> from filing of Lien.

- A Notice to Owner must be given prior to furnishing to perfect a lien against an owner-occupied dwelling. No preliminary notice is required on residential projects.
- Equipment lessors must file a Preliminary Notice within **5 days** of first furnishing; a Notice of Intent also must be filed at least **60 days** before lien filing.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Okla. Stat. Tit. 61 § 1 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of last furnishing.

- A party may have an enforceable Bond Claim, regardless of what tier it occupies in the construction chain.
- Federal Projects in Oklahoma--see section on [MILLER ACT BOND CLAIMS](#)

# OREGON

## PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Or. Rev. Stat. § 87.001 <i>et seq.</i></b>
File PRELIMINARY NOTICE within <b>8 days</b> from first furnishing.
File MECHANIC'S LIEN within <b>75 days</b> from last furnishing or <b>75 days</b> of completion of construction, <b>whichever comes first.</b>
File SUIT to enforce Lien within <b>120 days</b> after filing lien. Notice of Intent must be filed <b>10 days</b> prior to filing suit.

- A late Preliminary Notice protects furnishings made within **8 days** prior to notice and thereafter.
- Direct-Lien State.

## PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Or. Rev. Stat. § 279C.600 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>180 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>2 years</b> of last furnishing.

- A party may have an enforceable Bond Claim, regardless of what tier it occupies in the construction chain.
- Federal Projects in Oregon--see section on [MILLER ACT BOND CLAIMS](#)

## PENNSYLVANIA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>49 Pa. Stat. § 1101 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File NOTICE OF INTENT at least <b>30 days</b> prior to lien filing.
File MECHANIC'S LIEN within <b>6 months</b> of last furnishing.
File SUIT to enforce Lien within <b>2 years</b> form date of Lien filing.

- Lien rights extend to contractors, subcontractors, and those who contract with a subcontractor in direct privity with a contractor.
- No-lien contracts are unenforceable on non-residential projects unless a payment bond has been posted.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>62 Pa. Cons. Stat. § 101 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> after cause of action accrues.

- No suit can be filed until 90 days after last furnishing. This is the date when the cause of action accrues.
- Federal Projects in Pennsylvania--see section on [MILLER ACT BOND CLAIMS](#)

## RHODE ISLAND

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>R.I. Gen. Laws Tit. 34 Ch. 28 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN ( <i>Notice of Intention</i> ) within <b>200 days</b> from last furnishing.
File SUIT to enforce Lien within <b>40 days</b> of filing Lien.

- The Lien covers the value of work or materials furnished during the 200-day period prior to filing the lien and thereafter.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>R.I. Gen. Laws Tit. 37 Chs. 12 &amp; 13 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>2 years</b> after last furnishing.

- A supplemental remedy may allow pursuit of Bond Claims without compliance with the 90-day notice provision.
- Federal Projects in Rhode Island--see section on [MILLER ACT BOND CLAIMS](#)

## SOUTH CAROLINA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>S.C. Code Ann. § 29-5-10 et seq.</b>
PRELIMINARY NOTICE may be given at any time, but recommended within <b>30 days</b> of first furnishing to encourage timely payment and fully protect lien rights.
File MECHANIC'S LIEN within <b>90 days</b> from last furnishing.
File SUIT to enforce Lien within <b>6 months</b> from last furnishing.

- Until Preliminary Notice is filed, payments made to a subcontractor provide a defense to the general contractor on a Mechanic's Lien claim.
- South Carolina courts hold that an award of attorney fees and costs by the prevailing party is mandatory in a suit to enforce a Lien.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>S.C. Code Ann. § 11-35-10 et seq.</b>
PRELIMINARY NOTICE may be given at any time, but recommended within <b>30 days</b> of first furnishing to encourage timely payment and fully protect bond rights.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of last furnishing.

- Until Preliminary Notice is filed, payments made to a subcontractor provide a defense to the general contractor on a Payment Bond claim.
- Sureties are required to investigate and pay valid claims.
- Federal Projects in South Carolina--see section on [MILLER ACT BOND CLAIMS](#)

## SOUTH DAKOTA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>S.D. Codified Laws Ch. 44-9 <i>et seq.</i></b>
PRELIMINARY NOTICE may be given at any time, but recommended within <b>30 days</b> of first furnishing to encourage timely payment and fully protect lien rights.
File NOTICE OF INTENT within <b>60 days</b> of last furnishing.
File MECHANIC'S LIEN within <b>120 days</b> of last furnishing.
File SUIT to enforce Lien within <b>6 years</b> after last furnishing.

- Serving a Notice to Owner traps funds due to general contractor at the time of the notice.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>S.D. Codified Laws ' 5-21-1 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT within <b>1 year</b> from completion and final settlement of the public contract.

- Although state law does not provide a deadline, the terms of most Payment Bonds require filing Bond Claim within **90 days** of last furnishing.
- Suit can be filed against public entity which fails to require a Payment Bond; action must be brought within **90 days** of acceptance of the public work.
- Federal Projects in South Dakota--see Section on [MILLER ACT BOND CLAIMS](#)



**PUBLIC IMROVEMENT LIEN**  
**S.D. Codified Laws Ch. 5-22**

File PUBLIC IMROVEMENT LIEN within **20 days** of first furnishing.

File SUIT within **30 days** from acceptance of the public work.

- A lien may be effective if filed beyond the 20 day period, but only up to the amount unpaid on the public contract.
- Federal Projects in South Dakota – see Section on [MILLER ACT BOND CLAIMS](#)

## TENNESSEE

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Tenn. Code Ann. § 66-11-101 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File NOTICE OF INTENT within <b>90 days</b> of the last day of each month in which materials/labor were provided.
File MECHANIC'S LIEN within <b>90 days</b> of completion of improvement or <b>90 days</b> from last furnishing.
File SUIT to enforce Lien within <b>90 days</b> of Lien filing.

- Notice of Intent must be given to cover each month in which materials/labor are provided. Thus, this may be a "continuous-notice" state.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Tenn. Code Ann. § 12-4-201 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>6 months</b> after (1) completion of the public work, or (2) completion of claimant's furnishing.

- Claimant can pursue suit on bond and file claim with State of Tennessee against retainages.
- Federal Projects in Tennessee--see section on [MILLER ACT BOND CLAIMS](#)

## TEXAS

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Tex. Prop. Code Ch. 53 <i>et seq.</i></b>
File PRELIMINARY NOTICE by <b>15th day</b> of the second month following <u>each</u> month's furnishing. Thus, multiple notices may be required.
File MECHANIC'S LIEN by <b>15th day</b> of the fourth month after materials/labor were last furnished. On <u>residential construction projects</u> , the lien must be filed <b>15th day</b> of the third month after materials/labor were last furnished.
File SUIT to enforce Lien within <b>2 years</b> from lien filing deadline or within <b>1 year</b> after completion of the original contract under which lien is claimed, whichever is later.

- Preliminary Notice can also trap funds owing to general contractor by owner.
- Contractually agreed retainage is considered an unpaid amount for the purposes of the statute and must be noticed in the same manner as amounts due and unpaid unless notice of a retainage agreement is provided to the owner in the early stages of the project.
- Owner or contractor can post bond which will relieve property from Liens. Following the Lien filing procedures will perfect a claim on such bond.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Tex. Gov. Code Art. 2253 <i>et seq.</i></b>
File PRELIMINARY NOTICE by the <b>15th day</b> of the second month following <u>each</u> month's furnishing. Thus, multiple notices may be required.
File BOND CLAIM by the <b>15th day</b> of the third month following <u>each</u> month's furnishing. Thus, multiple notices may be required.
File SUIT within <b>1 year</b> after the filing of a claim.

- Federal Projects in Texas--see section on [MILLER ACT BOND CLAIMS](#)

# UTAH

## PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Utah Code Ann. § 38-1-1 et seq.</b>
File PRELIMINARY NOTICE within the later of <b>20 days</b> after the filing of a Notice of Commencement or <b>20 days</b> after first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> from last furnishing <u>or</u> completion of the general contract.
File SUIT to enforce Lien within <b>180 days</b> from the filing of the lien.

- Late Preliminary Notice becomes effective 5 days after it is filed, for materials furnished thereafter.
- Utah law requires bonds on private projects subject to the same notice provisions applicable to Mechanic's Liens.
- Limited-Lien State.

## PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Utah Code Ann. § 14-1-18 et seq.</b>
File PRELIMINARY NOTICE within the later of <b>20 days</b> after the filing of a Notice of Commencement or <b>20 days</b> after first furnishing.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> after last furnishing.

- Late Preliminary Notice becomes effective 5 days after it is filed, for materials furnished thereafter.
- Although state law does not provide a deadline, the terms of most Payment Bonds require filing Bond Claim within **90 days** of last furnishing.
- Federal Projects in Utah--see section on [MILLER ACT BOND CLAIMS](#)

## VERMONT

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Vt. Stat. Ann. Tit. 9 § 1921 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>180 days</b> from last furnishing.
File SUIT to enforce Lien with <b>180 days</b> of filing Lien, or <b>180 days</b> from date payment due, whichever is later.

- A Notice of Intent may be provided at any time, and will establish the amount of funds available to the claimant as of the date of notice.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Vt. Stat. Ann. Tit. 19 § 10 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> after final acceptance of the project.
File SUIT to enforce Bond Claim within <b>1 year</b> of filing claim.

- Bonds are required by law only for Agency of Transportation contracts. However, most public agencies require contractors to post Payment Bonds.
- Federal Projects in Vermont--see section on [MILLER ACT BOND CLAIMS](#)

# VIRGINIA

## PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Va. Code Ann. § 43-1 et seq.</b>
PRELIMINARY NOTICE may be given at any time, but recommended within <b>30 days</b> of first furnishing to encourage timely payment and fully protect lien rights.
NOTICE OF INTENTION may be given no later than <b>30 days</b> after completion of the project.
File MECHANIC'S LIEN within <b>90 days</b> from the last day of the month in which last furnishing occurred but not later than <b>90 days</b> from completion of the project.
File SUIT to enforce Lien within <b>6 months</b> from filing Lien <u>or</u> <b>60 days</b> from completion of the project, whichever is later.

- Statute attaches personal liability on owner and general contractor if the above two notices are given. Liability is limited to the unpaid balance. Frequently a "Non-statutory" notice is given in lieu of these more formal statutory notices.
- On residential projects, a preliminary notice within **30 days** of first furnishing may be required.
- There is a **150-day** "reach-back" provision, i.e., you cannot include sums due for material/labor furnished more than **150 days** prior to the lien date, except for 10% retainage.
- Limited-Lien State.

## PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Va. Code Ann. § 2.2-4341 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

- Virginia law requires payment bonds to be posted for projects exceeding **\$500,000**.
- Claimant must wait **90 days** from last furnishing before filing suit.
- Federal Projects in Virginia--see section on [MILLER ACT BOND CLAIMS](#)

**WASHINGTON**  
**PRIVATE PROJECTS**

<b>MECHANIC'S LIEN</b> <b>Wash. Rev. Code Ch. 60.04 et seq.</b>
File PRELIMINARY NOTICE within <b>60 days</b> ( <b>10 days</b> on residential projects) from first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> from last furnishing.
File SUIT to enforce Lien within <b>8 months</b> of recording the Lien.

- Preliminary notices reach back 60 days (10 days on residential projects) so a late notice can still be effective.
- Attorney fees and costs are awarded to the prevailing party in a Lien suit.
- Direct-Lien State.

**PUBLIC PROJECTS**

<b>BOND CLAIM</b> <b>Wash. Rev. Code Ch. 39.08 et seq.</b>
File PRELIMINARY NOTICE within <b>10 days</b> from first furnishing.
File BOND CLAIM within <b>30 days</b> of completion and acceptance of the project.
File SUIT to enforce Bond Claim within <b>4 months</b> of filing claim.

- Washington law requires public bodies to retain 5% of progress payments.

<b>PUBLIC IMPROVEMENT LIEN</b> <b>Wash. Rev. Code Ch. 60.28 et seq.</b>
File PRELIMINARY NOTICE within 60 days from first furnishing.
File PUBLIC IMPROVEMENT LIEN within <b>45 days</b> after completion of the original contract.
File SUIT to enforce Public Improvement Lien within <b>4 months</b> of filing claim.

- Federal Projects in Washington--see section on [MILLER ACT BOND CLAIMS](#)

## WEST VIRGINIA

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>W. Va. Code § 38-2-1 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File INTENT TO LIEN within <b>100 days</b> of last furnishing.
File MECHANIC'S LIEN within <b>100 days</b> from last furnishing.
File SUIT to enforce Lien within <b>6 months</b> after Lien is filed.

- Owner may demand itemized statement of materials/labor furnished. Lien claimant must respond within **10 days** or Lien is forfeited.
- Limited-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>W. Va. Code § 38-2-1 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

- Although state law does not provide a deadline, the terms of most Payment Bonds require filing Bond Claim within **90 days** of last furnishing.
- Federal Projects in West Virginia--see section on [MILLER ACT BOND CLAIMS](#)



## WISCONSIN

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Wis. Stat. § 779.01 et seq.</b>
File PRELIMINARY NOTICE within <b>60 days</b> from first furnishing.
File NOTICE OF INTENT within <b>5 months</b> of last furnishing.
File MECHANIC'S LIEN within <b>6 months</b> from last furnishing.
File SUIT to enforce Lien within <b>2 years</b> of Lien filing.

- There is a 30-day waiting period between filing the Notice of Intent and the Lien.
- Direct-Lien State.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Wis. Stat. § 779.1 et seq.</b>
File PRELIMINARY NOTICE within <b>60 days</b> from first furnishing.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT within <b>1 year</b> from completion of job.

- Although state law does not provide a deadline, the terms of most Payment Bonds require filing Bond Claim within **90 days** of last furnishing.

<b>LIEN ON NPAID PUBLIC FUNDS</b> <b>Wis. Stat. § 779.15 et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File LIEN <b>before owner pays</b> funds to prime contractor.
File SUIT within <b>3 months</b> of filing Lien.

- City of Milwaukee requires filing claim within **20 days** of last furnishing.
- Federal Projects in Wisconsin--see section on [MILLER ACT BOND CLAIMS](#)

## WYOMING

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN</b> <b>Wyo. Stat. Ann. §29-1-201 et seq.</b>
File PRELIMINARY NOTICE within <b>60 days</b> from first furnishing.
File MECHANIC'S LIEN within <b>90 days</b> from last furnishing. Notice of Intent must be filed <b>10 days</b> prior to filing Lien.
File SUIT to enforce Lien within <b>180 days</b> from Lien filing.

- On residential projects, an additional notice is required within **30 days** from first furnishing.
- Foreclosure is allowed on a leasehold interest.
- Direct-Lien state.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>Wyo. Stat. Ann. §16-6-112 et seq.</b>
File PRELIMINARY NOTICE within <b>60 days</b> from first furnishing.
File BOND CLAIM within <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> of final payment on the original contract.

- Although state law does not provide a deadline, the terms of most Payment Bonds require filing Bond Claim within **90 days** of last furnishing.
- Federal Projects in Wyoming--see section on [MILLER ACT BOND CLAIMS](#)

# MILLER ACT BOND CLAIMS

## FEDERAL PROJECTS

<b>BOND CLAIM</b> <b>40 U.S.C. § 270a et seq.</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> from last furnishing
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

- Payment bonds are required for all Federal construction projects regardless of the prime contract's value.
- The payment bond amount must be equal to the total amount payable under the prime contract's terms.
- If furnishing to the General Contractor, 90-day notice requirement may be waived.

## ALBERTA

<b>MECHANIC'S LIEN RSA BUILDERS' LIEN ACT Chapter B -7</b>
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PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
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File MECHANIC'S LIEN within <b>45 days</b> of last furnishing.
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File SUIT to enforce Lien within <b>180 days</b> from the date the Lien is filed.
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- Canada's Lien Laws, unlike those in the United States, permit Liens to be filed against Crown (public) property. The same basic deadlines and procedures apply to Liens against Crown property. Payment bonds are not required by law, although they are commonly required by the contracting parties. If a bond exists, the terms of the bond regarding notice and suit deadlines will govern.

## BRITISH COLUMBIA

<b>MECHANIC'S LIEN SBC Ch. 45 Builders Lien Act</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>45 days</b> of completion of project.
File SUIT to enforce Lien within <b>1 year</b> from the date the Lien is filed.

- Canada's Lien Laws, unlike those in the United States, permit Liens to be filed against Crown (public) property. The same basic deadlines and procedures apply to Liens against Crown property. Payment bonds are not required by law, although they are commonly required by the contracting parties. If a bond exists, the terms of the bond regarding notice and suit deadlines will govern.

## MANITOBA

<b>MECHANIC'S LIEN CCSM Builders' Liens Act c. B91</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>40 days</b> of last furnishing.
File SUIT to enforce Lien within <b>2 years</b> from the date the Lien is filed.

- Canada's Lien Laws, unlike those in the United States, permit Liens to be filed against Crown (public) property. The same basic deadlines and procedures apply to Liens against Crown property. Payment bonds are not required by law, although they are commonly required by the contracting parties. If a bond exists, the terms of the bond regarding notice and suit deadlines will govern.

## NEW BRUNSWICK

<b>MECHANIC'S LIEN NB Acts Ch. M-6</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>60 days</b> of last furnishing.
File SUIT to enforce Lien within <b>90 days</b> from the date the Lien is filed.

- Canada's Lien Laws, unlike those in the United States, permit Liens to be filed against Crown (public) property. The same basic deadlines and procedures apply to Liens against Crown property. Payment bonds are not required by law, although they are commonly required by the contracting parties. If a bond exists, the terms of the bond regarding notice and suit deadlines will govern.

## NEWFOUNDLAND

<b>MECHANIC'S LIEN RSNL1990 CHAPTER M-3</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>30 days</b> of last furnishing.
File SUIT to enforce Lien within <b>90 days</b> from last furnishing.

- Canada's Lien Laws, unlike those in the United States, permit Liens to be filed against Crown (public) property. The same basic deadlines and procedures apply to Liens against Crown property. Payment bonds are not required by law, although they are commonly required by the contracting parties. If a bond exists, the terms of the bond regarding notice and suit deadlines will govern.



## NORTHWEST TERRITORIES

<b>MECHANIC'S LIEN R.S.N.W.T. 1988, c. M-7</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>45 days</b> of last furnishing.
File SUIT to enforce Lien within <b>90 days</b> from last furnishing.

- Canada's Lien Laws, unlike those in the United States, permit Liens to be filed against Crown (public) property. The same basic deadlines and procedures apply to Liens against Crown property. Payment bonds are not required by law, although they are commonly required by the contracting parties. If a bond exists, the terms of the bond regarding notice and suit deadlines will govern.

## NOVA SCOTIA

<b>MECHANIC'S LIEN R.S., c. 277, s. 1 <i>et seq.</i></b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>60 days</b> of last furnishing.
File SUIT to enforce Lien within <b>105 days</b> from last furnishing.

- Canada's Lien Laws, unlike those in the United States, permit Liens to be filed against Crown (public) property. The same basic deadlines and procedures apply to Liens against Crown property. Payment bonds are not required by law, although they are commonly required by the contracting parties. If a bond exists, the terms of the bond regarding notice and suit deadlines will govern.

## ONTARIO

<b>MECHANIC'S LIEN R.S.O. 1990, CHAPTER C.30</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>45 days</b> of last furnishing.
File SUIT to enforce Lien within <b>90 days</b> from last furnishing.

- Canada's Lien Laws, unlike those in the United States, permit Liens to be filed against Crown (public) property. The same basic deadlines and procedures apply to Liens against Crown property. Payment bonds are not required by law, although they are commonly required by the contracting parties. If a bond exists, the terms of the bond regarding notice and suit deadlines will govern.

## PRINCE EDWARD ISLAND

MECHANIC'S LIEN R.S.P.E.I. 1988, M-4
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>60 days</b> of last furnishing.
File SUIT to enforce Lien within <b>90 days</b> from filing of mechanic's lien.

- Canada's Lien Laws, unlike those in the United States, permit Liens to be filed against Crown (public) property. The same basic deadlines and procedures apply to Liens against Crown property. Payment bonds are not required by law, although they are commonly required by the contracting parties. If a bond exists, the terms of the bond regarding notice and suit deadlines will govern.

## QUEBEC

<b>MECHANIC'S LIEN R.S.Q., c. B-1.1</b>
File PRELIMINARY NOTICE <b>before first furnishing.</b>
File MECHANIC'S LIEN within <b>30 days</b> from completion of work.
File SUIT to enforce Lien within <b>6 months</b> from completion of work.

- For those who do not contract with the owner, lien is limited to work done after notice to owner.
- Canada's Lien Laws, unlike those in the United States, permit Liens to be filed against Crown (public) property. The same basic deadlines and procedures apply to Liens against Crown property. Payment bonds are not required by law, although they are commonly required by the contracting parties. If a bond exists, the terms of the bond regarding notice and suit deadlines will govern.

## SASKATCHEWAN

<b>MECHANIC'S LIEN</b> <b>Statutes of Saskatchewan Chapter B-7.1</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN within <b>40 days</b> of last furnishing.
File SUIT to enforce Lien within <b>180 days</b> from the date the Lien is filed.

- Canada's Lien Laws, unlike those in the United States, permit Liens to be filed against Crown (public) property. The same basic deadlines and procedures apply to Liens against Crown property. Payment bonds are not required by law, although they are commonly required by the contracting parties. If a bond exists, the terms of the bond regarding notice and suit deadlines will govern.

## PUERTO RICO

### PRIVATE PROJECTS

<b>BOND CLAIM</b> <b>P.R. Laws Ann. Tit. 29 §195</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>1 year</b> from last furnishing.

- There is no right to a Mechanic's Lien in Puerto Rico.
- Suppliers and materialmen who contract directly with the prime contractor have a direct cause of action against the property owner for amounts owed, up to the amount owed by the property owner to the prime contractor.

### PUBLIC PROJECTS

<b>BOND CLAIM</b> <b>P.R. Laws Ann. Tit. 22 § 47</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM within <b>90 days</b> of last furnishing.
File SUIT to enforce Bond Claim within <b>6 months</b> from final acceptance.

- Federal Projects in Puerto Rico--see section on [MILLER ACT BOND CLAIMS](#)

## VIRGIN ISLANDS

### PRIVATE PROJECTS

<b>MECHANIC'S LIEN 28 V.I.C. CH. 12</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File MECHANIC'S LIEN <b>90 days</b> from last furnishing.
File SUIT to enforce Lien <b>90 days</b> from filing of lien.

### PUBLIC PROJECTS

<b>BOND CLAIM</b>
PRELIMINARY NOTICE not required by statute but recommended within <b>30 days</b> of first furnishing to encourage timely payment.
File BOND CLAIM <b>90 days</b> from last furnishing.
File SUIT to enforce Bond Claim <b>1 year</b> from last furnishing.

- Federal Projects in Virgin Islands--see section on [MILLER ACT BOND CLAIMS](#)



## GLOSSARY

**BOND CLAIM** Written notice to the payment bond surety from a subcontractor, supplier or materialman, advising that the claimant has not been paid, and which perfects the claimant's right to sue on the bond.

**BONDING-OFF LIEN** This refers to the filing of a surety bond as security in place of the property or contract funds against which the lien initially attaches. After a proper bond is filed, the lien is considered "discharged"; it will no longer act as a cloud on the title to the property nor will it continue to hold up further project payments. However, the lien is still enforceable against the contractor and the bond, and it may be foreclosed on by the lienor.

**COMPLETION AND ACCEPTANCE** Date when project is substantially completed, such that it may be occupied for its intended use, and accepted by the owner as complete in accordance with the contract.

**DIRECT LIEN** A mechanic's lien which is enforceable against the owner's real property, even if the owner has paid the contractor in full. It must be noted that all statutory notice and filing requirements must be strictly adhered to. Certain states may offer owners other defenses to double liability; this must be examined on a case-by-case basis.

**ET SEQ** The abbreviation for the Latin phrase *et sequentes* meaning "and the following." It is commonly used by lawyers to include numbered lists, pages or sections after the first number is stated.

**FEDERAL PROJECT** Construction, alteration or repair of any public building or public work of the United States.

**FINAL SETTLEMENT** Payment by the owner of the remaining contract balance as adjusted by change orders.

**FIRST FURNISHING** Date when labor or materials are first provided or delivered to the project.

**GENERAL CONTRACTOR** One who contracts directly with the owner for construction of an improvement. Also referred to as *principal contractor*, *prime contractor*, or *original contractor*.

**INTENT TO LIEN** Notice to the owner that a mechanics' lien is about to be filed against their property.

**LAST FURNISHING** Date when labor or materials are last provided or delivered to the project.

**LIEN ON FUNDS** A lien enforceable against unpaid project funds in the hands of the public entity which contracted for the construction project.

**LIMITED LIEN** A lien enforceable against the owner's real property to the extent of the unpaid balance of contract funds due from the owner to the general contractor at the time notice of the lien is given. This lien may also be limited by the balance of funds due from the general contractor to the subcontractor.

**MATERIALMAN** One who furnishes only materials for the improvement under the contract with the owner, and who performs no labor in their installation. Also referred to as *material supplier*.

**MECHANIC'S LIEN** A right enforceable against the owner's real property improved by the labor and materials furnished under the construction contract, to secure payment. Also referred to as *construction lien, materialman's lien, affidavit of lien, or notice of lien*.

**MILLER ACT** Federal statute requiring contractors to post payment bonds on federal projects.

**NO-LIEN CONTRACT** Contract between the owner and general contractor which waives the right to file mechanics' liens against the project.

**NOTICE OF COMMENCEMENT** Document required to be recorded by the owner at the commencement of construction, listing basic project information.

**NOTICE OF COMPLETION** Document required to be recorded by the owner at completion of construction.

**NOTICE OF INTENT** Notice to the owner that a mechanics' lien is about to be filed against the project.

**PAY-WHEN-PAID CLAUSE** Provision in contract between prime contractor and subcontractor or materialman which states that the general contractor is not obligated to pay subcontractor or materialman until it receives payment from owner. Shifts risk of owner's non-payment from general contractor to subcontractor or materialman.

**PAYMENT BOND** Contractor's bond whereby a surety guarantees to the owner that providers of materials and labor will be paid. Claimants are those who contract with the contractor or a subcontractor.

**PRELIMINARY NOTICE** Notice given to the owner and general contractor by subcontractors and material suppliers, advising they are contributing to the project. This notice is usually a pre-requisite to preserving lien and/or bond rights. Also referred to as *notice of furnishing, notice to owner, or notice to contractor*.

This Notice is generally required by state statute. However, providing a "Non-statutory" Notice in states where it is not required is very useful to notify parties you are on the job and expect to be paid.

**PRIVATE PROJECT** Construction, alteration or repair of a privately owned building or other improvement.

**PROMPT-PAYMENT LAW** Statute which requires contractors and subcontractors who receive payment for work on a construction project to make payment to their subcontractors and vendors within a specified time, and imposing penalties for failure to do so.

## GLOSSARY

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**PUBLIC PROJECT** Construction, alteration or repair of any public building or public work of a state or any of its subdivisions.

**SPECIALLY-FABRICATED MATERIALS** Materials manufactured according to project specifications, such as to have no substantial value for any other purpose.

**STOP NOTICE** Notice given to the project owner requiring them to withhold an amount sufficient to pay the claimant's balance from unpaid contract funds.

**SUBCONTRACTOR** One who contracts directly with the general contractor to provide materials and labor.

**TRUST-FUND THEORY** As provided by various state statutes, money paid by the project owner to the contractor, or by the contractor to a subcontractor, is held in trust for payment of lower-tier providers.