

Mechanic's Lien & Suit Deadlines for Private Commercial and Residential Projects



- **Serve applicable preliminary notices in accordance with statute**
- **Keep all project documentation in a central location (e.g. invoices, delivery tickets, statement of account etc.)**
- **File the lien and serve a copy upon on parties if you remain unpaid**
- **Ensure you are authorized to execute the lien & confirm it has been properly notarized before recording**
- **Carefully comply with statutory requirements**

What is a Mechanics Lien

It is a lien against real property by one providing materials or services to the project.

Each state in the U.S., the U.S. Possessions and the Canadian provinces have laws in place to protect companies that supply materials/services to the permanent improvement of a property. However, contractors and suppliers must strictly adhere to the rules set forth in the statute in order to perfect their security, including properly serving a preliminary notice where required.

What Information Is Included in a Lien

The lien filing may include the legal description of the property, the project owner's information (including the information of an agent or someone acting on behalf of the owner), the general contractor's information, the lender's information, the surety information, a description of the materials and/or services provided & when they were provided, claim & contract amounts and potentially additional parties of interest.

Who Should Receive the Lien

Generally, the lien should be served upon the owner and general contractor; however, it is recommended to serve a copy on all parties involved. The more people that know you have not been paid, the more pressure these people will put on the appropriate party to encourage payment.

When Should You File the Lien

Lien deadlines will vary by state, though are often calculated from the date of last furnishing or project completion.

Once you have confirmed the deadline, don't wait until the last minute to file the lien. Various factors (inclement weather, county closures, state holidays and the wait times for document recording, etc.) can cause major delays in recording. When unforeseen circumstances arise, other methods of service may be required, which can be costly.



Full vs. Unpaid Balance Lien

In a Full Balance Lien State, the lien is generally enforceable for the full amount owed, regardless of payments made by the owner. An Unpaid Balance Lien State protects the owner from having to pay twice for materials and labor provided to their construction project. When your lien is limited to the unpaid portion of the general contract, it is critical to file the lien as soon as possible, so that it is filed prior to the owner paying the prime contractor.

Residential vs. Commercial

17 states have separate requirements specific to residential projects. The differing requirements could vary from a type of preliminary notice, a shortened deadline, or even limited rights based on who you sold to.

Lien on Leasehold

When a lessee/tenant contracts for an improvement on real property, the mechanic's lien may be available against the property, the leasehold interest of the lessee/tenant, or both. When contracting with the fee simple owner of the real property, the mechanic's lien attaches to the property itself.





This is designed to provide a quick comparison of the notice requirements by state and does not address all variables. It is provided with the understanding that the publisher is not engaged in rendering legal advice. Action required in perfecting a claim varies from state to state and from case to case. NCS recommends retaining an attorney for each case.

Keywords

- **Acceptance:** An official act where entry is made in government records that a public work under contract is completed and accepted
- **Mechanic's Lien:** A lien against real property by one providing materials or services to the project
- **Completion:** Date of fulfillment of prime contract for work of improvement
- **First Furnishing:** Date on which claimant first provides materials or performs services on project
- **Last Furnishing:** Date on which claimant last substantially furnishes materials or performs services on project (Generally, punch list work, warranty, or remediation will not extend the last furnishing date.)
- **Suit:** An action in a court of law to enforce a claim

State	File Mechanic's Lien	File Suit to Enforce Lien
Alabama	contract with prime contractor or subcontractor: within 4 months from last furnishing contract with owner: within 6 months from last furnishing	within 6 months from the date the debt became due
Alaska	within 120 days from last furnishing and within 15 days from notice of completion	within 6 months from filing the lien
Arizona	within 120 days from completion or 60 days from notice of completion	within 6 months from filing the lien
Arkansas	notice: at least 10 days prior to lien lien: within 120 days after last furnishing	within 15 months from filing the lien
California	prime contractor: within 60 days from notice of completion OR within 90 days from completion with no notice of completion subcontractors and material suppliers: after last furnishing and within 30 days from notice of completion OR within 90 days from completion with no notice of completion	within 90 days from filing the lien
Colorado	commercial notice: at least 10 days prior to filing lien lien: within 4 months from last furnishing residential notice: at least 10 days prior to filing lien lien: to encumber interest of bona fide purchaser, file lien within 2 months of completion	within 6 months from last furnishing or within 6 months from completion of the project, whichever is later
Connecticut	within 90 days from last furnishing	within 1 year from filing the lien





State	File Mechanic's Lien	File Suit to Enforce Lien
Delaware	lien is suit contractors contacting with owner: within 180 days from completion; all others: within 120 days from last furnishing	
District of Columbia	within 90 days from the earlier of completion or termination	within 180 days from filing the lien
Florida	within 90 days from last furnishing	within 1 year from filing the lien (a prime contractor contracting directly with the owner must serve a final payment affidavit at least 5 days prior to filing suit)
Georgia	within 90 days after last furnishing	within 365 days from filing the lien
Hawaii	lien is suit file suit within 45 days after a notice of completion is filed; if no notice of completion is filed, file suit within 1 year after completion of the improvement	
Idaho	within 90 days after last furnishing	within 6 months from filing the lien
Illinois	serve copy of lien within 90 days after last furnishing; file lien within 4 months after last furnishing	within 2 years from last furnishing
Indiana	commercial: within 90 days from last furnishing residential: within 60 days from last furnishing	within 1 year from filing the lien
Iowa	within 90 days from last furnishing	post suit within 2 years from the 90-day lien filing period
Kansas	prime contractors: within 4 months from last furnishing subcontractors and material suppliers: within 3 months from last furnishing	within 1 year from filing the lien or if a promissory note was attached to the lien in lieu of a statement, within 1 year from the maturity date of the promissory note
Kentucky	within 6 months from last furnishing	within 12 months from filing the lien
Louisiana	as early as within 30 days after notice of termination	within 1 year from filing the lien
Maine	within 90 days from last furnishing	within 120 days from last furnishing





State	File Mechanic's Lien	File Suit to Enforce Lien
Maryland	lien is suit file suit within 180 days after last furnishing	
Massachusetts	notice of contract: file a notice of contract as early as possible after the execution of your written contract statement of account: file a statement of account no later than the earliest of 90 days from the recording of a notice of substantial completion, 120 days from the recording of a notice of termination, or 120 days from the last furnishing by the prime contractor or the subcontractor	within 90 days from filing the statement of account
Michigan	within 90 days from last furnishing	within 1 year from filing lien
Minnesota	within 120 days from last furnishing	within 1 year from last furnishing
Mississippi	commercial: within 90 days from last furnishing residential: serve notice upon owner at least 10 days prior to filing lien; file lien within 90 days from last furnishing	within 180 days from filing the lien, and within 90 days from the filing of a Notice of Contest of Lien
Missouri	notice: at least 10 days prior to filing lien lien: within 6 months after indebtedness accrues	within 6 months from filing the lien
Montana	within 90 days from last furnishing and within 90 days from notice of completion	within 2 years from filing the lien
Nebraska	within 120 days from last furnishing	within 2 years from filing the lien
Nevada	commercial: within 90 days from last furnishing or completion residential: serve notice within the lien filing period and at least 15 days prior to filing the lien; file lien within 90 days from last furnishing or completion	within 6 months from filing the lien
New Hampshire	lien is suit file suit within 120 days from last furnishing	





State	File Mechanic's Lien	File Suit to Enforce Lien
New Jersey	commercial: within 90 days from last furnishing residential: within 120 days from last furnishing, but within 10 days from arbitrator's determination	within 1 year from last furnishing
New Mexico	Contract with prime contractor or subcontractor: within 90 days from completion Contract with owner: within 120 days from completion	within 2 years from filing the lien
New York	commercial: within 8 months from last furnishing residential: within 4 months from last furnishing	within 1 year from the date the lien was filed
North Carolina	within 120 days from last furnishing	within 180 days from last furnishing
North Dakota	notice: 10 days prior to lien lien: within 90 days from last furnishing	within 3 years from filing the lien (with notice being served at least 10 to 20 days prior to commencing suit)
Ohio	commercial: within 75 days from last furnishing residential: within 60 days from last furnishing	within 6 years from filing the lien
Oklahoma	contract with prime contractor or subcontractor: within 90 days from last furnishing contract with owner: within 4 months from last furnishing	within 1 year from filing the lien
Oregon	within 75 days from last furnishing or within 75 days from completion, whichever is earlier	within 120 days from filing the lien (with notice served at least 10 days prior to commencing suit)
Pennsylvania	notice: after last furnishing and at least 30 days prior to filing lien lien: within 6 months after last furnishing	within 2 years from filing the lien
Rhode Island	within 200 days from first furnishing	within 40 days from filing the lien





State	File Mechanic's Lien	File Suit to Enforce Lien
South Carolina	within 90 days from last furnishing	within 6 months from last furnishing
South Dakota	within 120 days after last furnishing	within 6 years from last furnishing
Tennessee	contract with prime or subcontractor: within 90 days after completion or within 30 days from notice of completion contractors contracting with owner: within 30 days from notice of completion	within 90 days from the date the lien is served upon the owner (when contracting directly with the owner, within 1 year from completion or abandonment of the project)
Texas	commercial: by the 15th day of the 4th month following the last month of furnishing residential: by the 15th day of the 3rd month following the last month of furnishing	within 2 years from the lien deadline OR within 1 year after completion of the original contract , whichever is later (residential: within 1 year from filing the lien or completion, whichever is later)
Utah	within 90 days from notice of completion or within 180 days from final completion if no notice of completion	within 180 days from filing the lien
Vermont	within 180 days from the date the debt became due	within 180 days from filing the lien if payment was due at the time of filing the lien, or 180 days from the date the debt became due if payment was not due at the time of filing the lien
Virginia	within 90 days from last day of last month of furnishing, but within 90 days from completion or termination	within 6 months from filing the lien or within 60 days from the project completion or work termination, whichever is later
Washington	within 90 days from last furnishing	within 8 months from filing the lien
West Virginia	within 100 days from last furnishing	within 6 months from filing the lien
Wisconsin	notice: at least 30 days prior to filing lien lien: within 6 months from last furnishing	within 2 years from filing the lien
Wyoming	Notice: at least 20 days prior to filing lien Lien: contractors within 150 days from last furnishing or substantial completion, whichever first occurs subcontractors/materialmen within 120 days from last furnishing	within 180 days from filing the lien





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