

NOTICE OF INTENT TO LIEN



A Notice of Intent to Lien is a statutory notice, required in many states, to be served prior to filing the mechanic's lien.



BE CAREFUL!

Don't confuse a Notice of Intent to Lien with a statutory Preliminary Notice.*

*aka Prelim Notice, Notice to Owner, Notice of Furnishing, Notice to Contractor, etc.

"I THOUGHT A NOTICE OF INTENT TO LIEN WAS A DEMAND FOR PAYMENT"

WELL, IN A WAY, IT IS...

Typically, if you are serving a Notice of Intent to Lien, it is because you are unpaid and intend to pursue a mechanic's lien, but must first comply with statutory requirements.

Often, the Notice of Intent to Lien is a component of the mechanic's lien itself.

"STILL SOUNDS LIKE DEMAND LETTERS & NOTICES OF INTENT ARE THE SAME THING."

A notice of intent may sometimes, by statute, be called a Notice of Intention, a Formal Notice or a Notice of Non-Payment.

While some may use the statutory term for the notice and "demand letter" interchangeably, NCS uses the terms provided by statute.

When a Notice of Intent(ion)/Notice of Non-Payment/Formal Notice is not required by statute, NCS recommends claimants serve a demand letter before proceeding with a lien, as it may be enough to prompt payment, without expending the cost for a mechanic's lien.

A demand letter, much like the name implies, is a demand for payment.

WHICH STATES HAVE A NOTICE OF INTENT TO LIEN?

AL

In Alabama, if the preliminary notice was not served prior to furnishing, serve a Notice to Lien upon the owner as soon as possible to trap funds, but prior to filing the lien.

AR

In Arkansas, serve a Notice of Non-Payment upon the owner within 75 days from last furnishing materials or services, and a Notice of Intent within 10 days prior to filing the lien.

CO

In Colorado, serve Notice of Intent upon the owner and prime contractor at least 10 days prior to filing the lien.

CT

In Connecticut, serve a Notice of Intent upon the owner and the prime contractor within 90 days from last furnishing materials or services.

IL

In Illinois, serve a copy of the notice of lien upon the owner and the lender within 90 days from last furnishing materials or services.

KY

In Kentucky, serve a Notice of Intent upon the owner within 120 days from last furnishing materials or services.

LA

In Louisiana, serve a Notice of Non-Payment upon the owner and prime contractor within 75 days from the last day of the month for each month in which materials were furnished, but within the period in which a lien must be filed.

MD

In Maryland, serve a Notice of Intention upon the owner within 120 days after last furnishing materials or services.

MO

In Missouri, serve a notice of intent upon the owner at least 10 days prior to filing the lien.

ND

In North Dakota, serve a notice of intent upon the owner at least 10 days prior to filing the lien.

PA

In Pennsylvania, serve Formal Notice upon the owner at least 30 days prior to filing the lien.

TN

In Tennessee, serve Notice of Non-Payment upon the owner and prime contractor within 90 days from the last day of each month in which materials or services are provided.

TX

In Texas, serve 2nd & 3rd month notice upon the owner and prime contractor by the 15th day of the 2nd and 3rd month following each month of furnishing.

WI

In Wisconsin, serve a notice of intent upon the owner at least 30 days prior to filing the lien.

WY

In Wyoming, serve a notice of intent upon the owner at least 20 days prior to filing the lien.

Please note: this information pertains to private commercial projects.

"HOW DO I KNOW WHICH DOCUMENT TO SEND?"

**DON'T PANIC!
JUST ASK NCS!**

As a national service provider, our Notice & Mechanic's Lien Specialists are available to provide you with statutory guidelines.



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