

CONSTRUCTION LIEN DIGEST (SAMPLE)

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Editors

Please click on project location below for detailed information.

UNITED STATES

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

FEDERAL PROJECTS

Miller Act – Bond Claims

CANADA

Alberta	New Brunswick	Nova Scotia	Quebec
British Columbia	Newfoundland	Ontario	Saskatchewan
Manitoba	Northwest Territories	Prince Edward Island	

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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ARIZONA

PRIVATE PROJECTS

MECHANIC'S LIEN

Ariz. Rev. Stat. § 33-981 *et seq.*

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

File MECHANIC'S LIEN within **120 days** of completion of entire project or within **60 days** of the filing of a Notice of Completion.

File SUIT to enforce Lien within **6 months** 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

BOND CLAIM

Ariz. Rev. Stat. § 34-223 *et seq.*

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

File BOND CLAIM within **90 days** of last furnishing.

File SUIT to enforce Bond Claim within **1 year** 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

FLORIDA

PRIVATE PROJECTS

MECHANIC'S LIEN

F.S. § 713.001 *et seq.*

File PRELIMINARY NOTICE within **45 days** from first furnishing.

File MECHANIC'S LIEN within **90 days** of last furnishing.

File SUIT to enforce Lien within **1 year** 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

BOND CLAIM

F.S. § 255.05 *et seq.*

File PRELIMINARY NOTICE within **45 days** from first furnishing.

File BOND CLAIM within **90 days** of last furnishing.

File SUIT to enforce Bond Claim within **1 year** 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

MICHIGAN

PRIVATE PROJECTS

MECHANIC'S LIEN

M.C.L.A. § 570.1101 *et seq.*

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

File MECHANIC'S LIEN within **90 days** of last furnishing.

File SUIT to enforce Lien within **1 year** 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

BOND CLAIM

M.C.L.A. § 129.201 *et seq.*

File PRELIMINARY NOTICE within **30 days** of first furnishing.

File BOND CLAIM within **90 days** of last furnishing.

File SUIT to enforce Bond Claim within **1 year** 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