

STATEMENT FROM STUART S. ZISHOLTZ

A while ago, I published an article setting forth the time frames associated with filing a mechanic's lien. I think it is important to revisit that topic since recent calls to my firm have indicated that many people still do not know the time frames.

On private projects, a mechanic's lien must be filed within 8 months after the last item of work or materials was performed. The lien lasts for one year. Before the end of the first year, the lien can be renewed on filing of a notice. The second and third renewals must be obtained by Court Orders.

After the second order of renewal, there are no more renewals. That means that the maximum period of time that a mechanic's lien can remain on a piece of property is 4 years. You must foreclose that lien within the 4-year period or the lien will lapse.

With respect to a 1, 2 and 3-family house, which includes co-ops and condominiums, you can only extend a lien for the first time by a Court Order and then you have one more Court Order, after which the lien lapses. Under those circumstances, the maximum life of any lien on a residential project is 3 years.

What this means is that you have to move forward with a foreclosure action within that requisite period of time. If you start your action to foreclose the lien and file a Notice of Pendency where applicable, the lien will not lapse. The sum and substance is that you cannot sleep on your lien rights. You cannot keep renewing the lien and have the property tied up indefinitely.

Never let your lien expire!!

For a free copy of a pamphlet pertaining to mechanic's liens and payment bond claims, kindly contact me or the Association.