

STATEMENT OF STUART S. ZISHOLTZ

The concept behind a Mechanic's Lien is that the materials and labor must be done for the construction and improvement of a particular piece of property. This means that you cannot deliver your materials and do your work at "Project A" and lien "Project B". Your materials and labor must be identified as going into "Project A" so that you can lien "Project A".

Occasionally, a contractor or owner will contract a materialman to prepare and fabricate materials and deliver them in bulk to a storage area so that the owner or contractor can utilize the materials as needed. This is called "warehousing".

The minute the materials go into the storage area under the control of the owner or contractor, those materials lose their identity as being earmarked for "Project A", even if those materials are specifically manufactured for "Project A". There are questions as to whether or not this material could be liened if it is separately packaged, separately identified, separately labeled and stored in a particular area away from everything else. Why get involved, however, in a situation of that kind? The bindings can be snapped, the materials co-mingled and the labels ripped off, etc., all of which is beyond the control of the materialman. To be on the safe side, materials should be delivered to the job site. Sidewalk delivery is acceptable.

Never let your lien time run out!

For a free copy of our Sixth Edition pamphlet pertaining to Mechanic's Liens and Payment Bond claims, kindly contact us.

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