

STATEMENT BY STUART S. ZISHOLTZ

I hate repeating some of my previous topics, but unfortunately there has been some confusion about the time frames associated with filing a mechanic's liens and commencing a payment bond claim. Some members believe they have time to file a mechanic's lien on a project when, in fact, their time expired. Some members believe the lien lasts for two years and can continuously be renewed. Finally, some members are completely lost on the time frames for filing the lien.

As a result, I was requested by a to once again publish the time frames associated with filing a mechanic's lien or bringing a claim under a payment bond.

Below are the various time frames associated with each procedure. Do not, however, wait for the last day to file your lien. The longer you wait to file the lien, the more likely payment was made to the general contractor. Once the general contractor has been paid by the owner, your lien is worthless.

Furthermore, many payment bonds contain strict requirements that notices be served on various parties within a specific time frame. Once that time frame expires, your right to recover may be jeopardized.

Private Improvement projects:

One family (also two family suggested)	4 months from date of last item of labor or material
Commercial and more than one family	8 months from last item of labor and materials
Duration of Lien	1 year

Renewal:

One family dwelling	Court Order
More than one family and commercial, first year renewal	Notice of Renewal
After one year of more than one dwelling and commercial	Notice of Renewal

Public Improvement projects:

Lien	30 days after completion and acceptance of job
Duration	1 year
Renewal	Notice of Renewal

Payment Bond Notice:

Notice Directed to any two of Owner, Bonding Company or Contractor	Usually 90 Days from completion of your work
Time for Commencement of Action	Usually 1 year
If you have a Direct Contract with the Principal	Usually no notice required
Time for Commencement of Action	Usually 1 sometimes 2 years

NEVER LET YOUR LIEN TIME RUN OUT!!!

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