

WHAT IS A MECHANIC'S LIEN?

A mechanic's lien is a "hold" against the property, serving as one of the most powerful legal tools for securing payment for unpaid labor, materials, or equipment provided to a privately-owned property. This lien provides a legal claim against the property, ensuring that the party who filed the lien has a financial stake in the property's value. If payments for services or materials are not received, a mechanic's lien allows contractors, subcontractors, architects, engineers, material suppliers, and laborers to assert their rights to be paid.



- Lenders typically will not provide permanent financing or refinance a property with a lien filed against it.

- Property owners, especially on new construction, must resolve the lien before completing the project, refinancing, or selling the property.

- The presence of a lien can significantly delay or halt the progress of a project, making it a critical issue for property owners to address promptly.

WHAT IS THE DEADLINE FOR FILING A MECHANIC'S LIEN?

Commercial Projects: You have until the 15th day of the fourth month after the contract is officially ended, whether through written termination, completion, final settlement, or abandonment, to file the Lien Affidavit with the County Clerk's Office in the county where the property is located.



Residential Projects: The deadline for submitting the Lien Affidavit to the County Clerk's Office in the property's county is the 15th day of the third month after the contract has been terminated in writing, fully completed, finally settled, or abandoned.

HOW DO I REMOVE A MECHANIC'S LIEN?

Contact an Attorney Immediately: Seeking legal advice promptly is crucial when dealing with mechanic's liens. An experienced attorney can help you understand your rights and obligations, evaluate the validity of the lien, and develop a strategy for removal.

Settlement: One of the quickest ways to remove a mechanic's lien is to pay or resolve the debt. Negotiating a settlement with the lienholder can lead to the lien being released by the lienholder once the payment terms are met.

Forced Foreclosure: If the lienholder decides to pursue foreclosure and the property owner does not pay the amount owed, the property can be sold to satisfy the lien. Avoiding foreclosure by resolving the debt is often a better option for all parties involved.

Deposit Money in Court (Bonding): In some cases, you can deposit the amount of the lien with the court. This action, known as "bonding off" the lien, allows the property to be free from the lien while the dispute is resolved. The court will hold the funds until the matter is settled. This is often done while legal proceedings are being resolved.



Disputes between general contractors and subcontractors can be complex and challenging. Understanding common causes and implementing prevention strategies can help manage and resolve these issues effectively.

If you face a dispute with your general contractor or subcontractor, seek legal assistance immediately to protect your rights and interests. Experience team of attorneys at Sul Lee Law Firm is here to assist with contract reviews, dispute resolution, and removing mechanic's liens.