

Strict Proof of Delivery May Be Required For Construction Notices

This blog and general discourse on the subject focuses a lot of attention on the subcontractor's or supplier's requirement to send preliminary notices or other notices to preserve mechanic lien rights. The attention is for good reason, as a failure to send a notice can invalidate a party's lien rights.

An article published on the [California Litigation Attorney Blog](#) mentions something of perhaps equal importance: *proving* you sent the notice.

Many states require the notifying party to maintain specific types of proof that a preliminary notice was sent. If the required proof is not available, a court may find that you did not properly send the notice (even if you did).

The article on the California Litigation Attorney Blog focuses on [California law, which was update very recently](#), where parties serving preliminary notices by mail must maintain an affidavit of delivery and a copy of the return receipt card or other U.S. postage delivery record. A very minor deviation from the statute's requirement here can be fatal to your lien claim, as explained in the California Litigation Attorney Blog's post:

Lest you think strict compliance is not required with 3097 and 3097.1, see [IGA Aluminum v. Manufacturer's Bank \(1982\) 130 Cal.App.3d 699](#). When the statute is clear, the court is not free to re-write it.

Sending a preliminary notice from your own offices may seem easy, but it's not always so and the consequences can be severe.

A preliminary notice filing service like [Zlien](#) prepares and sends your notices, and then maintains the statutory proof of delivery. Whenever you need to prove delivery of the notice, we're here with your records. Outsourcing your notices is just one way that a preliminary notice service like Zlien can help you Lien Smarter.

Read this article on the Construction Lien Blog here:
<http://constructionlienblog.com/?p=2205>

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Zlien is a national mechanic lien and preliminary notice filing service. Zlien also provides the LienPilot, a web-based lien compliance manager and deadline calculator, and publishes mechanic lien resources.