

Express Lien

New York Lien Punchlist (Private)

NOTICE REQUIREMENTS

New York is a Non-Notice State, meaning that parties to a construction project are generally not required to deliver any pre-lien notice to preserve its rights to later file a mechanics lien.

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THE MECHANICS LIEN

- Referred to as “Notice Under Mechanics Lien Law for Account of Private Improvement”
- On Most Projects a claimant must file the lien within 8 months after the last furnishing of labor and/or materials.
- On Single Family Residential Projects the period is shortened to 4 months after the last furnishing of labor and/or materials.
- Suppliers to suppliers cannot file liens on private projects.
- Liens must be foreclosed upon by filing suit within 1 year from the filing of the lien. However, except for liens on single-family residential projects, a lien’s validity may be extended by filing for an Extension, which will extend the lien for one year.
- Within 30 days after the lien is filed, the claimant must serve a copy of the lien on the owner of the property, and everyone up the lien chain (i.e. the party who hired it, and the party who hired that party, etc.) Proof of the service must be filed with the county clerk within 35 days after the lien is filed or the lien will be terminated.

START OF LIEN PERIOD?

When was exactly was work last performed? In determining the start of your lien period, you should look to the last item of work performed by the lien claimant. Warranty / remedial work / punchlist items should not be included.

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