

No Written Contract Required to File Lien In Delaware

Thanks to the [Fox Rothschild LLP blog](#) for calling our attention to a recent Delaware Supreme Court decision confirming that a mechanic lien may be filed in Delaware for claims arising out of a verbal agreement. The case was [A&E Drywall Services, LLC v. Eugene A. Delle Donne & Son, LP, et al.](#). (click to read full text). It was decided on October 29, 2010.

The Court explained the allowance of verbal agreements (and the requirements to file a lien) with the following:

The Court finds both oral and written contracts can be the subject of a mechanic's lien action under Section 2712(b)(4). If the contract in question is an oral contract, the Plaintiff is required to attach a bill of particulars showing the kind and amount of labor done or materials furnished or construction management services provided. However, if the contract is written, then "a correct copy of such contract must be attached." Simply put, an oral contract requires attachment of a bill of particulars, whereas a written contract requires a copy of the original agreement.

Read this article on the Construction Lien Blog here:
<http://constructionlienblog.com/?p=2247>