

Express Lien

Mississippi Lien Punchlist (Private)

NOTICE REQUIREMENTS

Mississippi is a non-notice state, meaning that notices are not required prior to the filing construction liens.

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THE MECHANICS LIEN

Parties Who Contract with the Owner

- Referred to as "Lien Notice"
 - Can only be filed by Parties who contract directly with the property owner, or owner's agent.
 - Must be filed within 12 months from when debt became due and owing
 - Action to enforce the lien must be instituted within 12 months from when debt became due and owing
 - Filed with Clerk Chancery Recording Office
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THE STOP NOTICE

Parties Who Contract with the Prime Contractor (including Suppliers and Subs)

- Can be filed by parties who contract with the Prime Contractor.
 - Effect is to Freeze Funds that are in the hands of the owner. The Stop Notice acts as a "lien" against the project funds not yet paid to the prime contractor, and if the funds are paid to the prime contractor despite the stop notice, a lien against the property may be sought.
 - Can be filed at *any time*, but only freezes funds that are in the owner's hands.
 - Can file a "Lis Pendens" with Clerk Chancery when delivering Notice, which puts lenders, mortgage companies, potential buyers and others on notice that the Stop Notice exists, and binds them to any violations of the Stop Notice.
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EQUIPMENT SUPPLIERS & LOW TIER SUBCONTRACTORS HAVE NO LIEN RIGHTS

Equipment suppliers and lessors to Prime Contractors do not have lien rights. Any lower tier parties (those who do not contract with Owner or Prime Contractor) do not have lien rights.

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