

Express Lien

Louisiana Lien Punchlist (Private)

NOTICE REQUIREMENTS

Louisiana is generally a non-notice state, meaning that notices are not required prior to the filing construction liens. However, there are some special circumstances when notice may be required.

- Material Suppliers on Residential Projects must deliver a "Notice of Non-Payment" to the property owner 10 days before filing a lien.
- Those Who Lease Equipment who do *not* contract with the owner must deliver a copy of the lease to the property owner within 10 days from the first delivery of equipment to the project.
- Prime Contractors on Owner-Occupied Existing Residences must deliver a "Notice of Lien Rights" to the owner before work begins. Only required by contractors who contract directly with the owner to perform improvements to existing residential property, where owner lives.
- Prime Contractors When Contract Is More than \$25,000 must file a "Notice of Contract" before work begins to preserve its lien rights.

THE MECHANICS LIEN

Prime Contractors, Subcontractors, Sub-Subs, Architects, Engineers, Suppliers and Equipment Lessors all have lien rights in Louisiana.

- Referred to as "Statement of Claim and Privilege"
- Liens expire if a lawsuit is not filed to enforce the lien within 1 year from the lien's filing date.
- When Notice of Termination for the project is filed within public records, prime contractors have 60 days from the date of the Notice to file the lien, and all others have 30 days from the date of the Notice to file the lien.
- When Notice of Termination is not filed, all parties have 60 days from the project's Substantial Completion to file the lien.
- Filed with the Mortgage and Conveyance Office in the Parish where the project is located. In Orleans Parish, must also be filed with Notarial Archives.

TERMINOLOGY

Prime Contractor is any contractor who contracts directly with the property owner.

Notice of Termination may be filed by the owner or prime contractor with the parish recording office to stipulate on public record when the project was substantially complete.

Substantial Completion is the date the project is complete to the extent it can be occupied or used for its intended purpose.

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