



Even Late Preliminary Notices May Be Worth Sending...

Whenever a state requires preliminary notices, those notices must be sent within a certain time frame (see our [color coded map of preliminary notice requirements throughout the United States](#)). Normally, the period for sending notice is calculated from the first day your company furnishes labor or materials to the project, with some states requiring notice within just 8 days (Oregon) and others allowing as long as 60 days (Washington).

The general rule is that if you're required to send preliminary notice, and you don't send it, you have no lien rights whatsoever.

There is a tiny, tiny exception to this rule that may apply to your project, and that is the concept of sending late preliminary notices.

In most states that require preliminary notices, if a notice is sent late, it is effective as to materials or labor furnished just before the notice is sent. The "bubble of effectiveness" - as I like to call it - stretches backwards for the period of time that the preliminary notice is required.

So, for example, if you're in Washington preliminary notice is required within 60 days of first furnishing labor or materials. If you send this preliminary notice late, it will still be effective to preserve your lien rights for any labor or material furnished *after* you send the notice, and for 60 days *before* the notice is sent.

Likewise, in California, notice is required within 20 days of first furnishing labor or material. A late preliminary notice will be effective for all labor or material furnished after the notice is sent, and for 20 days *before* the notice is sent.

The earlier the better, especially for companies like material suppliers who frequently only send out shipments once or twice. However, if you're constantly working on a project and forget to send your notice, it may be worth it to send the preliminary notice late. As far as preliminary notices are concerned, it's sometimes better late than never.

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