

States That Require Claimants to Send Notices of Intent to Lien

In 2008, I posted: [All Notices Are Not Created Equal: Prelim Notice v Notice of Intent to Lien](#). I posted this in response to some confusion from clients about the differences between these two types of documents.

While frequently confused, preliminary notice and notices of intent are often misunderstood.

A *preliminary* notice is a notice sent by a subcontractor, supplier or equipment lessor before or immediately after work begins. These notices are frequently sent to the prime contractor or property owner, and typically must be sent within a certain period of time from when labor and/or materials are first furnished to a project.

Preliminary notices are usually sent before any disputes arise, and therefore, before you're actually owed any money.

A notice of intent to lien is very rarely sent at the beginning of a project. Instead, this notice is sent immediately before filing a mechanic lien when unpaid on a project. The purpose is to notify the owner or the prime contractor that you will lien the project if payment isn't received within a certain period of time.

Is it Required by Law?

Notices of Intent are very popular. Subcontractors and suppliers send this notice before proceeding with the more expensive mechanic lien filing because it frequently does the trick, causing the non-paying party to make payment.

While some deliver a notice of intent to lien voluntarily, there are some states that *require* these notices. In these states, a lien claimant is prohibited from filing a lien until after the notice of intent is sent.

These states frequently require the notice of intent be sent "10 days" or "15 days" before filing a mechanic lien.

Claimants must be careful when calculating the lien period in light of these rules, as the delivery of a notice of intent rarely extends the lien period. So, for example, if you have 90 days from work completion to file a lien, but must deliver a notice of intent 10 days prior to filing a lien...the notice of intent must be delivered 80 days after work completion at the latest.

Here is a short list of the states that require delivery of a Notice of Intent to Lien. Get more free information about your state's mechanic lien requirements at

MechanicLien.com.

- Arkansas (10 days before filing lien)
- Colorado (10 days before filing lien)
- Connecticut (Within 90 day lien period)
- Louisiana (material suppliers on residential projects 10 days before filing lien)
- Missouri (10 days before filing lien)
- North Dakota (15 days before filing lien)
- Pennsylvania (30 days before filing lien)
- Wisconsin (30 days before filing lien)
- Wyoming (10 days before filing lien)

Read this article on the Construction Lien Blog here:
http://_____

Zlien.com | Nationwide Notice and Lien Service | Lien Deadline Calculator

Zlien is a national mechanic lien and preliminary notice filing service. Zlien also provides the LienPilot, a web-based lien compliance manager and deadline calculator, and publishes mechanic lien resources.