



Challenges of Calculating Mechanics Lien Deadlines For On-Going Work

Calculating mechanics lien deadlines should be straight forward...You start with your last day of furnishing or the completion date for the project (as the case may be), and you count the required number of days and land on your deadline. Easy, right?

If you're a reader of this blog you know that this isn't ever the case. Determining when to start counting can be a difficult task because of how each state and situation handles "completion" differently, with some situations allowing punchlist work and others not. A whole host of factors can come into play that makes the start-counting-from date difficult to ascertain, including building occupancy, warranty work, punchlist work and more.

This post focuses on a less-common confusion: on-going work or on-going furnishing.

There are many situations when materials are furnished or work is performed to a project (or multiple projects) on an on-going basis. I'll give you two examples.

First, we've recently posted about the mechanics lien rights for maintenance companies. These companies provide maintenance services to companies on an on-going basis. They are practically always on-call, and they show up at a location to make tiny repairs whenever called upon. They may perform one task on one day and then not perform another task on the same property for another six months. One could argue that their work is "on-going."

Second, we frequently post about material suppliers. While every situation is different, material suppliers very frequently furnish materials to their customer under an open account on an on-going basis. The customer will get an order of materials and use it in a project, and then, under the same account, get another order that is used on another project.

How do mechanics lien rights work when work is furnished on such an on-going basis? The devil here, unfortunately, is in the details.

Generally speaking, if work or materials are furnished on an on-going basis to a single customer, that is not too important in calculating a mechanics lien deadline. Instead, mechanics lien laws will be concerned less about the "account" of the customer and more about the "project" where the furnishing occurred.

Read this post on the Lien Blog at:

<http://www.zlien.com/blog/?p=9184>

