



MECHANICS' LIENS

By: Steven R. Goldstein, Esq.¹

For the past 25 years, the attorneys at GLPC have provided legal services to individuals and entities involved in every aspect of construction projects, both private and public. In addition to defending against claims asserted by others, we have also assisted in the recovery of outstanding fees for services and goods provided by these parties. One such efficient and cost-effective mechanism to obtain payment is by filing a Mechanics' Lien in accordance with New York State Lien law.

To be successful in recovering money by filing a Mechanics' Lien, a party must be fully familiar with all aspects of the Lien Law, and the attorneys at GLPC have such knowledge. Many statutorily mandated issues must be identified and properly addressed in order to file a valid and enforceable lien. These considerations include, among others:

- Identifying the project as public versus private;
- Determining who may file a lien, including design professionals, contractors, sub-contractors, and material suppliers;
- Making certain the time afforded in the statute to file has not expired, and the time varies for different types of projects;
- Understanding where, when, and how the lien must be filed; and
- Being aware of how long the lien lasts, and how and when to extend the lien.

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Mechanics' Liens are an effective tool in getting a party's attention to the fact that money is owed to an individual or entity that has provided goods and services to a project. The result is a lien that precludes the owner of the property from mortgaging, refinancing, or selling the property until the lien is no longer on the property.

Equally important is the impact that an improperly drafted and filed lien has on the party pursuing the lien. Specifically, once the time to file a lien in the first instance has expired, it cannot be extended. Further, if a properly filed lien is not thereafter extended in a timely manner, the lien will extinguish and be rendered void.

While the Mechanics' Lien is a valuable tool, it comes with stringent requirements which must be fully understood and adhered to in order to avoid a lien being rendered void and unenforceable. The attorneys at GLPC have such knowledge in Mechanics' Lien law and are also experienced litigators, should the need arise to commence an action to foreclose on a Mechanics' Lien for non-payment of goods and services.

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