



CONSTRUCTION LIEN LAW	
Type Of Project	Private
Covers Suppliers To	Owner, Contractor, Direct Subcontractors Does not cover Suppliers to Sub-Subcontractors or other Suppliers
Remedies	Lien on improved real property, as limited by the Lien Fund
Requirements	Written contract with customer (signed delivery slips count) Commercial projects <ul style="list-style-type: none"> • 90 days after last supplying materials to file claim with the County Clerk, then 10 days to serve Residential projects <ul style="list-style-type: none"> • 120 days after last supplying materials to file claim with the County Clerk, then 10 days to serve, but first <ul style="list-style-type: none"> ○ 60 days after last supplying materials to file NUB with the County Clerk, then 10 days to serve with arbitration notice ○ 10 days after favorable arbitration decision to file claim, which must be within the 120 day period After filing claim (commercial or residential) <ul style="list-style-type: none"> • 1 year after last supplying materials to file a Superior Court action to enforce lien, <u>but</u> only 30 days if you receive demand from owner to commence suit

MUNICIPAL MECHANICS LIEN LAW	
Type Of Project	Public (Municipal Only)
Covers Suppliers To	Contractor, Direct Subcontractors, Sub-Subcontractors Does not cover Suppliers to other Suppliers
Remedies	Lien on project funds owed to the contractor, which the public agency has not yet paid
Requirements	If supplying subcontractor <ul style="list-style-type: none"> • 20 days to notify municipal clerk after first delivery (Notice of Delivery) Whether supplying the contractor or subcontractor <ul style="list-style-type: none"> • 60 days to file Notice of Lien Claim with public agency, <u>and</u> to file a Superior Court action to enforce lien, measured from when contractor completes performance

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BOND ACT	
Type Of Project	All Public (State Included)
Covers Suppliers To	Contractor, Direct Subcontractors Does not cover Suppliers to Sub-Subcontractors or other Suppliers
Remedies	Right to payment under contractor's payment bond
Requirements	If supplying subcontractor <ul style="list-style-type: none">• Notice to contractor that you're a bond beneficiary before you supply materials (not required if supplying contractor directly) Whether supplying the contractor or subcontractor <ul style="list-style-type: none">• 1 year after last supplying materials to file a Superior Court action on the bond, but first<ul style="list-style-type: none">○ give contractor and bond sureties Statement of Amount Due and 90 days to pay

TRUST FUND ACT	
Type Of Project	All Public (State Included)
Covers Suppliers To	All Parties in Contractual Chain – effectively: Contractor, Direct Subcontractors, Sub-Subcontractors, other Suppliers
Remedies	Right to sue for public funds earmarked for project, impose personal liability on corporate officers who violate statutory trust
Requirements	No procedural requirements; trust created once government pays funds to contractor

PROMPT PAYMENT ACT	
Type Of Project	All – Public and Private
Covers Suppliers To	Contractor, Direct Subcontractors, Sub-Subcontractors, other Suppliers
Remedies	Right to payment within 10 days after customer receives payment, unless you agree otherwise in writing Statutory interest on late payments, plus attorney fees if you prevail in lawsuit under PPA
Requirements	No procedural requirements; but to avoid counterclaim for breach of contract, send 7 day notice of intent to suspend performance unless customer pays you

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