

# MECHANIC'S LIEN DEADLINE SUMMARY

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See *Construction Law Survival Manual* for more information at [WWW.FULLERTONLAW.COM](http://WWW.FULLERTONLAW.COM)

Jurisdiction	Deadlines	Defense of Payment	Notes
<b>Virginia</b>	<p><b>Mechanic's Lien Notice:</b> All contractors must file Lien in land records within 90 days from the last day of the month in which the Claimant last performs work; but not later than 90 days from completion of the entire project. A Lien cannot claim amounts for work done more than 150 days prior to the date of last work.</p> <p><b>Complaint to Enforce Mechanic's Lien (lawsuit):</b> Must be filed within six months from the date the mechanic's lien is filed.</p>	<p><b>Yes.</b> All contractors must serve notice of lien on owner and upstream contractors while they are still holding enough money to cover lien.</p>	<p>* All contractors must provide an additional notice to Mechanic's Lien Agent on residential projects within 30 days of <u>beginning</u> work.</p> <p>* Liens for on and off-site development improvements available.</p>
<b>Maryland</b>	<p><b>Notice of Intent to Lien:</b> Subcontractors must serve Notice on owner within 120 days of last work.</p> <p><b>Petition to Establish Lien (lawsuit):</b> All contractors must file within 180 days from last work.</p>	<p><b>No.</b> Owner must make sure all subs have been paid, except where an individual builds a single family dwelling for own residence on own land.</p>	<p>* Sale of property to bona fide purchaser extinguishes lien rights.</p> <p>* General contract must improve building to 15% of its value (25% on tenant work).</p> <p>* Liens for some site work available.</p>
<b>District of Columbia</b>	<p><b>Notice of Mechanic's Lien:</b> All contractors must file in land records within 90 days of completion or termination of project.</p> <p><b>Complaint Enforcing Lien (lawsuit):</b> Within 180 days after filing of Notice of Mechanic's Lien or from the date of completion of the project. Must also file a "notice of pendency of action" in land records within 10 days of filing lawsuit.</p>	<p><b>Yes (see VA. Above).</b> Sub has right to request general contract terms and status of account from owner.</p>	<p>* Must present license and certificate of good standing to file lien.</p> <p>* No sub-subcontractor lien rights.</p> <p>* Subcontractors must also serve notice of lien on owner.</p>
<b>Pennsylvania</b>	<p><b>Formal Notice:</b> All subcontractors must serve a Formal Notice on owner at least 30 days before filing lien claim.</p> <p><b>Lien Claim:</b> All contractors must file in prothonotary's (court clerk's) office within six months of last work and serve notice of the lien claim on owner within one month after that.</p> <p><b>Complaint to Enforce (lawsuit):</b> Within two years of lien filing.</p>	<p><b>Yes.</b> Any owner can create a defense of payment by recording the general contract before construction. Automatic for many residential projects.</p>	<p>* General Contractors can waive lien rights for lower tier subcontractors on residential projects and on all projects if the general contractor posts a payment bond. Notice of Commencement/ Furnishing starts 12/31/2016.</p>

Count your deadline from the date of last SUBSTANTIAL and NEW WORK. Trivial items, repairs, and warranty work may not extend your deadline.

This chart does not provide you with legal advice, but should help you understand some of the concepts and issues involved in construction law. Many of the legal concepts have been simplified and generalized, and not all of the legal considerations are described which may effect when, how and if you may exercise your legal rights. Every set of facts raises different legal issues. You should consult this firm or another attorney with any specific legal problem.