

CONSTRUCTION LIEN LAW

CESP	CAEP	Topic/Issue
X	X	Mechanic's Lien
X	X	Statute of limitations
X	X	• Persons entitled to lien
X	X	• Property to which lien extends
X	X	• Title insurance risk in regard to this type of lien
X	X	• Title considerations
X	X	○ Interim construction
X	X	○ Rate Rule R-18
X	X	Statutory Mechanic's, Contractor's and Materialman's Lien
X	X	• Persons entitled to lien – distinction between requirements for an “original contractor” and “sub-contractors”
X	X	• Property to which lien extends –
	X	• Procedure for perfecting lien
X	X	• Affidavits of commencement and completion
	X	• Foreclosure of lien
	X	• Termination of lien by operation of law
X	X	Statutory Lien on “Residential Construction Projects”
X	X	• Definition of “residential construction project”
X	X	• Notices from derivative claimant to owner and original contractor
X		• Disclosure Mechanic's Lien Contract to owner
X		• List of subcontractors and suppliers
X		• Final “all bills paid” affidavit
X	X	• Contractor may not require conveyance
X	X	• Article 16
X	X	Voluntary Liens for Construction
X	X	• Creating a valid lien on homestead property
X	X	○ Written contract signed by owner (and spouse, if married) before any materials delivered or work performed
X	X	○ Lien document must include required statutory language
X	X	• Protecting priority of construction lien over involuntary mechanic's and materialman's liens
X	X	○ Recording considerations
X	X	Properly insuring construction liens
X	X	• Rules