



PENNSYLVANIA MECHANICS' LIEN CHECKLIST

February, 2012

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The Pennsylvania Mechanics' Lien Law of 1963 provides Contractors and certain tiers of Subcontractors with a powerful mechanism to secure payment on private construction projects – provided they comply with the statutorily-required, detailed procedural requirements. Though conceptually simple, mechanics' liens can pose a number of challenges to their successful implementation because of the various technical hoops through which one must jump.

Because a mechanics' lien is a creature of statute, the requirements for validity will be strictly enforced. The following checklist highlights some of the requirements for perfecting a mechanics' lien in Pennsylvania. This list is not exhaustive and legal counsel should be consulted regarding the specifics of a given project.

IS THE CLAIMANT ENTITLED TO FILE A MECHANICS' LIEN CLAIM?

- ✓ Did the Claimant furnish labor or materials for a non-public project?
- ✓ Is the Claimant's total claim greater than \$500?
- ✓ Did the Claimant serve as a Contractor, a Subcontractor or a Sub-subcontractor on the project, or did the Claimant supply materials to a Contractor or a Subcontractor?
- ✓ Did the Contractor have a contract directly with the actual owner of the property?
- ✓ Did the Contractor contract with a lessee (tenant)? If so, did the actual owner acknowledge in writing that the work was in fact for the owner's immediate use and benefit?
- ✓ On a residential project, did the Claimant sign a written waiver of the right to file a mechanics' lien?



- ✓ If the Claimant was a Subcontractor, a Sub-subcontractor or a material Supplier on a residential project, did the Contractor sign a written waiver of the right to file a mechanics' lien? If so, did the Claimant have actual knowledge of that written waiver before the Claimant furnished any labor or materials? If the Claimant did not have actual knowledge of the written waiver, was that written waiver filed in the office of the local Prothonotary (1) prior to the commencement of the work upon the ground, or (2) within 10 days after the execution of the principal contract, or (3) not less than 10 days prior to the Claimant's contract?
- ✓ As a Subcontractor, a Sub-subcontractor or a material Supplier on a nonresidential project, did the Claimant sign a written waiver of the right to file a mechanics' lien? If so, did the Contractor post a bond guaranteeing payment for the labor and materials the Claimant provided?

MECHANICS' LIEN NOTICE AND FILING REQUIREMENTS

- ✓ Is it less than six months after the completion of the Claimant's work?
- ✓ If the Claimant was a Subcontractor, a Sub-subcontractor or a material Supplier, did the Claimant give the owner 30-days formal written notice of the Claimant's intention to file a mechanics' lien claim? Does the notice comply with the statutory content requirements? Was the notice properly served or posted?
- ✓ What is the correct county for filing the mechanics' lien claim?
- ✓ Does the mechanics' lien claim satisfy all of the statutory content requirements?
- ✓ Was written notice of the filing of the mechanics' lien claim properly served on the owner within one month after filing? Does the notice comply with the statutory content requirements? Was an affidavit of service filed within 20 days after service?

For more information, please contact Matt Chabal, P.O. Box 650, Hershey, PA 17033 | 134 Sipe Ave., Hummelstown, PA 17036 | 717.533.3280 EXT 2070 | mc@jsdc.com.

This checklist is provided for informational purposes only and does not constitute legal advice. Before taking any action related to the issues addressed above, you should consult with an attorney of your choice.

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