



Understanding Mechanic's Liens: What They Are, When to File, and Why You Need an Experienced Attorney

At James G. Dibbini & Associates, P.C., we understand that navigating the complexities of construction and real estate can be challenging. One important legal tool that contractors, subcontractors, and suppliers may utilize in protecting their rights is the mechanic's lien. In this newsletter, we aim to explain what a mechanic's lien is, when and why you might need to file one, and how having an experienced attorney guide you through the process is crucial for its success.

What is a Mechanic's Lien?

A mechanic's lien is a legal claim against a property that is filed by contractors, subcontractors, suppliers, or other service providers who have performed work or supplied materials but have not been paid. It provides them with a security interest in the property, ensuring they are compensated for their contributions. The lien attaches to the property title, creating significant consequences for the owner, including potential foreclosure.

When Would You File a Mechanic's Lien?

You would file a mechanic's lien if you have not been paid for labor or materials provided for the improvement of real property. In New York, timing is critical. The general deadline to file is within 8 months for a single-family residence and 4 months for other properties after completing the work or supplying materials.

A mechanic's lien is often filed after attempts to resolve payment issues have failed and serves as a powerful tool to secure your right to payment.

What is Required to File a Mechanic's Lien?

Filing a mechanic's lien in New York requires detailed documentation and precise compliance with legal deadlines. Key steps include:

- **Detailed Description of Work:** The lien must include a description of the labor or materials supplied.
- **Accurate Dollar Amount:** You must provide the amount due for unpaid services or materials.
- **Property Information:** Proper identification of the property and the owner.
- **Timely Filing:** Filing deadlines are strictly enforced, and a lien must be filed within the appropriate time frame after the last day of providing services.

Any mistakes in the filing process, such as incorrect amounts or missing documentation, can render the lien unenforceable.

Why Would You File a Mechanic's Lien?

Filing a mechanic's lien can ensure you receive payment for your work. It places a significant burden on the property owner because it clouds the property's title, which can delay or prevent the sale or refinancing of the property until the lien is resolved.

Additionally, it may give the lienholder the right to force the sale of the property in extreme cases if the debt remains unpaid, although this is typically a last resort.

The Importance of an Experienced Attorney

While the concept of filing a mechanic's lien might seem straightforward, the process can be complex, and mistakes can jeopardize your claim. Working with an experienced attorney ensures that:

- Your lien is filed correctly and on time.
- You understand the full scope of your rights and remedies.
- You navigate the legal procedures required to enforce the lien, if necessary.

At James G. Dibbini & Associates, P.C., our team of real estate and construction law attorneys has the knowledge and experience to assist with filing and enforcing mechanic's liens. We can help protect your rights and maximize your chances of securing payment.

If you have questions about filing a mechanic's lien or need assistance with any construction-related matters, please do not hesitate to contact our office. We are here to help you every step of the way.

If you need any assistance, our team at James G. Dibbini & Associates, P.C. is here to help. Contact us today at (914) 240-8270 or jdibbini@dibbinilaw.com.

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