

Protecting Contractors' Rights Filing and Perfecting Mechanic's Liens in Virginia

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By Anders Sleight

In the complex realm of construction and property development, contractors and suppliers often find themselves grappling with payment disputes. A Mechanic's lien can provide a powerful tool to secure payment for services rendered or materials supplied. This article briefly introduces the procedures to file and perfect a mechanic's lien under Virginia law.^[1]

What is a Mechanic's Lien? A mechanic's lien is a legal claim against a property that ensures contractors, subcontractors, and suppliers receive payment for their work or materials. In Virginia, this remedy is governed by Virginia Code § 43-3, et seq.

Timely Filing is Paramount: Under Virginia law, it is imperative to file the mechanic's lien within 90 days from the last day of work. § 43-4. Failure to perfect a Mechanic's lien by that deadline may result in the loss of lien rights.

Prepare the Lien Claim: Crafting and perfecting the Mechanic's lien requires:

1. **Identification of the Parties:** Clearly state the names and addresses of the property owner, the claimant (contractor or supplier), and the general contractor.
2. **Property Description:** Provide an accurate description of the property subject to the lien. This should include the legal description and the street address of the property where the contractor or supplier performed work or provided materials.
3. **Detailed Statement of the Debt:** Clearly outline the services rendered or materials supplied, along with the corresponding costs. Be specific and transparent in detailing the debt owed.
4. **Notarization & Copy Mailed to Property Owner:** In Virginia, it is essential to notarize the lien and mail a copy of the lien to the property owner's last known address.
5. **Use the following form to identify and state a Mechanic's lien:** [Virginia Mechanic's Lien form](#).

Filing the Mechanic's Lien: Once the lien claim is prepared, it must be filed and recorded with the Circuit Court in the county or city where the property is located. Along with the claim, a claimant should expect to pay a filing or recording fee to the circuit court clerk's office.

Enforcing a Mechanic's Lien: If a contractor or supplier still has not received payment despite filing and perfecting a Mechanic's lien, a claimant may file a lawsuit to enforce the lien. However, a claimant must file an enforcement action within 6 months of lien's filing date (or 60 days if the property owner has recorded a notice of completion). Failure to file a lawsuit to enforce the lien within the above time limits could render the lien unenforceable.

Conclusion

Navigating the intricacies of mechanic's liens in Virginia demands precision and adherence to statutory timelines. If you or your organization have an outstanding construction-related claim, consulting with a trusted attorney in your area might prove to be the difference between securing payment or not. While outcomes cannot be guaranteed and past performance cannot assure future success, Offit Kurman litigator [Anders Sleight | Offit Kurman](#) is available to evaluate your specific situation.

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