

NOTICE UNDER MECHANIC'S LIEN LAW

To the Clerk of the County of _____ and to others to whom it may concern:

PLEASE TAKE NOTICE, that _____ as lienor(s) have and claim a lien on the real property hereinafter described as follows:

(1) The names and residences of the lienors are _____

being corporation duly organized and existing under the laws of the State of _____ whose business address and principal place of business is at _____.

(2) The lienor's attorney is _____.

(3) The owner of the real property is _____ and the interest of the owner as far as known to the lienor(s) is fee simple.

(4) The name of the person by whom the lienor(s) was (were) employed is _____.

The name of the person to whom the lienor(s) furnished or is (are) to furnish materials or for whom the lienor(s) performed or is (are) to perform professional services is _____.
The name of the person with whom the contract was made is _____.
The name of the person for whom professional services were rendered is _____.

(5) The labor and materials furnished is/are _____

The agreed price and value of the labor performed and the material furnished is \$_____

(6) The amount unpaid to the lienor(s) for said labor performed and said material furnished is \$_____

The total amount claimed for which this lien is filed is \$_____

(7) The time when the first item of labor and material was furnished was _____
The time when the last item of labor and material was furnished was _____

(8) The property subject to the lien is situated in the Town/City of _____, County of _____, and State of New York

Known as: _____ Block _____ and Lot _____ on the _____ County Tax Assessment Map; _____

That said labor and materials were performed and furnished for and used, and that the professional services rendered were used, in the improvement of the real property hereinbefore described. That eight months (four months if a single family dwelling) have not elapsed dating from the last item of work performed, or from the last items of materials furnished, or since the completion of the contract, or since the final performance of the work, or since the final furnishing of the materials for which this lien is claimed.

(LIENOR)

Dated: _____
By: _____
Title: _____

(Individual or Partner)

_____, being duly sworn, says: that deponent is (one of the co-partnership named in the within notice of lien and) the lienor(s) mentioned in the foregoing notice of lien; that deponent has read the said notice and knows the contents thereof, and that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

STATE OF NEW YORK, COUNTY OF _____ SS.:

On the _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or person upon behalf of which individual acted, executed the instrument.

Notary Public

(Corporation)

_____, being duly sworn, says:

that deponent is the _____ of _____, the lienor herein, that deponent has read the foregoing notice of lien and knows the contents thereof, that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged upon information and belief, and that as to those matters deponent believes it to be true. The reason why this verification is made by deponent is that deponent is an officer, to wit, the _____ of _____, a corporation, and deponent is familiar with the facts and circumstances herein.

The sources of deponent's information and the grounds of deponent's belief as to all matters not therein stated upon deponent's knowledge are as follows: books and records maintained by the corporation.

On the _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of _____, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he or she executed the same in his capacity and that by his or her signature on the instrument, the individual, or person upon behalf of which individual acted, executed the instrument.

Notary Public

Affidavit of Service by Certified Mail

STATE OF _____, COUNTY OF _____ SS:

The undersigned, being duly sworn, deposes and says that deponent is over the age of 18 years and on the ____ day of _____, 201_, the undersigned served the within Notice Under Mechanic's Lien Law on the following entities by depositing a true copy of same, enclosed in a certified mail, postpaid, properly addressed wrapper, in an official depository of the United States Postal Service in New York State.

Sworn to before me on the day of , .

Notary Public

TIPS FOR FILING A MECHANIC'S LIEN ON A PRIVATE PROJECT IN NEW YORK

1. A mechanic's lien on a private project must be filed within eight (8) months of the day that you last provided labor or materials to the project. If the project is a single family dwelling, the lien must be filed within four (4) months of the day that you last provided labor or materials to the project. If the lien is for retainage only, the lien must be filed within ninety (90) days of the date that the retainage became due.
2. The lien must be filed with the County Clerk of the County where the real property is located.
3. The lien should be served on all parties (owner, general contractor and any subcontractors above you in the contract chain) by certified mail return receipt requested and the affidavit of service should be filled out and filed with the lien. The affidavit of service must be filed within (30) days of the date that the lien is filed and the lien may not be served more than five (5) days prior to the date the lien is filed.
4. For questions about filing mechanic's liens in New York or assistance with preparing and filing a lien contact Kushnick Pallaci PLLC at (631) 752-7100 or visit us on the web at www.nyconstructionlaw.com

DISCLAIMER: This form is provided for informational purposes only. Use this form at your own risk. Kushnick Pallaci PLLC does not take any responsibility for your use of this form and no attorney-client relationship is created by the use of the form. As with any legal issue, you should consult with your own attorney prior to proceeding with a mechanic's lien.